It is not disputed that an error was made in the filing of original return; but the claim for a refund was filed after the expiration of the statutory period. The original executor of the estate died 3 days before the expiration of the statutory period; and the special administrator promptly filed a claim for a refund.

This bill would authorize a claim for a refund to be filed at any time within 1 year after the date of its enactment.

Any refund would inure to the benefit of St. John's McNamara Hospital, of Rapid City, S. Dak., the residuary legatee of the Mary McNamara estate.

The bill has been reported favorably by the Committee on the Judiciary, with a recommendation that it pass without amendment.

The Senator from Iowa [Mr. MILLER] has delayed the passage of the bill until he could check on its merits; but he has advised me today that he will not object to it passage.

I feel certain that the Senate will act without further delay on this bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 83) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any period of limitations or lapse of time, claim for credit or refund of overpayment of income tax for the taxable year ending October 31, 1956, by the estate of Mary L. McNamara, of Rapid City, South Dakota, may be filed at any time within one year after the date of the enactment of this Act. The provisions of sections 6511(b) and 6514 of the Internal Revenue Code of 1954 shall not apply to the refund or credit of any overpayment of tax for which a claim for credit or refund is filed under the authority of this Act within such one-year period.

SAVERY-POT HOOK, BOSTWICK PARK, AND FRUITLAND MESA RECLAMATION PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1416, House bill 3672.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3672) to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 5, after line 15, to insert a new section, as follows:

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the projects authorized by this Act shall be delivered to any water user for the production of newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

The amendment was agreed to.

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

Mr. McGEE. Mr. President, I would like to compliment this body on its action in passing this legislation which will be of real benefit to the States of Wyoming and Colorado. As reclamation projects go, these three are not large, but they will bring an economic stability to the areas in which they are located that will mean great improvements for the area residents.

In the Little Snake River Basin on the Wyoming-Colorado border the farmers and stockmen have been plagued by a constant shortage of late season water. With the passage of this bill and its provision for the construction of two reservoirs there will be water to finish off the crops and to keep the animals until the most advantageous marketing situation.

Mr. President, the direct benefits of projects such as these are obvious but the indirect benefits sometimes go unnoticed. For this project will provide not only much greater stability and economic growth but will raise standards through the entire area. The water provided by this project will not only grow crops it will increase land values and tax receipts on the local level. More tax receipts mean better schools, better roads and more incentive to people to stay in the area or move into it because of the new advantages it offers.

Speaking for the people of Wyoming I would again express my congratulations for the farsighted action taken here today.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MONRONEY. Mr. President, I ask unanimous consent that when the Senator from Pennsylvania resumes the speech he was making it not be counted as a second speech.

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

Mr. MONRONEY. Mr. President, before the Senate talks to death the Dirksen-Mansfield amendment regarding reapportionment of State legislatures, it is time for us to stop, look, and listen. It is high time that the historic relationships between the Federal and State Governments not be destroyed because of haste and misunderstanding.

The far-reaching decision of the U.S. Supreme Court was handed down on June 15 of this year. It was the first definitive decision giving a clear course of what the Court had in mind for apportionment of State legislative bodies.

Since June 15, some of the States have been subjected to decisions by three-judge Federal district courts, directing them to comply with this very recent decision posthaste. These decisions have varied in several States.

Appeals can be taken from these lower court orders, but an appeal without a stay will be meaningless. The right which is at stake is the right of the citizens of the various States to have an opportunity to comply by means of their own choosing with the June 15 U.S. Supreme Court edict.

Without a stay being assured, the experience and previously accepted legality under our Constitution, going back to the States admittance to the Union, is in danger of being swept away. Without a stay, the very considerable efforts that have been made in some States to enact new apportionment laws, and elections that have been held under new laws, will be voided.

In several States, as in Oklahoma, the State legislatures and the State supreme courts had acted to provide reapportionment plans which they believed to be acceptable to the U.S. Supreme Court. There was no precise formula, until June 15, by which they could accurately determine just what was expected of them.

By sweeping decisions, varying in several States, no opportunity for an orderly transition to meet the newly prescribed formula has been given. In many other States with grossly disproportionate population ratios among the various districts, no action at all has been taken or yet ordered by the local Federal courts.

In several others, steps have been underway to try to arrive at what the legislatures or the State supreme courts or State commissions have believed to be a fair apportionment. These, it is true, have varied. It is virtually impossible to determine an exactly equal apportionment for every district without actually assuming the tedious task of drawing lines through every neighborhood.

