

1964

## CONGRESSIONAL RECORD — SENATE

17073

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Rhode Island [Mr. PASTORE] and the Senator from Georgia [Mr. TALMADGE] would each vote "nay."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Maryland would vote "yea" and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from South Dakota [Mr. MUNDT] are absent on official business.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Utah [Mr. BENNETT], and the Senator from Wyoming [Mr. SIMPSON] are detained on official business.

Also, the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from Idaho [Mr. JORDAN], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Nebraska [Mr. HRUSKA], the Senator from Iowa [Mr. MILLER], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 20, nays 47, as follows:

[No. 510 Leg.]  
YEAS—20

Bayh	Gore	Morse
Beall	Hart	Nelson
Case	Javits	Neuberger
Clark	Keating	Pell
Dodd	Kuchel	Proxmire
Douglas	McIntyre	Williams, N.J.
Fong	McNamara	

NAYS—47

Aiken	Hickenlooper	Morton
Allott	Hill	Pearson
Bartlett	Holland	Randolph
Bible	Humphrey	Robertson
Boggs	Inouye	Russell
Burdick	Johnston	Scott
Byrd, W. Va.	Jordan, N.C.	Smathers
Carlson	Long, Mo.	Smith
Church	Long, La.	Sparkman
Cotton	Magnuson	Stennis
Dominick	Mansfield	Symington
Eastland	McCarthy	Thurmond
Ellender	McClellan	Walters
Ervin	McGee	Williams, Del.
Fulbright	McGovern	Young, Ohio
Hayden	Monroney	

NOT VOTING—32

Anderson	Hartke	Muskie
Bennett	Hruska	Pastore
Brewster	Jackson	Prouty
Byrd, Va.	Jordan, Idaho	Ribicoff
Cannon	Kennedy	Saltonstall
Cooper	Lausche	Simpson
Curtis	Mechem	Talmadge
Dirksen	Metcalf	Tower
Edmondson	Miller	Yarborough
Goldwater	Moss	Young, N. Dak.
Gruening	Mundt	

So the amendment of the Senator from Oregon was rejected.

Mr. BYRD of West Virginia. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated.

The LEGISLATIVE CLERK. On page 6, line 4, it is proposed to strike out "\$9,819,000" and insert in lieu thereof "\$9,844,000".

Mr. HUMPHREY. Mr. President, the amendment to the District of Columbia appropriation bill would restore the \$25,000 requested in the budget to help defray the cost of free concerts in the District by the National Symphony Orchestra. The purpose of the free concerts is to advance the performing arts by giving four free concerts for children in each section of the city.

I want to make it clear that this is not simply a \$25,000 handout to the National Symphony. The funds would be included in the District of Columbia Recreation Department budget.

This appropriation would make it possible for the Symphony Association to add 1 week of service to the community of the Nation's Capital and employment to its musicians.

This request has the support of the District of Columbia Commissioners, of the White House through the Advisor on District of Columbia Affairs, of organized labor, and of thousands of residents in and near the District.

Unlike other municipal orchestras, the National Symphony has never, in its 33 years of growth, received subsidies from Government sources. In terms of the numbers of individuals who actively support it, the National Symphony is the best-supported orchestra in the United States; it receives gifts from over 25,000 individuals. That is some 2½ times greater than the number of individuals giving to any other major symphony.

I should also point out that the National Symphony does extremely well in earning its own way, producing almost 70 percent of its annual expenses through performances. Most other orchestras earn less through performances, many as little as 50 percent.

All of this is to the good, Mr. President, but let us not overlook the other side of the coin. In almost all major cities of the United States, resident orchestras receive support from their municipal, county, or State governments. For example, the Buffalo Orchestra receives \$137,300. The Los Angeles Symphony receives \$167,000. Other orchestras for which public funds help to support youth concerts are: Cincinnati, \$35,000; Cleveland, \$35,000; Indianapolis, \$60,000; Rochester, \$33,000; and Seattle, \$30,000. In all of these cases the figures I have

cited include support for student concerts in public schools.

The National Symphony gives 12 to 15 such concerts a year through its own privately supported means. To that extent, the National Symphony has been subsidizing the community in which it resides. This type of concert is both familiar and popular throughout the country. It introduces young people to the art of a symphony orchestra through live performances and demonstrations of individual instruments.

Mr. President, I urge my colleagues to endorse this modest but very important item by supporting this amendment.

Mr. BYRD of West Virginia. Mr. President, I discussed the question with the majority whip prior to the meeting of the full committee markup of the bill. The majority whip could not be present upon that occasion, and I assured his staff member that I would offer the amendment. I inadvertently failed to do so, and I so stated to the press. I am glad to accept the amendment at this time.

