

The legislative history developed by these sources is as follows:

a. The record of the Joint Hearings (1966) reflects the testimony of many knowledgeable witnesses in the field of military justice. One of the most knowledgeable witnesses was Chief Judge Robert E. Quinn, U.S. Court of Military Appeals. He stated that he was in substantial agreement with all the bills proposed by Senator Ervin (S. 745—S. 762) and that they were a step in the right direction. (Report of Joint Hearings at Page 277). In addition, the record of the Joint Hearings (1966) reveals the following items of legislative history concerning some of the above amendments.

(1) Amendment listed as "a." is similar to S. 751 discussed at pages 550-557 of the report of the Joint Hearings.

(2) Discussion of the amendment listed as "b." is encompassed in the discussion of S. 759 at pages 619-629.

(3) Amendment listed as "c." is a concept similar to that proposed in S. 752 discussed at pages 558-571.

(4) Amendment listed as "d." is similar to provisions of S. 750 discussed at pages 519-549 and S. 752 discussed at pages 558-571.

(5) Amendment listed as "e." is similar to S. 745 discussed at pages 464-474.

(6) Amendment listed as "f." is similar to S. 745 discussed at pages 464-474.

(7) Amendment listed as "g." is a concept similar in part to S. 748 discussed at pages 497-507.

(8) Amendment listed as "h." is similar to provisions of S. 748 discussed at pages 497-507.

(9) Amendment listed as "i." is similar to S. 749 discussed at pages 508-518.

(10) Amendment listed as "k." although not specifically considered in a proposed senate bill in the Eighty-ninth Congress, was considered in detail at the Joint Hearings. The concept of providing qualified counsel at special courts-martial was discussed by all of the services and DOD in their answers to questionnaires sent to them by the committee. Pages 876, 917, 940, 965.

b. The record of the Joint Reports of the Code Committee reveals the following items of legislative history concerning concepts or proposals similar to some of the above amendments:

Amendment a.—Pages 37-39, (1964 Report); page 3, (1965 Report); page 18, (1966 Report).

Amendment b.—Page 41, (1966 Report).

Amendment c.—Page 40, (1966 Report); pages 15-34, (1964 Report).

Amendment d.—Pages 31, 32, (1966 Report).

Amendment e.—Page 17, (1966 Report).

Amendment f.—Page 12, (1965 Report).

Amendment g.—Pages 18, 41, (1966 Report).

Amendment i.—Pages 18, 38, 39, (1966 Report).

Amendment j.—Page 37, (1966 Report).

Amendment k.—Pages 44, 59, (1966 Report).

c. The transcripts of the Committee Hearings in the House on H.R. 12705 and H.R. 15971 reveal the following items of legislative history.

(1) Amendment "c" provides that the convening authority would not have veto power over the accused's request for a single officer court. This would leave the approval of the accused's request solely within the sound discretion of the military judge. The arguments as to the appropriateness of the convening authority's veto power were presented in detail at pages 37-71 of the transcript of the 26 October 1967 hearing, and pages 8-10 of the transcript of the hearings of 14 March 1968.

(2) Amendment "k" provides for lawyer counsel at the request of the accused at special courts-martial when available. The need for lawyer counsel when a bad conduct discharge can be adjudged by a special

court-martial was discussed at the Armed Services Committee Hearing of 24 April 1968. In particular, the great need for lawyer counsel to defend all military accused was emphasized by Representative Hébert at page 14 of the transcript.

Without retracing the exact positions taken by persons interested in the subject matter of the amendments, the foregoing sampling demonstrates that the subject or substance of the amendments is not new matter, but has been exhaustively considered in prior legislative proceedings and reports to the Congress.

4. In addition, the substance of each amendment has been commented upon in detail in various Department of Defense (DOD) reports. The amendment listed as "j" was a separate legislative proposal and a part of the Defense legislative program for the second session of the 90th Congress. The Congress was furnished a detailed report concerning this proposal. The amendments listed as "e," "f," "g," and "h," were a portion of a sister bill proposed by the Department of Defense as a part of the Departments report on S. 2009. S. 2009 was introduced by Senator Ervin in the 90th Congress and contained in substance most of the bills proposed by him in the 89th Congress. The Department of Defense report stressed the need for the amendments listed as "e," "f," "g," and "h." This report was forwarded to the Congress.