One accepted unit of government for more than a century in legislative districting has been the county. In many cases, to effect exact mathematical reapportionment, it is necessary to throw two or more counties together or in more populous counties to draw the lines down certain streets or alleys in the cities.

Simple elemental justice requires that redrafting or redesigning of election districts be undertaken cautiously and judiciously. Citizens should not be expected to adapt to new districting by sudden action. Hasty and ill-advised redistricting formulas promulgated by the courts instead of by the people themselves can result in confusion and inequities. Good local self-government cannot be imposed from above. It must be generated by the people themselves.

Even if the results of new apportionment cause drastic revisions of election districts, the fact that it was done by local authority rather than Federal court order makes it far more acceptable to the State involved. The fact that time was given for this consideration to

meet the new guidelines also adds to better acceptance and lessens Federal dictation over local affairs.

I cannot agree with my colleagues who interpret this amendment as a means to preserve the "rotten borough" system or to preserve unequal districts to protect individual officeholders. It is nothing of the kind. These county units, whether we like it or not, form a basis for governmental units of local administration of all kinds. Even more, their economic interests and their opportunity to participate in State or even Federal programs are governed substantially by their geographic designation as local governmental entities.

It is traditional in all of our States that the people in the smaller political subdivisions exercise their strength competitively in their State legislatures seeking to insure the progress and prosperity of their separate localities. The formulation by the courts of new local governmental units leads too often to something worse than malapportionment. To mix a large county with a small county in the same legislative district will inevitably eliminate the smaller county from any representation whatever. Because of the larger county's loyalty to its candidates, the larger and more populous counties will dominate their smaller neighbors who are combined with them. It is a sorry state of affairs when a new wrong is committed in a mistaken and ill-conceived attempt to right an old wrong. Where this must be done, local authority leads to better acceptance of this disagreeable task.

Because of the threatened upheaval of what has for scores of years been an accepted right of the States to determine these election districts under State constitutions providing for various types of population and even area formulas, there is great fear and resentment evident throughout most of our States over Federal direction of methods by which better apportionment in election districts will take place.

I think it is fundamental to a continuance of State determination, long considered to be controlling in the composition of these legislative assemblies, to be allowed two fundamental things:

First, and foremost, is time to make adjustment to the new formula so recently pronounced by the U.S. Supreme Court. The order came down after elections in several States were already underway. Time to adjust their elections—including file time, campaigns, and first and second primaries—was not available with the election schedule they had to meet.

Second, the right of the State legislative bodies, their supreme courts or apportionment commissions, to have ample opportunity to apportion within the framework of the June 15 decision of the U.S. Supreme Court. We should block an unwarranted and unnecessary dictation by Federal authority to remove precipitously from State authority another chance to meet the Court's requirements.

The Dirksen-Mansfield compromise would leave the courts free to declare existing districts unconstitutional. But action would then be stayed for a year or so to let the legislature or State apportionment commission act. If it did not act, the compromise would affirm the power of the courts to do the job.

This is not a compromise, as some have argued, to strip the Supreme Court of its power over apportionment. It is an effort to prevent a chaotic condition on elections already underway and to give the local authorities an opportunity to meet the new guidelines laid down by the U.S. Supreme Court so very recently.

The relationship between the Federal and State governments already has been strained. Any unnecessary jamming of the gears of our State election processes can be avoided by the extra year or so provided in the compromise amendment.

No State in the Union has a legislative reapportionment crisis more immediate, more perplexing, or more severe than the situation which now confronts the citizens of Oklahoma.

On Friday, August 7—just 13 days ago—a three-judge Federal court in Oklahoma City vacated the primary and runoff primary elections for State legislative nominations. These elections were held on May 5 and on May 26 of this year. These elections were held before the U.S. Supreme Court issued its definitive one-man, one-vote order of June 15.

The lower court order vacating our Oklahoma primaries was issued in spite of the High Tribunal's opinion of June 15, which cautioned and admonished the lower courts against disruption of the election process in these words:

> In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the machanics and complexities of State election laws and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes.

If I can read and under the English language, it appears to me to mean just what it says in recognizing the danger of unnecessary haste. Even if the High Court had failed to express it, I do not believe the lower Federal tribunal was justified in canceling two primary elections in Oklahoma until the people of Oklahoma themselves had had an opportunity to adjust and comply with the Supreme Court's latest order.

The compromise proposal now before the Senate seeks to provide that opportunity and I will support it as plain, simple justice.