Mr. DOUGLAS. Mr. President, I do not wish to disturb the happy comity which has developed on this very desirable appropriation, but it is extraordinary that the Senate will accept an appropriation for music, which I believe is excellent, but will reject any amendment designed to make books more available to the population of Washington, D.C., or to feed the starving children of the unemployed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

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

The motion was agreed to; and the Chair appointed Mr. BYRD of West Virginia, Mr. HUMPHREY, Mr. BARTLETT, Mr. ELLENDER, Mr. STENNIS, Mr. BIBLE, Mr. CASE, Mr. COTTON, and Mr. SALTONSTALL, conferees on the part of the Senate.

AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1123, the bill H.R. 11380.

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

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

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

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, on page 2, line 8, after the word "and", to strike out "\$224,600,000" and insert "\$215,000,000"; after line 16, to insert:

(e) Add the following new section at the end thereof:

"SEC. 217. USED MANUFACTURING EQUIPMENT.—The President is authorized to use funds made available for the purposes of section 211 to conduct a study and investigation to determine the feasibility of establishing programs for the furnishing to less developed friendly countries and areas of used tools, machinery, and other manufacturing equipment to be donated by private enterprises and the extent to which such programs are likely to be utilized by and contribute to the economic development of the receiving country. The President shall submit to the Congress at the earliest practicable date a report of the results of such study and investigation, together with such recommendations for legislation as he deems advisable."

On page 3, after line 11, to insert:

(1) Strike out "fraud or misconduct" in the second proviso and insert in lieu thereof "fraud, misconduct, or action not meeting a standard of reasonable business prudence".

At the beginning of line 16, to strike out "(1)" and insert "(2)"; at the beginning of line 18, to strike out "(2)" and insert "(3)"; on page 4, at the beginning of line 2, to strike out "\$2,000,000 and"; in the same line, after "1965", to strike out "and \$2,100,000, respectively."; in line 20, after the word "and", to strike out "\$134,272,400" and insert "\$134,400,000"; at the beginning of line 23, to strike out "None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programming of volunteer manpower" and insert "None of the funds available to carry out this chapter may be used for contributions (1) to the International Secretariat for Volunteer Service or any similar international organization for use by it to pay the costs of developing or operating any volunteer service or other Peace Corps-type program of any foreign government or agency thereof or (2) to any volunteer service or other Peace Corps-type program administered by such international organization."; on page 5, line 16, after the word "and", to strike out "\$405,000,000" and insert "\$374,700,000"; in line 17, after the word "respectively", to strike out the comma and "and" by adding at the end thereof the following new sentence: "Of the funds made available for the fiscal year 1965 to carry out the purposes of this chapter, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the

President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives"; on page 7, line 6, after the word "and", to strike out "\$1,055,000,000" and insert "\$1,045,000,000"; in line 7, after the amendment just above stated, to strike out "respectively, and by adding at the end thereof the following new sentence: 'Of the funds made available for the fiscal year 1965 to carry out the purposes of this part, not less than \$200,000,000 shall be available solely for use in Vietnam, unless the President determines otherwise and promptly reports such determination to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives.'" and insert "respectively."; on page 9, after line 13, to strike out:

(a) Amend section 601(c), relating to the Advisory Committee on Private Enterprise, as follows:

(1) In paragraph (4), strike out "December 31, 1964" and substitute "June 30, 1965".

(2) In paragraph (5), strike out "\$50,000" and substitute "\$100,000 for all costs necessary to the Committee's operations".

And, in lieu thereof, to insert:

(a) Amend section 601(c), relating to the Advisory Committee on Private Enterprise, by striking out in paragraph (4) "December 31, 1964" and substituting "June 30, 1965".

At the top of page 10, to strike out:

(b) Section 601, which relates to the encouragement of free enterprise and private participation, is amended by adding at the end thereof the following new subsection:

"(d) It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this Act."

At the beginning of line 13, to strike out "(c)" and insert "(b)"; on page 11, after line 9, to insert:

(c) Amend subsection 620(e), relating to expropriations and other similar matters, as follows:

(1) After "(e)" insert "(1)".

(2) Redesignate subparagraphs (1), (2), and (3) of the first paragraph as subparagraphs (A), (B), and (C), respectively.

(3) Strike out "paragraphs (1), (2), or (3)" and substitute "subparagraphs (A), (B), or (C) of paragraph (1)".

(4) At the end of such subsection add the following new paragraph (2):

"(2) Notwithstanding any other provision of law, no court in the United States shall decline, on the ground of the federal act of state doctrine, to make a determination on the merits or to apply principles of international law, including the principles of compensation and the other standards set out in this subsection, in a case in which an act of a foreign state occurring after January 1, 1959, is alleged to be contrary to international law, and effect shall not be given by the court in any such case to acts that are found to be in violation thereof: *Provided*, That this subparagraph shall not be applicable in any case with respect to which the President determines that application of

the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court."

