

TRUST TERRITORY OF THE PACIFIC ISLANDS

The Clerk called the bill (H.R. 3198) to promote the economic and social development of the Trust Territory of the Pacific Islands, and for other purposes.

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

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

Mr. ASPINALL. Mr. Speaker, reserving the right to object, would my friend, the gentleman from Michigan [Mr. Ford], please state his reasons for the request so that the committee chairman may be advised as to whether or not to seek a rule on this particular matter. This is a very important piece of legislation as far as the trust territory is concerned. The committee handling the legislation has met all of the objections of the various departments. We have stricken section 3, which had to do with immigration and naturalization matters, from the bill. The other departments concerned are now favorable to the passage of the bill. It came to the Committee on Interior and Insular Affairs because of our general jurisdiction over the trust territory.

Mr. FORD. I am concerned as to whether or not the initiation of such a program at a relatively small amount per year is only the kickoff for an ever-expanding, never-ending program as far as we are concerned.

Mr. ASPINALL. May I answer my colleague to the effect that it is not. This simply gives to the trust territory the opportunity of having certain benefits which will amount annually to approximately \$150,000 as of this time and, unless the benefits are expanded for the other areas of the United States, the amount provided in this legislation will remain constant. This also gives to the trust territory certain authority relative to the operation of ships in these waters, which authority they very badly need at the present time.

Mr. FORD. In other words, this is not an opening wedge for a vastly expanded program in the future?

Mr. ASPINALL. The gentleman is exactly correct.

Mr. FORD. Mr. Speaker, I withdraw my unanimous-consent request.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is hereby amended by inserting at the end thereof the following new subsection (b) and by designating the existing section as subsection (a):

"(b) The head of any department, corporation, or other agency of the executive branch of the Government may, upon the request of the Secretary of the Interior, extend to the Trust Territory of the Pacific Islands, with or without reimbursement, scientific, technical, and other assistance under any program administered by such agency that will promote the welfare of the Trust Territory notwithstanding any provision of law under which the Trust Territory of the Pacific Islands may otherwise be ex-

cluded from such program: *Provided*, That the Secretary of the Interior shall not request assistance pursuant to this subsection that involves, in the aggregate, an estimated nonreimbursable cost in any one fiscal year in excess of \$150,000. The provisions of this subsection shall not apply to financial assistance under a grant-in-aid program."

Sec. 2. Effective January 1, 1963, the Act of June 30, 1954 (68 Stat. 330), is further amended by adding at the end thereof the following new section 3:

"Sec. 3. (a) For the purposes of section 301 of the Tariff Act of 1930, as amended (19 U.S.C. 1301a), the Trust Territory of the Pacific Islands shall be considered to be an 'insular possession' as that term is used therein, except that the section shall not apply to any fishery products processed in the Trust Territory from fish or fish products landed in the Trust Territory of the Pacific Islands under conditions which would preclude such landings in ports of the United States under section 4311 of the Revised Statutes, as amended (46 U.S.C. 251). The foregoing exception shall not apply to vessels sailing under the American flag and to vessels sailing under a Trust Territory flag manned by crews, two-thirds of which are citizens of the United States or of the Trust Territory. The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the purposes of this section.

"(b) In the event that the President shall determine that the underlying economic factors affecting the production and trade of such Trust Territory has changed so that the duty free entry of any article under this section results, or threatens to result, in substantial injury to the competitive trade of any contracting party to the General Agreement on Tariffs and Trade, the duty free entry of such article under this section shall be suspended, in whole or in part, for such specified periods as he shall proclaim."

Sec. 3. The Act of June 27, 1952 (66 Stat. 163), as amended, is further amended by adding at the end of title II thereof the following new section 292:

"Sec. 292. (a) Nothing contained in this title shall be construed so as to limit, restrict, deny, or affect the coming into or departure from the United States of a native of the Trust Territory of the Pacific Islands who presents a valid identity certificate issued by the High Commissioner of such Territory: *Provided*, That nothing contained in this section shall be construed to give or to confer upon any such native any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

"(b) The High Commissioner of the Trust Territory shall issue an identity permit, upon request, to any native of such Territory who resided in the Territory on July 18, 1947, including a native temporarily absent from the islands on that date, and to any native of such Territory who was subsequently born there, if after that date or after his birth he continued to reside in the Trust Territory or in the United States, its territories or possessions, and if he is not a citizen or national of a foreign country and has taken no affirmative steps to acquire foreign nationality.

"(c) Any person who comes to the United States pursuant to the provisions of this section shall, upon completion of the residence and physical presence requirements of section 316(a) of this Act, be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such coming, for the purpose of petitioning for naturalization."