The lower court order of August 7 is being appealed to the U.S. Supreme Court. However, the Governor of Oklahoma, acting on the court's order of August 7, has proclaimed a special election for September 29, and the filing period for the special election starts at the end of this month. If the lower court order is to be reviewed by the Supreme Court before the court-ordered special election is held, a stay must be obtained immediately.

Because of the importance of this case, coming as it does as one of the first tests on appeal from a three-judge Federal court to the U.S. Supreme Court on its latest apportionment decision, a stay is desperately needed if confusion is to be avoided. Surely a State which has made progress toward better apportionment should not be thrown into such straits until the full Supreme Court has reviewed the case.

The statutory right of an appeal from a three-judge Federal court provides that one justice can grant or deny such a stay. Thus, the order, if such a stay is denied, could take from the State the authority over its election processes already in motion and substitute a new set of legislative elections under election districts prescribed, not by State authorities, but by the Federal district court.

The Dirksen-Mansfield compromise amendment if passed in time will prevent this disruption and give the State another chance to meet the formula of the Supreme Court.

A full review by the U.S. Supreme Court, sitting in regular session, will, I am confident, bring into focus the fact that Oklahomans have made real progress toward compliance with the U.S. Supreme Court reapportionment rulings and are now in a position to conform in an orderly and reasonable manner with the latest order issued only 2 months ago.

Oklahoma recognized the malapportionment of our State legislature and endeavored to correct it. For example, the old apportionment of the State senate allowed 24.5 percent of the State population to be represented by a majority in the upper house.

By act of the legislature, in its 1963 session—modified by the State supreme court—this ratio increased to 44.5 percent for majority of the State legislature.

The same act brought the percentage of the house up from its former 29.5 percent to better than 35.6 percent.

It was under this combined State supreme court and legislative apportionment that the primary elections were held until the Federal district court acted.

It is interesting to note that the apportionment plan for the upper house which the Court invalidated was only 4.7 percent below the Federal court-dictated plan.

It is 13.1 percent below the Court's proposal for representation in the house of representatives. However, in comparison with other States, the 44.5 percent figure for the Oklahoma State Senate would put the State among the leaders of the Nation in population balance. It would rank 13th among all States.

It would hardly seem to me that this failure by a margin of 4.7 percent to measure up to the Court-dictated program for the State senate would be sufficient excuse to justify the invalidation of the primary elections.

Oklahoma has made other efforts to reapportion. On May 26 the people of Oklahoma by a convincing majority adopted an amendment to the State constitution relating to reapportionment of the legislature. Many who are not versed in the legal technicalities thought this amendment was in compliance with the Federal Constitution.

In fact, the three-judge Federal court order of August 7, while rejecting the numerical apportionment, accepted parts of the May 26 amendment to the Oklahoma State constitution. The amendment provided for a commission which could rectify any legislative enactment failing to comply with proper apportionment requirements.

I again repeat that the State of Oklahoma has made a reasonable effort toward reapportionment.

One of the apparent reasons for the lower Federal court's extreme action in voiding the elections and assuming the power to prescribe its own reaportionment instead of giving the State an opportunity to work out an acceptable formula was that the history of the case showed lack of action. The three judge-Federal court specifically mentioned that the litigation went back to a case 9 years ago.

I might point out that at that time there had been no apportionment decisions whatsoever by the U.S. Supreme Court in the direction a one-man, one-vote principle. It was not until 1962 that apportionment was determined to be within the jurisdiction of Federal courts. Then the Supreme Court failed to spell out its definitive position. It was not until June 15 that this was forthcoming from the Highest Tribunal.

In addition to drawing up election district lines and scrambling various districts only a short time before the legislative elections were to be completed, the local three-judge Federal court also terminated the remaining 2-year terms of State senators elected for a 4-year term in 1962.

This court order effectively destroyed the holdover continuity which is basic to the Oklahoma State Senate and is common in a majority of our States.

In summary: the three-judge Federal court, failing to give the State of Oklahoma any reasonable time to meet the June 15 definitive order of the U.S. Supreme Court under its own machinery, improved by the establishment by the State of a reapportionment commission that court correct any malapportionment that the existing legislature might propose, acted in such haste and assumed such powers as to substitute Federal judicial authority for the rights of the people of Oklahoma to rearrange their own legislative districts in accordance with the June 15 decision.

It further voided the nominations of candidates already chosen in two primary elections and halted the election now in progress.

Further, it terminated the existing remaining 2-year terms of half of the members of the State senate.