On page 12, after line 22, to strike out:

(g) At the end of section 620, add the following new subsection:

"(n) No assistance shall be furnished under this Act for construction or operation of any productive enterprise in any country unless the President determines that similar productive enterprise within the United States are operating at a substantial portion of their capacity and that such assistance will not result in depriving such United States enterprises of their reasonable share of world markets. The President shall keep the Foreign Relations Committee and the Appropriations Committee of the Senate and the Speaker of the House of Representatives fully and currently informed of assistance furnished under this Act for the construction or operation of productive enterprises in all countries, including specifically the numbers of such enterprises, the types of such enterprises, and the locations of such enterprises."

On page 13, line 22, after the word "than," to strike out "twenty" and insert "thirty"; after line 23, to insert:

(2) Subsection (e) is amended to read as follows:

"(e) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for personnel employed or assigned to perform duties pursuant to this Act and may, notwithstanding any other provision of this or any other law, but subject to an appropriate administrative appeal, separate personnel who fail to meet such standards or other criteria, other than personnel employed under section 624(d), 625(b), 625(k), 626(a) or 631 of this Act, and also may grant personnel separated hereunder severance benefits of one month's salary for each year's service, but not to exceed one year's salary at the then current salary rate of such personnel."

On page 14, after line 12, to insert:

(3) Add the following new subsection (j):

"(j) The President is authorized, at any time during the two-year period commencing on the effective date of the Foreign Assistance Act of 1964, to separate, notwithstanding any other provision of this or any other law, any person employed or assigned to perform duties pursuant to this Act. The authority contained in this subsection shall not apply to persons with General Schedule appointments of grade 12 or below, Foreign Service Reserve appointments of class 5 or below, or Foreign Service Staff appointments of class 3 or below, or to persons employed under section 624(d) of this Act. The aggregate number of persons separated under this subsection shall not exceed one hundred in any twelve-month period."

On page 15, at the beginning of line 3, to strike out "(2)" and insert "(4)"; in the same line, after the word "subsection," to strike out "(j)" and insert "(k)"; at the beginning of line 4, to strike out "(j)" and insert "(k)"; at the beginning of line 6, to strike out "the Inter-American Economic and Social Council and to be United States representative to"; after line 15, to strike out:

(1) Subsection (a) is amended by striking out "\$75" and substituting "\$100".

At the beginning of line 18, to strike out "(2) Subsection (c) is amended"; and, at the top of page 16, to strike out:

1964

## CONGRESSIONAL RECORD — SENATE

17075

## CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

"SEC. 648. SPECIAL AUTHORIZATION FOR USE OF FOREIGN CURRENCIES.—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II."

Mr. MANSFIELD. Mr. President, there will be no action taken on the bill this evening.

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

Mr. MANSFIELD. I yield.

Mr. MORSE. I think the Senator will probably make the same statement a week from tonight.

Mr. MANSFIELD. Very likely.

Mr. MORSE. However, that is not what I rose to tell the Senator from Montana. If it is the desire of the Senator from Montana from time to time to lay aside the amendment to the Foreign Assistance Act of 1961 for the purpose of considering various problems as they arise, I want him to know that he will have my complete cooperation in agreeing to lay aside the bill at any time he wishes to do so.

Mr. MANSFIELD. I must say that I am surprised and delighted.

#### CIVILIAN EMPLOYMENT OF RETIRED MEMBERS OF THE UNIFORMED SERVICES

Mr. JOHNSTON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House concur in the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, and 9 to the bill (H.R. 7381) entitled "An Act to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes."

*Resolved*, That the House disagree to the amendment of the Senate numbered 3, to aforesaid bill.

Mr. JOHNSTON. Mr. President, on July 23 the House of Representatives accepted the Senate version of the compensation bill with one exception. The House struck out section 206. Of the nine amendments that the Senate made to the House bill, the House accepted eight, but they struck out the one section, which is section 206, and agreed to carry it into conference. But now there will be no conference.

Mr. CARLSON. Mr. President, I believe that the action is a very happy solution to a very difficult problem that

has confronted the Congress and many of our citizens. I sincerely hope that the Senate will accept the action of the House.

Mr. JOHNSTON. Mr. President, when the dual compensation bill was passed by the Senate on July 20, the Senator from Delaware [Mr. WILLIAMS] requested the committee to advise him in regard to crediting military service for retirement purposes for Members of Congress. I ask unanimous consent that there be inserted in the RECORD a letter from Andrew E. Rudock, Director of the Bureau of Retirement and Insurance of the Civil Service Commission. I believe his letter is responsive to this question.