Sec. 4. Subsection 303(1) of the Communications Act of 1934 (48 Stat. 1082), as amended (47 U.S.C. 303(1)), is hereby amended by inserting the words: ", or natives of the Trust Territory of the Pacific Islands

presenting valid identity certificates issue by the High Commissioner of such Territory," immediately following the words "citizens or nationals of the United States".

Sec. 5. The revolving fund authorized by the Department of the Interior and Related Agencies Appropriation Act, 1956 (69 Stat. 141, 149), to be available during fiscal year 1956 for loans to locally owned private trading companies in the Trust Territory of the Pacific Islands, which revolving fund has been continued by subsequent annual appropriation Acts, is hereby abolished, and the total assets of the revolving fund are contributed as a grant to the Government of the Trust Territory for use as a development fund within the Trust Territory of the Pacific Islands.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That section 1 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is hereby amended by inserting at the end thereof the following new subsection (b) and by designating the existing section as subsection (a):

"(b) The head of any department, corporation, or other agency of the executive branch of the Government may, upon the request of the Secretary of the Interior, extend to the Trust Territory of the Pacific Islands, with or without reimbursement, scientific, technical, and other assistance under any program administered by such agency, or extend to the Trust Territory any Federal program administered by such agency, if the assistance or program will promote the welfare of the Trust Territory, notwithstanding any provision of law under which the Trust Territory may otherwise be ineligible for the assistance or program: *Provided*, That the Secretary of the Interior shall not request assistance pursuant to this subsection that involves, in the aggregate, an estimated nonreimbursable cost in any one fiscal year in excess of \$150,000: *Provided further*, That the cost of any program extended to the Trust Territory under this subsection shall be reimbursable out of appropriations authorized and made for the government of the Trust Territory pursuant to section 2 of this Act, as amended. The provisions of this subsection shall not apply to financial assistance under a grant-in-aid program."

Sec. 2. Effective January 1, 1963, the Act of June 30, 1954 (68 Stat. 330), is further amended by adding at the end thereof the following new section 3:

"Sec. 3. (a) The provisions of section 301 of the Tariff Act of 1930, as amended (19 U.S.C. 1301a) shall be applicable to articles coming into the United States from the Trust Territory of the Pacific Islands except fishery products processed in the Trust Territory from fish or fish products landed in the Trust Territory under conditions which would preclude such landings in ports of the United States under section 4311 of the Revised Statutes, as amended (46 U.S.C. 251). The foregoing exception shall not apply to vessels sailing under the American flag and to vessels sailing under the Trust Territory flag manned by crews, two-thirds of which are nationals of the United States as defined in sections 101(a)(22) and 308 of the Act of June 27, 1952 (66 Stat. 169, 238; 8 U.S.C. 1101(a)(22), 1408) or citizens of the Trust Territory. The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the purposes of this section.

"(b) In the event that the President shall determine that the underlying economic factors affecting the production and trade of such Trust Territory has changed so that the duty-free entry of any article under this section results, or threatens to result, in substantial injury to the competitive trade of any contracting party to the

General Agreement on Tariffs and Trade, the duty-free entry of such article under this section shall be suspended, in whole or in part, for such specified periods as he shall proclaim.

"Sec. 3. Subsection 303(1) of the Communications' Act of 1934 (48 Stat. 1082), as amended (47 U.S.C. 303(1)), is hereby amended by inserting the words: ', or citizens of the Trust Territory of the Pacific Islands presenting valid identity certificates issued by the High Commissioner of such Territory,' immediately following the words 'citizens or nationals of the United States'.

"Sec. 4. The revolving fund authorized by the Department of the Interior and Related Agencies Appropriation Act, 1956 (69 Stat. 141, 149), to be available during fiscal year 1956 for loans to locally owned private training companies in the Trust Territory of the Pacific Islands, which revolving fund has been continued by subsequent annual appropriation Acts, is hereby abolished, and the total assets of the revolving fund are contributed as a grant to the government of the Trust Territory for use as a development fund within the Trust Territory of the Pacific Islands."

The committee amendment was agreed to.

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

REINDICTMENT AFTER DISMISSAL OF A DEFECTIVE INDICTMENT

The Clerk called the bill (H.R. 7219) to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3288 of title 18, United States Code, is amended to read as follows:

"§ 3288. Indictment where defect found after period of limitations

"Whenever an indictment is dismissed for any error, defect, or irregularity with respect to the grand jury, or an indictment or information filed after the defendant waives in open court prosecution by indictment is found otherwise defective or insufficient for any cause, after the period prescribed by the applicable statute of limitations has expired, a new indictment may be returned in the appropriate jurisdiction within six calendar months of the date of the dismissal of the indictment or information, or, if no regular grand jury is in session in the appropriate jurisdiction when the indictment or information is dismissed, within six calendar months of the date when the next regular grand jury is convened, which new indictment shall not be barred by any statute of limitations."