I have cited at some length the effects of this summary action by the court in my own State. Surely the efforts of the Federal courts to correct what they have determined to be one malapportionment does not warrant riding roughshod over the rights of the State to be given all reasonable time and opportunity to develop its own constitutional apportionment.

This story of the problems of Oklahoma will not be unique as the sweep of the decision is felt across our Nation. The need here is time. Not time for undue delay nor indefinite postponement, but time for a careful and thoughtful approach to a problem that would give the States the maximum right to decide the intimate details pertaining to the arrangement of balanced election districts.

The right of each citizen to have an equal voice in the conduct of its State affairs is not at issue in the Dirksen-Mansfield amendment. At issue is the fundamental right to put before the proper State authorities the first responsibility for making the decisions affecting that State.

Under the terms of the amendment befor the Senate, this would be done. It is not an effort to suspend or to withdraw from the U.S. Supreme Court its power, but to provide for some time in which the local governments can have a reasonable chance to read, understand, and consider their course in the light of a decision which finally provided the formula on June 15 of this year.

In some States the local Federal courts have ordered the States within a very limited time to adopt new apportionment systems. In others, action has not been imminent. In still others, the action by the Federal courts has not yet been started.

The amendment by its very terms applies only to legislatures elected before January 1, 1966, scarcely 17 months off. It further provides that if action is not taken to properly apportion the legislative bodies the courts then may prescribe the redistricting themselves.

This would mean that only the legislature elected in November would not be thrown out, because of its alleged malapportionment.

I fail to see any compelling reason for creating the havoc and confusion that hasty and ill-considered action will bring. After all, systems under which the State legislatures are malapportioned are not greatly different from those existing in the U.S. House of Representatives. This year the U.S. Supreme Court has determined the right to order reapportionment of congressional districts on a more balanced basis. But it has not required the voiding of any elections now in progress. It has not declared any Member of any Congress elected by this unequal representation illegally elected and thus ended their terms of office. It apparently is giving the State legislatures, which are responsible for the unequal apportionment now existing, the time necessary to draw the district lines for seats in the lower House of the Congress.

What applies to the House of Representatives in the need for time to make well-considered judgments on the rearrangement of congressional districts certainly applies with equal force to the State legislatures.

We are dealing with long-established customs and traditions, recognized and understood areas of representation. It is true that the apportionment of both the Federal and State legislatures has not kept pace with shifting populations. The plain, simple fact is that there will always be some degree of malapportionment. The census figures are usually 1 or 2 years old by the time they are used. The ability to find an exact mathematical balance for clear dividing lines of legislative districts, whether State or Federal, will defy our best computers.

Somehow I feel that the answer to better and more representative government at the State or even Federal level is not necessarily computerized accuracy in drawing up election districts, as desirable as some equalization can be.

Government has strong human factors woven through its fabric and one of these is a desire of all parts of this Nation, big and little, grassroots and metropolitan centers, to have a sense of participation and of membership in our democratic system.

This amendment as I read it asks for time to make this adjustment which is a major one in State and Federal relationships. To adjust this best to the consent of all the governed requires as much reliance on the people of the affected State as is possible. This short period of time provided by the Dirksen-Mansfield amendment provides a period to secure orderly and thoughtful adjustment. It recognizes human as well as mathematical factors.

Mr. President, because of the limited time and because of the urgency, particularly as it affects my State of Oklahoma, which is approaching an election, I deeply regret that the liberal Members of this great body have chosen to filibuster on this important measure, thus forestalling an opportunity for relief by the legislative route, which, at best, could only give us time in which the local authorities could devise methods of meeting the reapportionment problem that would meet the June 15 mandate of the Supreme Court.

This mandate was not available when the election processes were started. It is a disservice for Federal judges to stop in midcourse, or even beyond midcourse, an election that is due to be completed in only a couple of months, and to force a special election to be held under a completely new redistricting system that badly scrambles the districts. Candidates already have spent their money and time in order to win the nomination, not only in the first primary, but in the runoff primary. They will now have to go into a "sudden death" primary in districts that will be completely foreign, in part, not only to themselves, but also to the constituencies they seek to represent.

I hope that before it is too late we may have action on this vital amendment.

I thank the Senator from Pennsylvania for his courtesy in yielding.

Mr. CLARK. In a moment, I shall yield, by arrangement, to the distinguished Senator from Mississippi [Mr. STENNIS], to enable him to call up a conference report which he tells me can be disposed of quickly.

