

## HOUSE OF REPRESENTATIVES—Monday, May 19, 1969

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*I urge that supplications, prayers, intercessions, and thanksgivings be made for all men.—I Timothy 2: 1.*

Almighty God, our Heavenly Father, who art with our astronauts flying through space and who art with us walking on this planet, make us positive factors in the world's fields of endeavors as we seek to extend our knowledge of the universe, to cultivate justice among men, peace between nations, and good will in the hearts of all men.

Make plain Thy path, help us to see it clearly and then give us courage to walk in it knowing Thou art with us all the way.

In this troubled time save us from the hot fever of foolish action and from the cold fear which would make futile any activity on our part. May Thy spirit live in us and in so doing lead us to a life together where men may live with dignity, self respect, and understanding love.

Bless our astronauts, bless Thou the men and women in our Armed Forces; may their contribution and ours become a blessing to our Nation and to all mankind. Amen.

### THE JOURNAL

The Journal of the proceedings of Thursday, May 15, 1969, was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6269. An act to provide for the striking of medals in commemoration of the 300th anniversary of the founding of South Carolina.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1011) entitled "An act to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. MOSS, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

### THE LATE MRS. JOHN FOSTER DULLES

(Mr. McCORMACK asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, one of the greatest men and one of the most outstanding Americans that I ever met in my journey through life was the late John Foster Dulles, who for a number of years was Secretary of State, and who rendered outstanding service in our country's behalf. I had the pleasure on several occasions of meeting Mrs. Dulles, a very sweet lady, a wonderful character, and one who by her love showed her dedication to the career of her great husband, making every sacrifice necessary to help him to perform the responsible and grave duties of his office during the most trying period of our Nation's and the world's history.

I was very sorry a few days ago to read in the newspapers of the death of Mrs. Dulles. I want to take this time to express my deep sorrow in the passing of this charming lady whose beautiful outlook on life inspired everyone who knew her or who knew of her.

During the life of her late distinguished husband she cooperated with him in a manner that inspired him and encouraged him to carry on the great work that he was called upon to perform in connection with the national interest of our country.

Mr. Speaker, I express my deep sorrow in the passing of Mrs. Dulles and I extend to her sons and her daughter and other loved ones the deep sympathy of both Mrs. McCormack and myself in their bereavement.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished Speaker yield?

Mr. McCORMACK. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, it is typical of the distinguished Speaker's wonderful attitude toward fine people, to take the well of the House on this occasion to take note of and make comment concerning the passing of Mrs. Dulles.

Mr. Speaker, the former Secretary of State served not only a Republican President but several Democratic Presidents in various capacities. He was a great public servant. Mrs. Dulles contributed significantly to his doing what he saw was right on behalf of our country.

I believe the country has lost a great lady in Mrs. Dulles, the wife of a great public servant.

Mr. McCORMACK. I appreciate very much the contribution of my friend, the distinguished minority leader.

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

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I wish to commend the distinguished Speaker of the House the gentleman from Massachusetts, (Mr. McCORMACK), for making these remarks in tribute to Mrs. Dulles. As I am sure the Speaker is well aware, Mrs. Dulles was a native of Auburn, N.Y., the center of my congressional district and, in fact, she first met

the late Secretary of State Dulles when his father was serving as pastor of the Presbyterian Church in Auburn. I know the people of Auburn who knew her and the Secretary are saddened, as we all are, in her passing.

Mr. Speaker, I want to join with the distinguished Speaker in extending our deepest sympathy to the members of the family who remain.

Mr. McCORMACK. I appreciate the remarks of the gentleman from New York.

### THE LATE HONORABLE CHARLES A. WOLVERTON

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

Mr. HUNT. Mr. Speaker, I regret to inform my colleagues of the death of our former and distinguished colleague, the Honorable Charles A. Wolverton, who served in the House of Representatives for 32 years, longer than any other New Jersey Member.

Prior to his election to the 70th Congress in 1926, Mr. Wolverton, a native of Camden, N.J. and a 1900 graduate of the University of Pennsylvania Law School, served as assistant prosecutor of Camden County, a special assistant attorney general of New Jersey in 1913-14, and a member of the New Jersey Assembly from 1915-18, being named speaker of that body in 1918. He then served as Camden County prosecutor until being elected to the U.S. House of Representatives.

During his 16 consecutive terms as Representative from New Jersey's First Congressional District, Charles Wolverton served with honor and distinction, rising to the chairmanship of the House Interstate and Foreign Commerce Committee. His interests were many and varied; always diligent in his tireless and selfless efforts to represent all the people, he was a man of high principle, a statesman, a man of impeccable integrity. We are indeed fortunate to have had the benefit of his wisdom and leadership in his prime years and it is with the deepest respect that I pay tribute to this true Christian gentleman and lifelong public servant.

Upon Congressman Wolverton's retirement from the House in 1958, the Honorable WILLIAM T. CAHILL was elected to the First District until in 1967, it became my honor and privilege to represent this District following re-districting. Mr. CAHILL is unavoidably absent today from the House on official business, and joins me in this tribute to our close friend and former colleague.