Sec. 2. That section 3289 of title 18, United States Code, is amended to read as follows:

"§ 3289. Indictment where defect found before period of limitations

"Whenever an indictment is dismissed for any error, defect, or irregularity with respect to the grand jury, or an indictment or information filed after the defendant waives in open court prosecution by indictment is found otherwise defective or insufficient for any cause, before the period prescribed by the applicable statute of limitations has expired, and such period will expire within six calendar months of the date of the dismissal of the indictment or information, a new indictment may be returned in the ap-

propriate jurisdiction within six calendar months of the expiration of the applicable statute of limitations, or, if no regular grand jury is in session in the appropriate jurisdiction at the expiration of the applicable statute of limitations, within six calendar months of the date when the next regular grand jury is convened, which new indictment shall not be barred by any statute of limitations."

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

RED ROCK DAM AND LAKE RED ROCK, IOWA

The Clerk called the bill (H.R. 1135) to designate the dam being constructed and the reservoir to be formed on the Des Moines River, Iowa, as the Red Rock Dam and Lake Red Rock.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam now being constructed on the Des Moines River in Iowa, authorized by the Flood Control Act of June 28, 1938 (52 Stat. 1216; Public Law 761, Seventy-fifth Congress), and which will create a reservoir in Polk and Marion Counties, Iowa, shall be known and designated hereafter as "Red Rock Dam" and the reservoir formed by such dam shall be known and designated as "Lake Red Rock". Any law, regulation, map, document, record, or other paper of the United States in which such dam and reservoir are referred to shall be held to refer to such dam as the "Red Rock Dam" and to such reservoir as "Lake Red Rock".

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

LOCAL RIGHTS IN FEDERALLY CONSTRUCTED RESERVOIRS

The Clerk called the bill (H.R. 1696) defining the interest of local public agencies in water reservoirs constructed by the Government which have been financed partially by such agencies.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, cognizant that many States and local interests have in the past contributed to the Government, or have contracted to pay to the Government over a specified period of years, money equivalent to the cost of providing for them water storage space at Government-owned dams and reservoirs, constructed by the Corps of Engineers of the United States Army, and that such practices will continue, and that no law defines the duration of their interest in such storage space, and realizing that such States and local interests assume the obligation of paying substantially their portion of the cost of providing such facilities, their right to use may be continued during the existence of the facility as hereinafter provided.

Sec. 2. That this Act be applicable to all dams and reservoirs heretofore or hereafter constructed by the United States Government (acting through the Corps of Engineers of the United States Army) wherein either a part of the construction cost thereof shall have been contributed or may be contributed

by States or local interests (hereinafter called "local interests") or local interests have acquired or may acquire rights to utilize certain storage space thereof by making payments during the period of such use as specified in the agreement with the Government and wherein the amount of money paid, exclusive of interests, is equivalent to the cost of providing that part of such dam and reservoir which is allocated to such use, whether such share of cost shall have been determined by the "incremental cost" method or by the "separable costs-remaining benefits" method or by any other method. Included among the dams and reservoirs affected by this Act are those constructed by the Corps of Engineers of the Department of the Army, but nothing in this Act shall be construed to affect or modify section 8 of the Flood Control Act of 1944.

Sec. 3. The right thus acquired by any such local interest is hereby declared to be available to the local interest so long as the space designated for that purpose may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation, limited to the term of years which may be prescribed in any lease agreement or other agreement with the Government, but the enjoyment of such interest will remain subject to performance of its obligations prescribed in such lease agreement or agreement executed in reference thereto. Such obligations will include continued payment of annual operation and maintenance costs allocated to water supply. In addition, local interests shall bear the costs allocated to the water supply of any necessary reconstruction, rehabilitation, or replacement of project features which may be required to continue satisfactory operation of the project. Any affected local interest may utilize such facility so long as it is operated by the Government. In the event that the Government concludes that it can no longer usefully and economically maintain and operate such facility, the responsible department or agency of the Government is authorized to negotiate a contract with the affected local interest under which the local interest may continue to operate such part of the facility as is necessary for utilization of the storage space allocated to it, under terms which will protect the public interest and provided that the Government is effectively absolved from all liability in connection with such operation.

Sec. 4. Upon application of any affected local interest its existing lease or agreement with the Government will be revised to evidence the conversion of its rights to the use of the storage as prescribed in this Act.

With the following committee amendments:

Page 3, line 7, insert "and not" before the word "limited".

Page 3, line 9, strike out "interest" and insert in lieu thereof "right".

The committee amendments were agreed to.

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

STATE OF NEW MEXICO

The Clerk called the bill (H.R. 4785) for the relief of the State of New Mexico.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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