I would hope that the Senator from Oklahoma would find it possible to remain in the Chamber because, first, it is never a privilege, it is always a source of some dismay to me, to find myself in disagreement with my very close friend; second, I feel that it would be helpful to an understanding of the serious problem

which confronts us to have some discussion of the situation in Oklahoma. The Senator from Oklahoma obviously is far better versed in conditions in his own State than I.

However, we have a mass of material furnished us by those who strongly oppose delay in the action, and I should like to discuss with the Senator from Oklahoma the purport of this information, which is to the effect that Oklahoma has had since the early days of 1962, when the decision of Baker against Carr came down, to put its house in order.

This material would indicate that the court has been most solicitous of the rights of the legislature of Oklahoma to reapportion in accordance with the general principles set forth in Baker against Carr; that the very able assistance of the University of Oklahoma's Bureau of State Research was called upon for assistance; that a plan was submitted which was considered by many to be equitable, and that, generally speaking, the situation in Oklahoma is far from being in the best condition, as the Senator from Oklahoma has indicated. But I shall postpone that discussion because I promised the Senator from Mississippi that I would yield to him first.

Mr. MONRONEY. I thank the Senator from Pennsylvania. I shall be present when he reaches that part of the discussion.

Mr. CLARK. Mr. President, I yield, without losing my right to the floor, to the Senator from Mississippi.

MILITARY CONSTRUCTION APPROPRIATIONS, 1965—CONFERENCE REPORT

Mr. STENNIS. I thank the Senator from Pennsylvania for yielding to me.

Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11369) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SALINGER in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Aug. 19, 1964, p. 19570, 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. STENNIS. Mr. President, I shall make only a brief statement in connection with the submission of the conference report on H.R. 11369, the military construction appropriation bill for fiscal year 1965. The total of the bill, which includes both military construction and family housing is $1,570,968,000. This is an amount $28,046,500 under the House bill and $12,001,000 under the Senate bill.

For the military construction portion of the bill, the conferees agreed to provide $939,817,000. This is an amount $8,839,000 under the House bill and $25,501,000 under the Senate bill.

For the family housing portion of the bill, the conferees agreed to provide $631,151,000. This is $19,207,500 under the House bill and $13,500,000 over the Senate bill. In reaching this decision, the conferees agreed to provide 8,250 new housing units rather than the 7,500 proposed by the Senate and the 9,590 proposed by the House.

I ask unanimous consent that a tabulation showing the action of the Congress on the budget request be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. Mr. President, when the bill was originally presented on the floor of the Senate, I described in a great deal of detail the items which were included and the action which the Senate was taking. I shall confine my present remarks to the items in conference.

For the Department of the Army, the action taken by the conferees is detailed on page 3 of the conference report. The items for the Navy and the Air Force are detailed on the pages following.

I might mention specifically a couple of items which were in conference. One of them was the problem of relocating the 5th Army Headquarters from Chicago. Although no funds have been provided by the conference for the relocation, the conferees agreed that it should be clearly understood that they have no objection to such relocation from Chicago, but that the Secretary of Defense shall be expected to study the proposed relocation site giving consideration to the requirement for family housing and to other available sites in the area.

The Senate prevailed in its position of appropriating $10,800,000 for the Army National Guard construction program rather than the $6 million as proposed by the House. The total will enable the National Guard to accomplish 40 armory and 24 nonarmory projects and will permit a speedup in project construction.

I have already spoken of the agreement on new family housing projects. I would only add that the conferees agreed that the housing projects added by the Senate for the naval shipyard at Bremerton, Wash., and for Offutt Air Force Base, Nebr., shall receive the same consideration in the construction program as other approved items.

It is true that not all of the items which the Senate had approved and which the Senate conferees strove to maintain in the bill were so treated. However, it was a full and fair conference, and I believe that the report which you have before you generally reflects a wise course of action.

I wish to thank the Senate conferees for their excellent cooperation and assistance. If there are any questions, I shall be happy to attempt to answer them.