For the benefit of the Members of the House, Mr. Wolverton passed away at 6 p.m., May 16 at Our Lady of Lourdes Hospital, Camden, N.J. at the age of 88 years. I am informed that services and burial are to be private.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I am happy to yield to the

minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. It was my privilege to serve with Charlie Wolverton for 10 years. All who knew him loved him. He was kindly, friendly, and most solicitous of the newer and younger Members. All who knew Charlie Wolverton respected his great ability as a legislator, both on the floor and in committee. He was a great chairman of the Committee on Interstate and Foreign Commerce in the 83d Congress. He was the father of a great deal of progressive and substantial legislation. His leaving the House was a loss. Those who knew him and served with him have great memories of a great Member of the House of Representatives.

Mr. HUNT. I thank the gentleman for his fine statement.

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

Mr. HUNT. I yield to the gentleman from Washington.

Mr. PELLY. I join the gentleman from New Jersey in paying tribute to the life and service of Charlie Wolverton. He was my first chairman. I never knew a man who worked harder or actually worked the members of his committee harder. It was a great experience for me. He was very kind to me as a new Member, very helpful, and I feel although he lived a long and useful life, his death is a loss to the country. He was a great public servant and dedicated his efforts especially in trying to provide a low-cost health program for the American people.

Mr. HUNT. I thank the gentleman from Washington for his fine contribution.

#### GENERAL LEAVE TO EXTEND

Mr. HUNT. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may have 5 legislative days in which to extend their remarks on the life and service of the late Honorable Charles A. Wolverton.

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

There was no objection.

#### PRAYER FOR THE ASTRONAUTS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, we were pleased to hear our esteemed Chaplain of the House of Representatives include in his prayer what is in all of our hearts as we follow the progress of our three brave astronauts. Yesterday as I attended Trinity Episcopal Church in Huntington, W. Va., Frederick H. Dennis, assistant to the rector of Trinity, offered the following prayer which was developed from the prayer for a person going to sea:

O, eternal God, who alone spreadest out the heavens, we commend to Thy almighty protection Thy servants for whose preservation in the outermost parts of the cosmos our prayers are desired. Guard them, we beseech Thee, from the dangers of the uni-

verse, from sickness and from every evil and destruction to which they may be exposed. Conduct them in safety to their destination, and bring them safely home, with a grateful sense of Thy mercies; through Jesus Christ our Lord. Amen.

I am certain that in churches throughout the land prayers were offered for the safety and success of these intrepid explorers of the heavens.

#### PERU'S SEIZURE OF ANOTHER FISHING BOAT SPARKS CONGRESSIONAL HEARING

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

Mr. PELLY. Mr. Speaker, last Friday Peru seized another American fishing vessel which was drifting on the high seas, 25 miles off the Peruvian coast.

The issue has not changed, Mr. Speaker. Peru, the same as some of her Latin and South American neighbors, claims a jurisdiction of 200 miles off her shore which is not recognized by international law.

But, what makes this latest seizure so much more serious is that a delegation from Peru only a day or so before, had concluded a round of talks, labelled "cordial" by our State Department. The Washington, D.C., meetings had been held with the State Department looking toward better relations between our countries.

For 15 years these seizures have been taking place, and for this entire time the Peruvians have refused to take the issue of their claim of 200 miles jurisdiction to the conference table or to submit it to mediation, arbitration, or the International Court of Justice.

Now, Mr. Speaker, there is but one way to go, as I see it, and the chairman of the Fish and Wildlife Subcommittee of the House Merchant Marine and Fisheries Committee the gentleman from Michigan (Mr. DINGELL) at my request has scheduled a hearing shortly on my bill—H.R. 10607—to cut off imports of fish and fish products from any country illegally seizing U.S. fishing vessels.

This is a grave matter, Mr. Speaker, and I sincerely hope my colleagues will lend their support toward bringing this measure to the floor and seeing that it is enacted into law.

#### FAMILY PRESERVATION MONTH

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

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, Raymond P. Shafer, Governor of the Commonwealth of Pennsylvania, has designated the month of June 1969 as Family Preservation Month, and his message reads as follows:

Marriage is a vital institution and a close family unit an integral part of an enlightened society.

Every child needs the love of both parents and in the case of broken homes, he is always the innocent bystander who faces the greatest hardship. Too often his affection is

torn between those he has learned to love and it is hard for him to understand a separation.

Therefore, as Governor of Pennsylvania, I am happy to designate the month of June 1969 as Family Preservation Month in the Commonwealth and ask every citizen to do what he can to curb the rising divorce rate in this State and every State in our Nation.

The type of education campaign that could be conducted during Family Preservation Month are:

First. Encourage couples to seek assistance as soon as marital problems start to develop.

Second. Advocate educational programs in the responsibilities and roles in marriage and family life.

Third. Encourage couples to seek marriage counseling and guidance when problems in the home cannot be resolved by the couple alone.