GENERAL LEAVE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 days in which to extend their remarks on the bill H.R. 15971 just passed by the House.

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

There was no objection.

PROVIDING FOR PRINTING AS A HOUSE DOCUMENT "FEDERAL EDUCATIONAL POLICIES, PROGRAMS, AND PROPOSALS"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1961) on the concurrent resolution (H. Con. Res. 763) to provide for the printing as a House document a survey and handbook entitled "Federal Educational Policies, Programs, and Proposals," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 763

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document a survey and handbook entitled "Federal Educational Policies, Programs, and Proposals", and that two thousand copies be printed for the use of the Committee on Education and Labor, House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING OF REPORT ENTITLED "COMMERCIAL BANKS AND THEIR TRUST ACTIVITIES: EMERGING INFLUENCE ON THE AMERICAN ECONOMY"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1962) on the concurrent resolution (H. Con. Res. 797) providing for the printing of the report entitled "Commercial Banks and Their Trust Activities: Emerging Influence on the American Economy," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 797

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committee on Banking and Currency of the House of Representatives two thousand copies of the two-volume subcommittee print entitled "Commercial Banks and Their Trust Activities: Emerging Influence on the American Economy," a staff report prepared for the Subcommittee on Domestic Finance of the Committee on Banking and Currency.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LISTING OF OPERATING FEDERAL ASSISTANCE PROGRAMS AS COMPILED DURING THE ROTH STUDY

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration I submit a privileged report (Rept. No. 1963) on the concurrent resolution (H. Con. Res. 801) listing of operating Federal assistance programs as compiled during the Roth study, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 801

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document the listing of operating Federal assistance programs as compiled during the Roth study and which appear in the Congressional Record of June 25, 1968, pages H5441 to H5585, inclusive, and that five thousand four hundred and twenty additional copies shall be printed, of which four thousand three hundred and ninety shall be for use by the House of Representatives and one thousand and thirty shall be for the use of the Senate.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE PRINTING AS A HOUSE DOCUMENT OF THE BIBLIOGRAPHICAL LIST ENTITLED "HUNGARIANS IN RUMANIA AND TRANSYLVANIA," PREPARED BY THE LIBRARY OF CONGRESS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration I submit a privileged report (Rept. No. 1964) on the resolution (H. Res. 497)

providing for the printing as a House document of the bibliographical list entitled "Hungarians in Rumania and Transylvania," prepared by the Library of Congress, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 497

Resolved, That there shall be printed as a House document the bibliographical list entitled "Hungarians in Rumania and Transylvania," prepared by the Library of Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO PRINT AS A HOUSE DOCUMENT THE EULOGY PROCEEDINGS ON FORMER REPRESENTATIVE HUBERT B. SCUDDER

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1965) on the resolution (H. Res. 1280) to print as a House document the eulogy proceedings on former Representative Hubert B. Scudder, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1280

Resolved, That there shall be printed as a House document such tributes and encomiums as were made in the Congress on the occasion of the passing of the Honorable Hubert B. Scudder, former Representative in Congress of the First District of California and a distinguished public servant. This document shall be published in such typographical design and case binding as directed by the Joint Committee on Printing.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF "COMPILATION OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 1966) on the resolution (H. Res. 1301) authorizing the printing of "Compilation of the Housing and Urban Development Act of 1968," and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1301

Resolved, That there shall be printed twenty-four hundred copies of the committee print entitled "Compilation of the Housing and Urban Development Act of 1968" for the use of the Committee on Banking and Currency.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 421]