EXHIBIT 1.—*Military construction appropriation bill, 1965*

Item	1964 appropriation	1965 budget estimate	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1964 appropriation	Budget estimate	House	Senate
Military construction, Army	$200,646,000	$408,000,000	$301,000,000	$311,977,000	$300,393,000	+$99,747,000	−$107,607,000	−$607,000	−$11,584,000
Military construction, Navy	198,853,000	278,000,000	247,000,000	250,899,000	247,867,000	+49,014,000	−30,133,000	+867,000	−3,032,000
Military construction, Air Force	468,275,000	406,000,000	346,000,000	342,986,000	332,101,000	−136,174,000	−73,899,000	−13,899,000	−10,885,000
Military construction, Defense agencies	24,000,000	34,000,000	12,656,000	12,656,000	12,656,000	−11,344,000	−21,344,000		
Military construction, Army Reserve	4,500,000	5,000,000	5,000,000	5,000,000	5,000,000	+500,000			
Military construction, Naval Reserve	6,000,000	7,000,000	7,000,000	7,000,000	7,000,000	+1,000,000			
Military construction, Air Force Reserve	4,000,000	5,000,000	5,000,000	5,000,000	5,000,000	+1,000,000			
Military construction, Army National Guard	5,700,000	6,000,000	6,000,000	10,800,000	10,800,000	+5,100,000	+4,800,000	+4,800,000	
Military construction, Air National Guard	16,000,000	14,000,000	14,000,000	14,000,000	14,000,000	−2,000,000			
Loran station	20,500,000	5,000,000	5,000,000	5,000,000	5,000,000	−15,500,000			
Total, military construction	948,474,000	1,168,000,000	948,656,000	965,318,000	939,817,000	−8,657,000	−228,183,000	−8,839,000	−25,501,000
FAMILY HOUSING									
Family housing, Army:									
Construction	34,681,000	52,728,000	40,446,000	32,216,000	35,600,000	+919,000	−17,128,000	−4,846,000	+3,384,000
Operation, maintenance, and debt payment	183,396,000	173,328,000	173,328,000	173,328,000	173,328,000	−10,068,000			
Family housing, Navy and Marine Corps:									
Construction	68,248,000	96,219,000	72,481,000	59,144,000	64,544,000	−3,704,000	−31,675,000	−7,937,000	+5,400,000
Operation, maintenance, and debt payment	93,944,000	97,739,000	97,739,000	97,739,000	97,739,000	+3,795,000			

EXHIBIT 1.—*Military construction appropriation bill, 1965*—Continued

Item	1964 appropriation	1965 budget estimate	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1964 appropriation	Budget estimate	House	Senate
Family housing, Air Force:									
Construction	$61,027,000	$88,635,000	$64,013,500	$52,873,000	$57,589,000	−$3,438,000	−$31,046,000	−$6,424,500	+$4,716,000
Operation, maintenance, and debt payment	193,514,000	198,859,000	198,859,000	198,859,000	198,859,000	+5,345,000			
Family housing, Defense agencies:									
Construction	50,000	981,000	981,000	981,000	981,000	+931,000			
Operation, maintenance, and debt payment	2,546,000	2,511,000	2,511,000	2,511,000	2,511,000	−35,000			
Total, family housing	637,406,000	711,000,000	650,358,500	617,651,000	631,151,000	−6,255,000	−79,849,000	−19,207,500	+13,500,000
Total	1,585,880,000	1,879,000,000	1,599,014,500	1,582,969,000	1,570,968,000	−14,912,000	−308,032,000	−28,046,500	−12,001,000

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

Mr. STENNIS. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. There was a $510,000 item, I believe, for the Malmstrom Air Force Base. Could the Senator from Mississippi, the chairman of the committee which handled the military construction appropriation bill, tell me if it was retained in conference?

Mr. STENNIS. Yes. I am glad to report to the Senator from Montana, who was helpful himself in having the bill presented, that this item is included in the final bill, and the money is being provided. It is somewhat less than the sum originally planned—$450,000 is included in the bill for that item, which it was found would supply the needs by reducing somewhat the ground planned, but it serves the same purpose.

Mr. MANSFIELD. I thank the Senator for that encouraging statement. I understand it is somewhere in the vicinity of $450,000.

Mr. STENNIS. The Senator is correct.

Mr. MANSFIELD. The distinguished Senator knows that there is a certain amount of money included for the Minuteman missile installation to be built in the vicinity of the Malmstrom Air Force Base—approximately $60 million. This money is to build an additional wing of Minuteman missles to round out the 150 Minuteman missile complex now in existence, thereby raising the complex as a whole to 200. Is that money, in the amount of $60 million, in this appropriation for that purpose?

Mr. STENNIS. The Senator is correct. That amount is very definitely included in the appropriation bill. It is enough, I am sure, to construct this highly important and, to me, really much-needed missile installation.

Mr. MANSFIELD. I thank the Senator.