#### THE WAR IN VIETNAM

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

Mr. ANDREWS of Alabama. Mr. Speaker, last week two fine young married men, from my district, were killed in Vietnam. This is happening all too frequently in a war that should have been won years ago. If the President has a secret plan to end this war, let me plead with him to come forward with it. If he does not, let me beg him again either to fight this war to win it or get out of Vietnam.

#### APPOINTMENT OF CONFEREES ON S. 1011, AUTHORIZING APPROPRIATIONS FOR SALINE WATER CONVERSION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1011, to authorize appropriations for the saline water conversion program for fiscal year 1970, and for other purposes, with the House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, JOHNSON of California, HALEY, SAYLOR, and HOSMER.

#### CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

#### AUTHORIZING ROUNDTRIP TRANSPORTATION TO THE HOME PORT FOR A MEMBER OF NAVAL SERVICE ON PERMANENT DUTY ABOARD SHIP OVERHAULING AWAY FROM HOME PORT

The Clerk called the bill (H.R. 8020) to amend title 37, United States Code, to provide entitlement to roundtrip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from

home port whose dependents are residing at the home port.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask a question or two concerning this bill.

What has been the procedure in the past? I assume we have had ships repaired in yards distant from home ports. Has there been no payment of any kind in the past?

Mr. NEDZI. Mr. Speaker, will the gentleman yield.

Mr. GROSS. Of course I yield to the gentleman from Michigan.

Mr. NEDZI. The procedure in the past has been not to make such payments with reference to a ship being repaired away from the home port and away from where the dependents or seamen and officers of the Navy lived. The individual has had to furnish his own transportation to go back to his home.

Mr. GROSS. I understand the committee considers this to be an injustice and I think that is probably true. But beyond that, are vessels now being repaired in larger numbers away from their home ports, or just what is the situation?

Mr. NEDZI. Mr. Speaker, if the gentleman will yield further, I do not believe there is any difference in the number of vessels being repaired away from their home port. I think this is just a recognition that this procedure represents an injustice and the effort is now being made to correct it.

Mr. GROSS. Then, the legislation is not prompted by a greater number of vessels being repaired away from their home ports? We are not talking about building vessels, are we? We are talking about repairing them for the most part, are we not?

Mr. NEDZI. If the gentleman will yield further, just repairing them.

Mr. GROSS. Yes. It would be my hope, and I wish the committee had inserted some language calling on the Department of the Navy to do everything within its power to hold down the cost of legislation of this type by seeing to it that ships which are normally berthed on the west coast are repaired on the west coast, and the same for the east coast, in the areas where the dependents of the crews that man them are located. They should make every effort to have them repaired on that particular coast, rather than transporting crew members perhaps across the continent.

Mr. NEDZI. The gentleman from Iowa expresses the concern of the committee fully. This is a matter that we discussed in the hearings which were held on this legislation. We were assured that wherever possible this is being done. Unfortunately, where there is low bidding and where some of the contracts are let out, then the Department of the Navy has no control over where the ship is going to be repaired.

Mr. GROSS. I can understand that. I am glad to have the assurance of the gentleman that the committee was concerned with the cost of this program and that it will be watching to see how it works out.

Mr. NEDZI. I think I can give the gentleman from Iowa that assurance.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

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

H.R. 8020

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:*

(1) The following new section is inserted after section 406a:

"§ 406b. Travel and transportation allowances: members of the naval service attached to a ship overhauling away from home port

"Under regulations prescribed by the Secretary of the Navy, a member of the naval service who is on permanent duty aboard a ship which is being overhauled away from its home port and whose dependents are residing at the home port of the ship is entitled to Government or Government-procured transportation including transportation procured with a United States of America transportation request for round trip travel from the port of overhaul to the home port on or after the thirty-first, ninety-first, one hundred and fifty-first, and two hundred and eleventh calendar day after the date on which the ship enters the overhaul port or after the date on which the member becomes permanently attached to the ship, whichever date is later."

(2) The following new item is inserted in the analysis:

"406b. Travel and transportation allowances: members of the naval service attached to a ship overhauling away from home port."

With the following committee amendment:

Strike the language on page 2 beginning at line 4 and ending with the quotation mark on line 16, and substitute the following:

"Under regulations prescribed by the Secretary of the Navy, a member of the naval service who is on permanent duty aboard a ship which is being overhauled away from its home port and whose dependents are residing at the home port of the ship is entitled to transportation, transportation in kind, reimbursement for personally procured transportation, or an allowance for transportation as provided in section 404(d)(3) of this chapter for round-trip travel from the home port of overhaul to the home port on or after the thirty-first, ninety-first, and one hundred and fifty-first calendar day after the date on which the ship enters the overhaul port or after the date on which the member becomes permanently attached to the ship, whichever date is later: *Provided, however,* that in no event shall the amount of reimbursement for personally procured transportation or allowance for transportation exceed the cost of Government-procured commercial round-trip air travel."

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.