Abbitt	Green, Pa.	Morris, N. Mex.
Adair	Gross	Morton
Ashley	Gurney	Mosher
Ashmore	Hagan	Moss
Aspinall	Haley	Murphy, N.Y.
Ayres	Halleck	Nichols
Barrett	Hammer-	O'Hara, Ill.
Belcher	schmidt	Ottinger
Bell	Hanna	Patman
Berry	Harsha	Pettis
Bevill	Harvey	Pickle
Blanton	Hathaway	Pollock
Blatnik	Hawkins	Pryor
Boggs	Hays	Rallsback
Bow	Hébert	Reifel
Brooks	Heckler, Mass.	Reinecke
Brown, Calif.	Helstoski	Resnick
Broyhill, N.C.	Henderson	Riegle
Burke, Fla.	Herlong	Roberts
Burton, Utah	Hicks	Robison
Bush	Hollifield	Rogers, Colo.
Button	Howard	Rosenthal
Cabell	Hull	Roudebush
Casey	Hungate	Roush
Clancy	Jacobs	Ruppe
Clark	Jones, N.C.	Ryan
Clausen,	Karsten	Sandman
Don H.	Keith	Scheter
Conyers	King, Calif.	Schweiker
Cowger	Kirwan	Selden
Cunningham	Kleppe	Shipley
Curtis	Kluczynski	Sisk
Denney	Kupferman	Smith, Calif.
Devine	Kyl	Smith, Okla.
Dickinson	Kyros	Stafford
Diggs	Laird	Staggers
Dow	Landrum	Stelger, Ariz.
Dwyer	Langen	Stratton
Edwards, Calif.	McCarthy	Sullivan
Edwards, La.	McClory	Thompson, N.J.
Eilberg	McFall	Thomson, Wis.
Erlenborn	Madden	Tunney
Evans, Colo.	Martin	Utt
Everett	Mathias, Calif.	Waldie
Evins, Tenn.	Mathias, Md.	Walker
Fascell	Matsunaga	Wampler
Fisher	Meeds	Watkins
Ford, Gerald R.	Michel	Wiggins
Gallfanakis	Miller, Calif.	Willis
Gallagher	Minshall	Wilson, Bob
Gardner	Montgomery	Wilson,
Giulmo	Moore	Charles H.
Gray	Moorhead	Wright

The SPEAKER. On this rollcall 274 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EQUAL TIME FOR TELEVISION DEBATE

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, I take this time to read from the AP ticker the word that Minority Leader EVERETT DIRKSEN, "without mentioning a filibuster, says that Senate Republicans will resist with the means at our command" to block passage of the equal time bill that survived historic locked-door debate in the House. The article goes on to state "that DIRKSEN made it clear in an interview after the 27½-hour House debate on the measure ended Wednesday, that Senate Republicans have no intention of letting the bill become law."

It seems to make very specious, the argument which was used by our Republican colleagues in the House, that the attempted filibuster all night was on the congressional reform bill.

I think this is a very definite indication of the fact that Mr. Nixon is afraid to meet with Mr. HUMPHREY and Mr. Wallace. It is a sad commentary for the American people that they will be denied their right to see all candidates in direct confrontation and that the Republicans in Congress will go to any length to see to it that this denial will be enforced.

CORRECTION OF THE RECORD

Mr. CELLER. Mr. Speaker, I ask unanimous consent to make a correction in the Record of yesterday. On page H9629, the third column, line 14, the date of 1830 appears. It should be 1820.

I ask unanimous consent that the permanent Record be corrected accordingly.

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

There was no objection.

PERSONAL EXPLANATION

(Mr. DULSKI asked and was given permission to address the House for 1 minute.)

Mr. DULSKI. Mr. Speaker, I was absent on rollcall No. 367. Had I been present I would have voted "yea."

ME THE PRESIDENT'S DECISION TO SELL PHANTOM JETS TO ISRAEL

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARBSTEIN. Mr. Speaker, I think that I could not allow this time to go by without making some mention about the fact that the President of the United States has finally decided to sell Israel Phantom jets and that the Foreign Minister of Israel has made an important proposal to the United Nations. I learned about it too late to make a statement yesterday.

But, Mr. Speaker, I truly believe that the President should be congratulated for his decision in this matter.