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

U.S. CIVIL SERVICE COMMISSION,  
BUREAU OF RETIREMENT AND  
INSURANCE,  
Washington, D.C., July 24, 1964.

HON. RALPH W. YARBOROUGH,  
Chairman, Subcommittee on Civil Service,  
Committee on Post Office and Civil Service,  
U.S. Senate.

DEAR MR. CHAIRMAN: As you requested for the RECORD in connection with H.R. 7381, I am furnishing an explanation of how the Civil Service Retirement Act operates with respect to the crediting of military service in computing the annuity of a Member of Congress.

The formula for computing Member annuity is set forth in section 9(c) of the Retirement Act (5 U.S.C. 2259(c)). Under this formula, a retiring Member's basic annuity (subject to a maximum of 80 percent of final salary) consists of two parts as follows:

Part I: 2½ percent of "high-5" average salary multiplied by his years of—(a) Member service, (b) active honorable military service performed during war or national emergency while on leave of absence from Congress, if he is not receiving military retired pay, (c) other active honorable military service, not exceeding 5 years, if he is not receiving military retired pay, (d) congressional employees service, not exceeding 15 years: Plus—

Part II: 1¼ percent of "high-5" average salary multiplied by any years of other creditable Federal civilian or military service which, when added to years of 2½ percent service do not exceed a total of 10 years (if 2½ percent service totals 10 years or more, 1¼ percent does not operate), and 2 percent of average salary multiplied by any remaining years of creditable Federal civilian or military service not used at 2½ or 1¼ percent.

If the Member does not receive military retired pay, the formula affords him 2½ percent credit under part I for a limited portion of his active honorable military service. Any remaining military service not used at 2½ percent is credited at the lower percentage rates provided in part II.

If the Member does receive military retired pay, the creditability of his military service is determined under the Retirement Act provisions outlined in my letter to you dated July 14, 1964; that is, under the same rules applicable to employees in general. If the type of retired pay received by the Member falls under one of the exceptions not barring credit for military service, annuity credit for his active honorable military service is computed under the 1¼ or 2 percent steps of part II of the formula. If retired pay is not one of the accepted types, credit is of course barred for all of the Member's military service.

Sincerely yours,

ANDREW E. RUDDOCK,  
Director.

Mr. JOHNSTON. Mr. President, I move that the Senate recede from its amendment No. 3.

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

The motion was agreed to.

#### COMMISSIONING ADDRESS FOR U.S.S. "JAMES MADISON" BY HON. THOMAS D. MORRIS

Mr. MONRONEY. Mr. President, this week more muscle was added to one of America's great arms of defense when the *James Madison*, our 23d Polaris submarine, was commissioned at Newport News. I am pleased to offer for the RECORD the splendid address of the day made by the Honorable Thomas D. Morris, Assistant Secretary of Defense, Installations and Logistics, as the submarine was turned over to its well-trained officers and crewmen.

The commissioning honored the fourth President of the United States, who was known as the master builder of the Constitution and who guided the young Nation through the War of 1812.

I have personally met many of the officers and men who served on the *Madison* and have been tremendously impressed by their dedication of their abilities to keep America safe from enemy attack. Two complete crews will man the submarine. Comdr. Joseph L. Skoog, Jr., of Seattle, Wash., will command the blue crew, and Comdr. James D. Kearny, of Washington, D.C., will command the gold crew. The *James Madison* was launched on March 15, 1963.

I ask unanimous consent to have the address printed at this point in the RECORD.

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

COMMISSIONING ADDRESS FOR U.S.S. "JAMES MADISON" (SSBN-627) BY THE HONORABLE THOMAS D. MORRIS, ASSISTANT SECRETARY OF DEFENSE, INSTALLATIONS AND LOGISTICS, JULY 28, 1964, AT NEWPORT NEWS, VA.

Admiral Lowrance, ladies, and gentlemen; it is my pleasant duty today to express to the Navy, to the officers and crews of our 23d Polaris submarine, and to its builders—the deep gratitude and respect of our Government and of the citizens of the free world everywhere.

In a world where no major wars are now raging, it may seem inappropriate to dwell on the awesome destructive power that will be poised ready for launching, in this submarine. It is for this very reason that we speak of our deterrent force—a force to put potential enemies on notice that we have the weapons to retaliate overwhelmingly if attacked. Sixteen nuclear tipped missiles—which take their name from the North Star, Polaris—will soon be hidden somewhere in the vastness of the ocean—ready to rain destruction on a potential enemy, if all-out war should come.

Although we do not wish to rattle our missiles, or raise our weapons in threat, this submarine is an indisputable fact. It is a significant fact. The whole world now appreciates the military significance of the mobile Polaris missile system, as well as of the other weapons in our defense arsenal which include land-based missiles and weapons carried in aircraft. All three types are on constant alert; the submarines on station