Mr. STENNIS. I thank the Senator for his interest in that item, as well as the first item which he mentioned. I believe that the development fund of the missile program including the Minuteman—and this will be a Minuteman base—is timely. We are moving more and more into that kind of missile and away from using liquid fuel missiles.

Mr. President, this report was concurred in by all the conferees on both sides of the aisle.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. PROXMIRE. The Senator from Mississippi has performed what I believe to be one of the really outstanding tasks in Congress on this appropriation bill.

Mr. STENNIS. I thank the Senator for his comments.

Mr. PROXMIRE. I know the Senator has worked many hours and weeks. He has patiently heard witnesses, has gone into the greatest detail, and has been extremely meticulous; and as a result, I believe, of his expertness, his fairness, and his great experience in this field, we were able to come forward with an appropriation bill which I believe not only the military can applaud, because it gives them what they need, but also the taxpayers can applaud with great enthusiasm.

This is an appropriation bill in cost far below what the administration recommended. We all recognize that we have an expert administration which is conscious of costs in the defense area; and yet the Senator from Mississippi was able to save taxpayers millions of dollars and was able to go well under the House figure. I believe that the chairman of the subcommittee is a model for all of us to emulate.

I pay this tribute to the Senator from Mississippi because I feel so strongly about it. I am a new member of the Appropriations Committee, and I would like him to know how greatly impressed I have been with the very fine example he has set for all of us.

Mr. STENNIS. I thank the Senator for his kind and generous words. I thank him on behalf of each member of the subcommittee. Credit goes to all alike. We worked together on both sides of the aisle. We worked out the problems together. The chairman does no more than any of the other members.

There was a reduction from the budget request originally in the authorization of around $300 million. We feel that that was done without taking any bone or muscle out of the military program. We did not leave out anything that we thought was near the line of safety. I believe that it is a rather firm and hard bill. A few projects were merely deferred until next year, when they will take their place in the line of priority.

The House subcommittee has done a very fine job in connection with the bill. The chairman of the subcommittee for many years has been Hon. HARRY SHEPPARD, Representative from the 33d district of California. He is retiring this year; he is not offering himself for reelection. As he leaves, he will leave a record hard to equal, and it will not be exceeded. As I said the other day when we closed our conference, through his fine knowledge of construction and the engineering profession, as well as military matters, he literally saved hundreds of millions of dollars over the course of the years, and has helped to build a fine, strong, and effective military organization.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. KEATING. The Senator will remember the amendment which I offered, which was taken to conference. I know that it has been eliminated. I should like to have a review by the distinguished Senator.

Mr. STENNIS. I am glad to give the Senator a report. I comment him again for his vigilance and his assistance in the matter which affects his State.

The attitude of the conference on that matter was that it was considered and settled in the authorization bill at the conference, and we could not get anything done in this bill. We are not averse to the Senator's position as a general proposition. I believe that I can assure him his State will have as much protection as any other State. I do not believe that anything particularly adverse is going to happen because of the situation in his State. We all have problems relating to these bases, some of which are totally eliminated, and some of which are transferred; but we could not get any legislation that would carry out the Senator's wishes.

Mr. KEATING. The amendment was directed to the use of Federal funds for the construction of new facilities when there were existing facilities which could do the same job. It seemed reasonable to say that the taxpayers' money should not be spent in that way. I hope that at least we can have the assurance of the subcommittee which the Senator so ably heads that it will keep an eye on this situation. I hope that when the services come in with requests for funds for the construction of a new facility, the subcommittee will be sure that a thorough canvass is made of existing facilities—not merely in New York—which can do the job which they are seeking to do by the new building. I hope that now the subcommittee will be unusually alert to the possibilities of saving additional funds for the taxpayers.

Mr. STENNIS. The Senator from New York [Mr. KEATING] can have that dou-

ble assurance. He can also state that he has further alerted us to the situation on the items of money that are left out of the bill for the very reasons that the Senator from New York has given. The items were left out where there has not been a sufficient study to justify the expenditure of this new money. They were deleted from the bill. We are alert to those matters.

Mr. KEATING. I am grateful to the committee for their consideration of the matter. I am sure the Senator was conscientiously endeavoring to support the position of the Senate. His assurances that the subcommittee will follow this matter very carefully in the future is reassuring.

Mr. STENNIS. We want to be helpful to the Senator in his position, as well as to save money where we can.

Mr. KEATING. I thank the Senator.

Mr. JAVITS. Will the Senator yield?

Mr. STENNIS. I yield.