I think the Israel Government is to be commended for the judicious, thoughtful and reasonable proposals for peace in the Middle East that Foreign Minister Abba Eban presented to the United Nations on Tuesday. I say again, Mr. Speaker, that President Johnson is to be commended for authorizing immediate negotiations with Israel for the sale of supersonic jet fighters to restore the balance of power in that region. Thus, in the brief period of a few days, we see encouraging signs that the immobility which has characterized relations between the nations of that region may be over. I regard both these moves as important steps toward peace. Let me say further that I believe the action of the Congress in recommending the sale of Phantom jets to Israel carried

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great weight with President Johnson in coming to his conclusion.

The Israeli proposals, as submitted to the United Nations, are both comprehensive and generous. They do not ignore the grievance of the Arabs any more than they are un mindful of the security needs of Israel. Mr. Eban presented the outline for resolution of the problem of Jerusalem, as well as the festering dilemma of the Arab refugees of the successful Middle Eastern wars. Certainly there is much within these proposals that the Arab States can embrace. They were submitted in a spirit of conciliation, with a willingness to take into account conflicting points of view. I pray that President Nasser and his fellow heads of the Arab States will see that all the people of the Middle East—both Jew and Moslem—will benefit from an end of this protracted mutual hostility. I entreat these leaders to respond sympathetically to the Israeli offer of comity.

President Johnson's decision also brings hope for peace. I think it is fair to say that the temptation of the Arab States grows in proportion to the military superiority they see themselves as holding over Israel. The war of 1967 was a major miscalculation on their part, but they continue to examine their relationship to Israel in these terms. Over and over again, we have heard Arab chiefs say they will make war on Israel as soon as they are ready—as if it is Israel's duty to stand by and wait for its extermination. The delivery of the Phantom jets will dampen Arab expectations. Soviet arms shipments may continue, as they have at a growing pace since the June war, but America's delivery of the Phantom jets will demonstrate that Arab rearmament will be matched, item for item. Perhaps the President's announcement will persuade the Arab leadership to pause and recognize how foolish it is to maintain the escalation of the arms race.

I thus congratulate Mr. Eban and his assistants, as I do our own President, for stepping forth manfully in the quest for peace.

DAY OF COURAGE

(Mr. CAREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAREY. Mr. Speaker, I take this time to comment on the momentous events of this week that took place and to accentuate the display of courage that occurred on October 9, a day which is marked with courage because it, of course, is the day on which we commemorate Leif Ericson, the great Norwegian explorer.

And you will recall that the nominee, the Vice President of the United States, the nominee of the Democratic Party for the Presidency of the United States this year, proudly claims origins in the Norwegian people. And our courageous candidate, HUBERT HORATIO HUMPHREY, of course, with his great spirit is fully prepared to do battle anywhere, on television or on radio, if he can only find someone to battle with him.

Mr. Speaker, I ask the House now, in light of this display of courage by our

candidate, can it be true that the Republican candidate, big, bold, brave Richard M. Nixon, who says he is unafraid to face the Russian bear, may be afraid to face the NBC peacock?

CORRECTION OF THE RECORD

Mr. UDALL. Mr. Speaker, I ask unanimous consent to correct the RECORD for yesterday on page H9670, where I was quoted as saying that an Indian tribe had 100,000 people. It should read 12,000 people.

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

There was no objection.

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. FEIGHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A JOB WELL DONE

(Mr. CONTE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, now that the smoke has cleared, and everyone has rested after our record-breaking 32-hour session, I want to take this opportunity to commend our House reading clerks, Joseph Bartlett and Charles Hackney, and John Jenkins, acting tally clerk, John J. Moorconis, temporary assistant tally clerk, the guardians of the rollcall, who worked through the 48 such rollcalls, innumerable parliamentary inquiries, and the business transacted during our marathon session. We should all commend them for services far and above and well beyond the call of duty—or should I say the call of the roll?

I personally thank the House reading clerks and the Official Reporters of Debates for a job well done.

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

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding, and I certainly want to associate myself with his remarks, but I believe the whole House would also join me in paying tribute to the Speaker, Mr. McCORMACK. No man has ever conducted himself with greater dignity and decorum and preserved the principles of fair play and parliamentary integrity in this House better, and with greater dignity than Speaker McCORMACK himself, and he stayed with us throughout the whole period. While younger men had to seek rest, the Speaker personally directed order in the House throughout the 32 hours. This is not only a tribute to his integrity but his stamina as well.