#### INCREASING THE STATUTORY CEILING ON THE AUTHORIZED NUMBER OF MARINE CORPS RESERVE GENERAL OFFICERS

The Clerk called the bill (H.R. 6790) to authorize an increase in the number of Marine Corps Reserve officers who may

serve in an active status in the combined grades of brigadier and major general.

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

H.R. 6790

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5458(a), title 10, United States Code, as amended be amended by deleting the number "ten" at the end of the subsection and substituting the number "fifteen" therefor.*

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.

#### AMENDING UNITED STATES CODE TO INCLUDE A FOSTER CHILD WITHIN THE DEFINITION OF "DEPENDENT"

The Clerk called the bill (H.R. 8018) to amend section 1072(2) of title 10, United States Code, to include a foster child within the definition of dependent.

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

H.R. 8018

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1072(2) of title 10, United States Code, is amended as follows:*

(1) By inserting ", a foster child," after "adopted child" in clause (E).

(2) By adding the following new flush sentences at the end:

"For the purpose of clause (E), a foster child is one who is, or was at the time of the member's or former member's death, in fact dependent on him for over one-half of his support, and residing in his household in a parent-child relationship. However, only that medical and dental care may be furnished to a foster child under this chapter which is not furnished by other non-Federal agencies."

With the following committee amendment:

On page 2, line 2, change the period to a comma and insert the following: "except a child who was placed in his household by a social service agency upon application of the member or former member, but without an agreement to adopt."

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.

#### REVOLVING FUND OF U.S. CIVIL SERVICE COMMISSION

The Clerk called the bill (H.R. 9233) to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes.

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

H.R. 9233

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1304(e) of title 5, United States Code, is amended to read as follows:*

"(e) (1) A revolving fund of \$4,000,000 is

available, to the Commission without fiscal year limitation, for financing investigations, training, and such other functions as the Commission is authorized or required to perform on a reimbursable basis. However, the functions which may be financed in any fiscal year by the fund are restricted to those functions which are covered by the budget estimates submitted to the Congress for that fiscal year. To the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

"(2) The capital of the fund consists of the aggregate of—

"(A) appropriations made to provide capital for the fund; and

"(B) the sum of the fair and reasonable value of such supplies, equipment, and other assets as the Commission from time to time transfers to the fund (including the amount of the unexpended balances of appropriations or funds relating to activities the financing of which is transferred to the fund) less the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities the financing of which is transferred to the fund.

"(3) The fund shall be credited with—

"(A) advances and reimbursements from available funds of the Commission or other agencies, or from other sources, for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation (including provision for accrued annual leave of employees and depreciation of equipment); and

"(B) receipts from sales or exchanges of property and payments for loss of or damage to property, accounted for under the fund.

"(4) Any unobligated and unexpended balances in the fund which the Commission determines to be in excess of amounts needed for activities financed by the fund shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(5) The Commission shall prepare a business-type budget providing full disclosure of the results of operations for each of the functions performed by the Commission and financed by the fund, and such budget shall be transmitted to the Congress and considered, in the manner prescribed by law for wholly owned Government corporations.

"(6) The Comptroller General of the United States shall, as a result of his periodic reviews of the activities financed by the fund, report and make such recommendations as he deems appropriate to the Committees on Post Office and Civil Service of the Senate and House of Representatives at least once every three years."

(b) Section 1304(f) of title 5, United States Code, is amended by striking out "investigations made" and inserting in lieu thereof "investigations, training, and functions performed".

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.

#### AUTHORIZING THE APPOINTMENT OF THE PRESENT CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR AN ADDITIONAL TERM OF 1 YEAR

The Clerk called the joint resolution (H.J. Res. 677) to authorize the President to reappointment as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1969.

There being no objection, the Clerk read the joint resolution as follows:

H.J. RES. 677

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 142(a) of title 10, United States Code, the President may, by and with the advice and consent of the Senate, reappoint as Chairman of the Joint Chiefs, for an additional term of one year, the officer serving in that position on April 1, 1969.*

The joint resolution 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.

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of Senate Joint Resolution 104, a joint resolution identical to that which was just passed by the House, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from Illinois.

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 104

Joint resolution to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1969

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 142(a) of title 10, United States Code, the President may, by and with the advice and consent of the Senate, reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1969.*

Mr. PRICE of Illinois. Mr. Speaker, this joint resolution would authorize the President, with the advice and consent of the Senate, to reappoint Gen. Earle G. Wheeler as Chairman of the Joint Chiefs of Staff for an additional term of 1 year.

Under existing law, section 142(a) of title 10, United States Code, the Chairman of the Joint Chiefs of Staff is appointed with the advice and consent of the Senate, serves at the pleasure of the President for a term of 2 years, and may be reappointed in the same manner for only one additional 2-year term, except in time of war declared by the Congress.