Mr. JAVITS. I am sure that this matter has been well covered in the colloquy, concerning the amendment of Senator KEATING, in which I had the privilege of joining.

As I understand it, the committee purports to deal directly with the substance of the matter that is involved.

Mr. STENNIS. That is correct.

Mr. JAVITS. I, too, wish to express my appreciation. We all live in this same house all the time. We should be vigilant, as the Senate is expected to be. I am very grateful to the Senator from Mississippi and to the committee for the statement that they will keep a close rein on this money.

Mr. STENNIS. We intend to. I thank the Senator for his interest in the measure, and his fine attitude. It is not something that can be put into strict law, as the Medes and the Persians of old did.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 11369, which was read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the bill (H.R. 11369) entitled "An Act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes", and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$300,393,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$332,101,000".

Mr. STENNIS. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments Nos. 1 and 3.

The motion was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CLARK. Mr. President, somewhat earlier when I yielded to the Senator from Mississippi so that he might present a conference report, the Senator from Oklahoma [Mr. MONRONEY] had graciously agreed that we might engage in a colloquy with reference to some of the aspects of apportionment in Oklahoma.

There are other conference reports coming up. I have an engagement out of the city. The Senator from Oklahoma [Mr. MONRONEY] has another engagement. Neither is running out on the other. We shall return to this subject when the Senate convenes after the Democratic Convention.

I yield the floor.

THE MONTANA CENTENNIAL BAND

Mr. MANSFIELD. Mr. President, before we turn to the next order of business, I should like to make a few remarks which I hope will not be considered a violation of the rules of the Senate. I will not seek to achieve undue recognition for any one individual or group.

This is a proud day for the Treasure State. The State of Montana has, in the Nation's Capital, one of the best bands that it has ever been my pleasure to listen to and watch in Pasadena, Calif., in various parts of the State of Montana, and here in Washington, D.C. This band is called the Montana Centennial Band. The band is named in recognition of the fact that we are celebrating the 100th anniversary of Montana becoming a territory.

The band has already performed in the rotunda of the Old Senate Office Building. It will perform this evening at 7 o'clock on the steps of the Senate wing of the Capitol.

This extraordinary group, brought together with little preparation and no consideration as to where they come from, has really turned out to be the shining light in the celebration of Montana's anniversary.

These youngsters, both boys and girls, come from the mining camps and the big cities, such as Great Falls and Billings—each city with a population of approximately 55,000. They come from the ranches, and they come from the small towns. They have contributed greatly to publicizing the State of Montana and what it stands for. By their attitude and deportment in general, they have brought great credit upon our State and our country as well.

I wish to pay special commendation to the directors of the band, James Tibbs, of Missoula County High School, and Roger Heath, of Great Falls High School. The band includes, as majorettes, Paulette Forsythe, of Great Falls, State champion; Gwen Loyd, of Great Falls; and Sherry Humber, of Butte. This group is extremely talented; intellectually talented as well as musically.

I am delighted as the Senator from the State of Montana, and as the majority leader of this body, to pay my respects to them publicly and to tell them personally how much I have enjoyed what they have done for our State.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I believe it is highly fitting and proper that the majority leader should call attention to this great musical organization from Montana. I am delighted on my own score, particularly in view of the fact that long ago when I was in grade school and high school, we knew nothing about school bands. In the first place, I do not believe that anyone could afford the instruments in those days. Second, there were no instructors that I know of. Third, one had to work so much of the time to stay in school that he did not have time to tootle an instrument.

That all changed when I had a youngster of my own. I have forgotten whether she played a flute or a piccolo. I vowed that when I got around to it and was not incumbered with public duty I would find a piccolo instructor and start playing the piccolo. Even at my age, there is something entrancing and stimulating about music. The whole country is filled with school bands. It is a wonderful thing in our generation. It gives them the opportunity to learn music. It makes them better citizens. I have an idea that if we find a youngster who is playing a slide trombone, a piccolo, or a French horn, we do not have to bother too much about the question of juvenile delinquency. So, hail to Montana's Centennial Band, and may they wave long and proudly.

Mr. MANSFIELD. Mr. President, there is nothing I can add to that, because everything has now been said. I thank the distinguished minority leader for the kind words about a band that, I repeat, in my opinion, is one of the outstanding musical organizations in the whole Nation.

FOOD FOR PEACE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from further consideration of H.R. 11846, and that it be laid before the Senate for present consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11846) to amend the act of August 19, 1958, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes.

The PRESIDING OFFICER. Without objection, the committee is discharged from further consideration of the bill.