It is indeed living proof of his great courage and great dedication. In the entire history of the Congress, I am sure that no Speaker has ever been put to a more severe and exhausting test than

Speaker McCORMACK and no Speaker has equaled Mr. McCORMACK's dignity under such trying conditions. I am sure I speak for all Members in pointing out his achievement is historic and unprecedented. As far as I am concerned, Mr. McCORMACK can remain Speaker of this House just as long as he personally desires.

Mr. CONTE. I certainly want to join with the gentleman from Illinois in those remarks. They are well deserved. The Speaker showed fantastic stamina, great courage, and outstanding leadership and it is a great tribute to him.

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

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I would like to commend the reading clerks also, because they spelled my name correctly in the 39 rollcalls that I missed.

CORRECTION OF ROLLCALLS

Mr. BROCK. Mr. Speaker, on rollcall No. 406 and rollcall No. 411, on October 8, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

[Mr. WIDNALL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

OEO FINANCES YIPPIE LEADER

(Mr. WATSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WATSON. Mr. Speaker, after so many scandals in the administration's poverty program, it would appear that one would just become numb with disbelief. But, a story which appeared in the Washington Post this morning should shock even the most ardent OEO supporter.

According to an Associated Press article originating in New York, a spokesman for the Human Resources Administration, an OEO-financed program, admitted that Yippee leader Abbie Hoffman has been on the payroll as a \$40-a-day consultant. He went on the payroll July 15 and received money for a total of 17 so-called working days before being dropped from the program September 30.

In fact, he remained on the payroll right up to the day he was to appear before the House Committee on Un-American Activities. Had the committee not subpoenaed Hoffman, he would no doubt still be receiving antipoverty funds.

Numerous instances have been shown where the taxpayers' money was squandered on ill-conceived poverty projects that benefited professional rioters and criminals, but in allowing Abbie Hoffman

to get on the payroll, the OEO has sunk to a new low.

Hoffman played a prominent role in the violence which occurred in Chicago during the Democratic National Convention. As a leader of the Youth International Party, or Yippies, Hoffman is a self-professed revolutionary with an appalling record of un-American activity.

Just recently Hoffman and his fellow-conspirators appeared before the House Committee on Un-American Activities in connection with the Chicago demonstrations.

As the hearings have already pointed out, Hoffman and the other notorious student leaders of the "New Left" plan the overthrow of the Government by any means.

It is just incredible that despite untold occasions of fraud and corruption in the so-called poverty program, OEO bureaucrats continue to pour tax dollars into programs which finance revolution.

This is the first time in history that the financial resources of a nation are directly allotted to those who are actively engaged in its overthrow.

The war on poverty is nothing more than a war on the hard-working American taxpayer. If OEO can give \$40 a day to the likes of Abbie Hoffman today, then it is conceivable that it would give \$4 million a day to someone like Fidel Castro tomorrow. After all, there is not 10 cents worth of difference in the political philosophy of Hoffman and Castro.

CONFERENCE REPORT ON H.R.
17735, GUN CONTROL ACT OF
1968

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, and ask unanimous consent that the statement of the Managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 9 (legislative day, October 8) 1968.)

The SPEAKER. The gentleman from New York [Mr. CELLER] is recognized for 1 hour.

Mr. CELLER. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. McCulloch] and yield myself such time as I may take.

Mr. Speaker, the conference report on H.R. 17735 represents many long hours of painstaking work on the part of staff and Members of both bodies. Seven House Members and 13 Senators served as conferees.

I believe that the conference report contains a fair, reasonable, and effective compromise of the views of the two Houses on what was one of the most controversial and most intricate pieces of legislation that I personally have encountered in my service in the Congress.

The conference report contains a preponderance of the provisions of the bill as it passed the House. Let me illustrate:

First. Restrictions on firearms and ammunition transactions involving certain persons: The conference report adopts the House version prohibiting narcotic addicts, drug users and mental defectives from shipping, transporting or receiving firearms or ammunition. The Senate version did not contain such a provision.