Gen. Earle G. Wheeler, U.S. Army, was initially appointed to the post of Chairman of the Joint Chiefs of Staff effective July 3, 1964. He was reappointed for a second consecutive 2-year term which began on July 3, 1966, and, following enactment of a joint resolution—Public Law 90-342, approved June 15, 1968—he was reappointed for an additional term of 1 year, beginning July 3, 1968.

The proposal being considered today is specifically limited to permitting the President to reappoint General Wheeler for an additional period of 1 year, beginning July 3, 1969. It would not affect any other provision of law.

The Secretary of Defense, Mr. Laird, in a letter to the Speaker of the House

of Representatives requesting early enactment of the proposed legislation, stated:

The President, as Commander in Chief of our Armed Forces, and the Secretary of Defense, believe that retaining General Wheeler in his present position would be in the best interest of the nation. General Wheeler's intimate knowledge of our over-all military posture and requirements, including operations in Southeast Asia, acquired during his tenure as Chairman of the Joint Chiefs of Staff, make it prudent and wise to retain his invaluable experience and counsel during the current and impending period of operations and negotiations affecting Southeast Asia.

In considering this resolution, the committee noted the truly outstanding qualifications of General Wheeler. His competency, integrity, and professional accomplishments are so remarkable and so widely known that they require no elaboration here today. But if further proof were needed, the fact that he has been chosen to serve under three Secretaries of Defense and two Presidents show the high, bipartisan regard and esteem in which he is held.

The committee also noted that this reappointment, if authorized would extend General Wheeler's tenure longer than would be considered appropriate, under normal circumstances. But the facts are that normal circumstances do not prevail today. As the Secretary of Defense has pointed out, military operations in Southeast Asia and the Paris peace negotiations are in a most critical and sensitive phase. Further, the President, who assumed that high office only a few months ago, has expressed his strong desire to retain the unique skills which General Wheeler has acquired during his tenure as Chairman of the Joint Chiefs, as he completes the transition in administrations.

The committee is of the opinion that the Commander in Chief should be given wide discretion in selecting his principal military advisers during periods of conflict such as those we face today. This is particularly true with respect to the highest ranking active duty member of the Armed Forces.

It is for all of these reasons that I urge the unanimous adoption of this joint resolution authorizing the reappointment by the President of Gen. Earle G. Wheeler as Chairman of the Joint Chiefs of Staff for an additional term of 1 year.

Mr. BRAY. Mr. Speaker, I concur in the remarks made by my distinguished colleague from Illinois. We have a Commander in Chief and Secretary of Defense who need and seek the advice and counsel of a man who can provide continuity during this most vital phase of operations and negotiations affecting Southeast Asia. I know of no situation created by legislative act which is not subject to exception—that is why our laws are being constantly amended, or repealed, or otherwise modified.

For example, I think the Congress was very wise when it proposed the limitation that it did with respect to a military man occupying the office of Secretary of Defense, but circumstances dictated that this limitation should be relaxed in order that General Marshall could occupy the

position of Secretary of Defense. This resolution is in the same tradition of "exception to fit circumstances."

After all, laws can be made only for "the long run," for the usual situation, for the normal set of events. Here we have an exception to the normal situation and one which requires remedial legislation. The basic law is not affected by this resolution. It represents merely an interpolated exception, the basic law is the law of the land.

It is my hope that this joint resolution will be unanimously adopted by the Congress today.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 677) was laid on the table.

#### TRIBUTE TO ALLIED WORLD WAR II VICTORY IN EUROPE AND TO GEN. OMAR N. BRADLEY, U.S. ARMY

The Clerk called the concurrent resolution (H. Con. Res. 207) in tribute to Allied World War II victory in Europe and to Gen. Omar N. Bradley, U.S. Army.

There being no objection, the Clerk read the concurrent resolution, as follows:

##### H. CON. RES. 207

Whereas May 8, 1970, marks the twenty-fifth anniversary of the victory of Allied forces and the termination of World War II in Europe; and

Whereas General of the Army Omar N. Bradley is acknowledged to have played a role of utmost importance in gaining that victory; and

Whereas General of the Army Omar N. Bradley is the last surviving officer of World War II having attained the rank of General of the Army; and

Whereas General of the Army Omar N. Bradley is donating his collection of personal papers; historical documents, and memorabilia to the Army military history research collection; and

Whereas the Bradley collection will be housed at Carlisle Barracks, Pennsylvania, and will be formally dedicated and opened to the public on May 8, 1970, the occasion of the twenty-fifth anniversary of V-E Day: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that one year from today on the occasion of the twenty-fifth anniversary of V-E Day, and the formal opening of the Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks under the direction of the Secretary of Defense in memorial tribute to the Allied victory in Europe and in memory of those who gave their lives to attain that victory, and expressing the gratitude of the American people to one of this country's greatest soldiers, General of the Army Omar N. Bradley.

With the following committee amendments:

On page 1, line 12, delete the words "Army military history research collection" and insert in lieu thereof "United States Army Military History Research Collection".

On page 2, lines 2 and 3, delete the words "one year from today".

The committee amendments were agreed to.

Mr. PRICE of Illinois. Mr. Speaker, this concurrent resolution expresses the

sense of Congress on the occasion of the 25th anniversary of V-E Day and the formal opening of the Omar N. Bradley collection, appropriate ceremonies will be conducted at Carlisle Barracks under the direction of the Secretary of Defense, in memorial tribute to the Allied victory in Europe and in memory of those who gave their lives to attain that victory, and expressing the gratitude of the American people to one of this country's greatest soldiers, General of the Army Omar N. Bradley.

Historical records will, I believe, reflect that General of the Army Omar Nelson Bradley is now and will be long remembered not only as an outstanding military commander, but also as a man of deep compassion and understanding, truly a soldier's general, loved and respected by all who served with him.

Like his West Point classmate, General Eisenhower, General Bradley's roots are in rural America. Born in Missouri on February 12, 1893, he entered the U.S. Military Academy at West Point in 1911 and was graduated in 1915.

General Bradley earned his wartime advancement on the battlefield. He commanded a corps in North Africa and later in Sicily. He led the U.S. 1st Army across the beaches of Normandy on June 6, 1944 and smashed through the German lines at Saint Lo, opening the way to the speedy liberation of France. In 1945, while in command of the 12th Army Group he broke the Siegfried Line and pushed onto the Rhine River and ultimate victory. The 12th Army Group numbered more than 1.3 million combat troops and was the largest body of American soldiers ever to serve under one field commander.

After V-E Day, President Truman selected General Bradley to become head of the Veterans' Administration during the critical postwar demobilization of our Armed Forces. He became the Army's Chief of Staff in 1948 and the first chairman of the military committee of NATO in October 1949. In 1949 General Bradley was appointed as the first Chairman of the Joint Chiefs of Staff. He became the fifth General of the Army with his promotion on September 22, 1950.

Throughout his 58 years of active duty, General Bradley has contributed greatly to our national heritage.

In order that scholars in every field of endeavor may have access to the records of his service, General Bradley is donating his collection of personal papers, battle maps, historical documents, and memorabilia to the U.S. Military History Collection at Carlisle Barracks, Pa.

The formal opening of the Omar Nelson Bradley Historical Display is scheduled for May 8, 1970, the 25th anniversary of World War II V-E Day. A ceremony will be held on that date in tribute to the Allied victory in Europe expressing the gratitude of the American people to General Bradley and the American soldiers who fought so gallantly for freedom.

I urge the adoption of this concurrent resolution.

Mr. BRAY. Mr. Speaker, I join with my distinguished colleague from Illinois in supporting this concurrent resolution,

which will further enhance the celebration of the significant historical event planned for May 8, 1970, the 25th anniversary of World War II victory by the Allied forces in the European theater. This occasion will serve to commemorate the Allied victory and to memorialize the gallant men who died to achieve that victory, and to honor General of the Army Omar Nelson Bradley.

Our Nation is, indeed, indebted to General Bradley, who has so generously donated his invaluable collection of materials gathered during his 58 years of active service to his Nation.

It is an honor to join with all Americans in expressing our deep gratitude to this great soldier and patriot.

I hope that this resolution will be unanimously adopted.

Mr. TEAGUE of Texas. Mr. Speaker, I am happy and honored today that the House has passed the resolution which I introduced on April 17, 1969, to give appropriate and due recognition to the great service of that patriot and dedicated soldier, Omar N. Bradley, at a ceremony to be held in 1970.

Mr. Speaker, it was my privilege to serve under General Bradley in World War II, and in my judgment no finer field commander has ever been produced by the American people than Gen. Omar N. Bradley. Truly he was a soldier's general. Uppermost in his mind at all times was the use of his equipment in such a way as to save the lives of the men who served under him. It was no accident that the enlisted men of the Army who served under General Bradley loved him for they knew and respected the type of officer which he was.

Following the end of World War II, President Truman called General Bradley to be head of the Veterans' Administration. He served with distinction in that post, and it was no small feat in directing this sprawling agency taxed to its utmost to meet the demands of 15 million new American veterans. He showed the same compassion and understanding for the returning American veteran that he did for the soldiers during the time of conflict. It was no accident that many dedicated physicians at General Bradley's request joined the Department of Medicine and Surgery and helped provide the fine quality of medical care which our Nation's veterans have enjoyed since that time. General Bradley also headed a commission to survey veterans' benefits which made a unique contribution in this field.

Mr. Speaker, again I reiterate my support of this proposal, and I hope that the Senate will see fit to act on it speedily, as I am sure it will, so that on the occasion of the 25th anniversary of V-E Day appropriate ceremonies may be conducted at Carlisle Barracks under the direction of the Secretary of Defense in a tribute to Allied victory in Europe in World War II; in memory to those who gave their lives to attain that victory; and to express the gratitude of the American people for General of the Army Omar N. Bradley.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT

The Clerk called the bill (H.R. 751) to consent to the New Hampshire-Vermont interstate school compact.