Second. Imports: The conference report also adopts the provision contained in the House bill barring the importation of all military surplus firearms. The Senate amendment did not contain such a provision.

Third. Veterans not barred from receiving, possessing, or transporting firearms unless dishonorably discharged: The conference report adopts a provision contained in the House bill, but not in the Senate version, which lifts a ban under existing law on certain veterans from receiving, possessing, or transporting firearms. The conference substitute adopts the House bill.

Fourth. Purchase of replacement rifle or shotgun: The conference report substitute also carries forward a provision in the House bill, which was not contained in the Senate version which permits, under specified circumstances, the purchase of a replacement rifle or shotgun by one outside of his State of residence if his rifle or shotgun is lost or stolen or becomes inoperative while he is hunting or participating in an organized rifle or shotgun match.

The House version prevailed in that regard.

The conference report contains several other significant provisions which were either contained in the House bill or in the Senate bill, or in both, but which were amended as a result of the give and take and compromise of a free and open conference. Among these are the following:

First. Exemption for shipments of firearms and ammunition for the promotion of civilian marksmanship program.

Under the House bill, shipments of firearms and ammunition which the Secretary of the Army is authorized to make to certain persons, institutions, and organizations under the civilian marksmanship program were exempt. The transportation of such firearms and ammunition by the recipients was also made exempt while the recipients were engaged in military training or in competitions. No comparable provision was contained in the Senate amendment.

The conference report conforms to the House bill but makes clear that the intent of the provision is to exempt only the shipment of firearms or ammunition by the Secretary of the Army when sold or issued by him under the civilian marksmanship program, to exempt the receipt of such firearms or ammunition and to exempt its transportation when made to enable a person to engage in military training or in competitions.

Second. Ammunition: Under the House bill the coverage of ammunition transactions was limited to ammunition for destructive devices and revolver and pis-

tol ammunition. Rifle and shotgun ammunition and .22-caliber-rimfire ammunition—useful in many handguns—was specifically omitted from the bill. This was a central point of disagreement between the House and the Senate conferees. The conference report contains the ammunition provisions of the Senate amendment. Those provisions include all ammunition and components of ammunition for all firearms.

Third. Licensed collectors: Both the House bill and the Senate amendment contained provisions establishing a category of "licensed collector," and provided for the licensing of firearms collectors by the Secretary of the Treasury, and conferred upon such licensed collectors certain benefits and exemptions under the act. The Senate version better defined the rights and privileges of collectors, their qualifications to be licensed, and the authority of the Secretary of the Treasury in relation to them. The conference substitute adopts the Senate provisions. In my opinion, these provisions suitably effectuate the intent of this House with respect to firearms collectors.

Fourth. Use of firearms in commission of crimes: Both the House bill and the Senate amendment imposed additional penalties for the use of firearms in the commission of Federal crimes. The House bill provided for a sentence of from 1 to 10 years for a first offense, and a sentence of from 5 to 25 years for a second or subsequent offense.

The House bill further provided that such sentence could not be suspended, that probation could not be granted, and that such sentence could not be imposed to run concurrently with any sentence imposed for the commission of the base felony. The Senate amendment provided for the imposition of a sentence of an indeterminate number of years up to life, and further provided that in the case of a second or subsequent conviction the court could not suspend the sentence or grant probation.

Under the conference report, a first offender, if convicted of using a firearm to commit, or carrying a firearm unlawfully during the commission of, a Federal felony would be subject to imprisonment for not less than 1 year nor more than 10 years. A second or subsequent offender, upon conviction, would be subject to imprisonment for not less than 5 nor more than 25 years and no probation or suspended sentence could be granted. The conference substitute does not bar concurrent sentencing nor does it preclude the grant of probation or suspended sentence by the court in the case of the first offender.

Fifth. National Firearms Act amendments: The Senate version contained amendments not in the House bill revising the Internal Revenue Code of 1954 as it relates to machineguns, destructive devices, and certain other firearms. One of the principal purposes of this provision was to bring within the scope of the National Firearms Act—heretofore covering gangster-type weapons, such as machineguns, sawed-off shotguns, and deceptive weapons, such as flashlight guns, fountain pen guns, et cetera—destructive