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

H.R. 751

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress consents to the New Hampshire-Vermont Interstate School Compact which is substantially as follows:

#### "NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT"

##### "ARTICLE I"

##### "GENERAL PROVISIONS"

"A. STATEMENT OF POLICY.—It is the purpose of this compact to increase the educational opportunities within the states of New Hampshire and Vermont by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of New Hampshire and Vermont may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as hereinafter set forth.

"B. REQUIREMENT OF CONGRESSIONAL APPROVAL.—This compact shall not become effective until approved by the United States Congress.

"C. DEFINITIONS.—The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

"a. 'Interstate school district' and 'interstate district' shall mean a school district composed of one or more school districts located in the state of New Hampshire associated under this compact with one or more school districts located in the state of Vermont, and may include either the elementary schools, the secondary schools, or both.

"b. 'Member school district' and 'member district' shall mean a school district located either in New Hampshire or Vermont which is included within the boundaries of a proposed or established interstate school district. In the case of districts located in Vermont, it shall include city school districts, town school districts, union school districts and incorporated school districts. Where appropriate, the term 'member district clerk' shall refer to the clerk of the city in which a Vermont school district is located, the clerk of the town in which a Vermont town school district is located, or the clerk of an incorporated school district.

"c. 'Elementary school' shall mean a school which includes all grades from kindergarten or grade one through not less than grade six nor more than grade eight.

"d. 'Secondary school' shall mean a school which includes all grades beginning no lower than grade seven and no higher than grade twelve.

"e. 'Interstate board' shall refer to the board serving an interstate school district.

"f. 'New Hampshire board' shall refer to the New Hampshire state board of education.

"g. 'Vermont board' shall refer to the Vermont state board of education.

"h. 'Commissioner' shall refer to commissioner of education.

"i. Where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

"j. The terms 'professional staff personnel' and 'instructional staff personnel' shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counsellors, special education personnel, school nurses, therapists, teachers, and other certified personnel.

"k. The term 'warrant' or 'warning' to mean the same for both states.

##### "ARTICLE II"

#### "PROCEDURES FOR FORMATION OF AN INTERSTATE SCHOOL DISTRICT"

"A. CREATION OF PLANNING COMMITTEE.—The New Hampshire and Vermont commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June thirtieth of the third year following his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under the provisions of this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

"B. OPERATING PROCEDURES OF PLANNING COMMITTEE.—Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

"C. DUTIES OF INTERSTATE SCHOOL DISTRICT PLANNING COMMITTEE.—It shall be the duty of an interstate school district planning committee, in consultation with the commissioners and the state departments of education: to study the advisability of establishing an interstate school district in accordance with the standards set forth in paragraph A of Article I of this compact, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of

its findings and recommendations to the several member districts.

"D. RECOMMENDATIONS AND PREPARATION OF ARTICLES OF AGREEMENT.—An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendation, and shall also prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following:

"a. The name of the interstate school district.

"b. The member districts which shall be combined to form the proposed interstate school district.

"c. The number, composition, method of selection and terms of office of the interstate school board, provided that:

"(1) The interstate school board shall consist of an odd number of members, not less than five nor more than fifteen;

"(2) The terms of office shall not exceed three years;

"(3) Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen;

"(4) The method of election shall provide for the filing of candidacies in advance of election and for the use of a printed non-partisan ballot;

"(5) Subject to the foregoing, provision may be made for the election of one or more members at large.

"d. The grades for which the interstate school district shall be responsible.

"e. The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.

"f. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.

"g. The indebtedness or any member district which the interstate district is to assume.

"h. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

"i. The manner in which state aid, available under the laws of either New Hampshire or Vermont, shall be allocated unless otherwise expressly provided in this compact or by the laws making such aid available.

"j. The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

"k. The date of operating responsibility of

the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

"I. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

"(1) The method of allocating the cost of transportation between the interstate district and member districts;

"(2) The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

"E. HEARINGS.—If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in New Hampshire, and at least one public hearing thereon within the proposed interstate school district in Vermont. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than fifteen days (not counting the date of publication and not counting the date of the hearing) before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

"F. APPROVAL OF STATE BOARDS.—After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may (a) if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or (b) refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in the following paragraph. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member districts to be held in accordance with the following paragraph.

"G. ADOPTION BY MEMBER DISTRICTS.—Upon receipt of written notice from the state board

in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the check list by a ballot substantially in the following form:

"Shall the school district accept the provisions of the New Hampshire-Vermont Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of ----- and -----, etc., in accordance with the provisions of the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?

"Yes ( ) No ( )"

"If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

"If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

"H. RESUBMISSION.—If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G of this article. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either (a) discharge the planning committee, or (b) refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted.

#### "ARTICLE III

##### "POWERS OF INTERSTATE SCHOOL DISTRICTS

"A. POWER.—Each interstate school district shall be a body corporate and politic, with power to:

"a. To acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

"b. To sue and be sued, subject to the limitations of liability hereinafter set forth;

"c. To have a seal and alter the same at pleasure;

"d. To adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two States;

"e. To acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

"f. To enter into contracts and incur debts;

"g. To borrow money for the purposes hereinafter set forth, and to issue its bonds or notes therefor;

"h. To make contracts with and accept grants and aid from the United States, the

State of New Hampshire, the State of Vermont, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation:

"i. To employ such assistants, agents, servants, and independent contractors as it shall deem necessary or desirable for its purposes; and

"j. To take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

#### "ARTICLE IV

"A. GENERAL.—Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

"B. ELIGIBILITY OF VOTERS.—Any resident who would be eligible to vote at a meeting of a member district being held at the same time, shall be eligible to vote at a meeting of the interstate district. The board of civil authority in each Vermont member district and the supervisors of the check list of each New Hampshire district shall respectively prepare a check list of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

"C. WARNING OF MEETINGS.—A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of ten or more voters in the district, presented to the directors or to one of them, at least twenty-five days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

"D. POSTING AND PUBLICATION OF WARRANT.—The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least twenty days (not counting the date of posting and the date of meeting) before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least ten days (not counting the date of publication and not counting the date of the meeting) before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

"E. RETURN OF WARRANT.—The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

"F. ORGANIZATION MEETING.—The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be

held within sixty days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the first instance, and the following business shall be transacted:

"a. A temporary moderator and a temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

"b. A moderator, a clerk, a treasurer, and three auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

"c. The date for the annual meeting shall be established.

"d. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys, and educational or other consultants or experts.

"e. Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

"G. ANNUAL MEETINGS.—An annual meeting of the district shall be held between January fifteenth and June first of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

"a. Necessary officers shall be elected.

"b. Money shall be appropriated for the support of the interstate district schools for the fiscal year beginning the following July first.

"c. Such other business as may properly come before the meeting.

"H. SPECIAL MEETINGS.—A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by five per cent or more of the voters (based on the check lists as prepared for the last preceding meeting) setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 33:8 or RSA 197:3 which would otherwise require the approval of the New Hampshire superior court.

"I. CERTIFICATION OF RECORDS.—The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and (where required) for filing with a secretary of state.

"J. METHOD OF VOTING AT SCHOOL DISTRICT MEETINGS.—Voting at meetings of interstate school districts shall take place as follows:

"a. SCHOOL DIRECTORS.—A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

"b. OTHER VOTES.—Except as otherwise provided in the articles of agreement or this

this compact, with respect to all other votes (1) the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and (2) a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

#### "ARTICLE V

##### "OFFICERS

"A. OFFICERS: GENERAL.—The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and three auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any district office unless he is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

##### "B. BOARD OF DIRECTORS.—

"a. HOW CHOSEN.—Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as above set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

"b. TERM.—Interstate school directors shall be elected for terms in accordance with the articles of agreement.

"c. DUTIES OF BOARD OF DIRECTORS.—The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

"d. ORGANIZATION.—The clerk of the district shall warn a meeting of the board of school directors to be held within ten days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

"C. CHAIRMAN OF THE BOARD.—The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him.

"D. VICE-CHAIRMAN OF THE BOARD OF DIRECTORS.—The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

"E. SECRETARY OF THE BOARD.—The Secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board (or the interstate district clerk, if so appointed) shall

keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

"F. MODERATOR.—The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

"G. CLERK.—The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

"H. TREASURER.—The treasurer shall have custody of all of the moneys belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1 to the following June 30.

"I. AUDITORS.—At the organization meeting of the district, three auditors shall be chosen, one to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years. After the expiration of each original term, the successor shall be chosen for a three year term. At least one auditor shall be a resident of New Hampshire, and one auditor shall be a resident of Vermont. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

"J. SUPERINTENDENT.—The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

"K. VACANCIES.—Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

#### "ARTICLE VI

##### "APPROPRIATION AND APPORTIONMENT OF FUNDS

"A. BUDGET.—Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

"B. APPROPRIATION.—The interstate board of directors shall present the budget report of the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

"C. APPORTIONMENT OF APPROPRIATION.—

Subject to the provisions of article VIII hereof, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time:

"a. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

"b. All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

"c. A formula based on any combination of the foregoing factors. The term 'fair market value of taxable property' shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

"The term 'fair market value of taxable property' shall mean the equalized grand list of a Vermont member district, as determined by the Vermont department of taxes.

"Such assessed valuation and grand list may be further adjusted (by elimination of certain types of taxable property from one or the other or otherwise) in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

"Average daily resident membership' of the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district school for such preceding fiscal year.

"D. SHARE OF NEW HAMPSHIRE MEMBER DISTRICT.—The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations.

"E. SHARE OF VERMONT MEMBER DISTRICT.—The interstate board shall certify the share of a Vermont member district of the total appropriation to the school board of each member district which shall add sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

#### "ARTICLE VIII

##### "BORROWING

"A. INTERSTATE DISTRICT INDEBTEDNESS.—Indebtedness of an interstate district shall be a general obligation of the district and shall also be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under New Hampshire or Vermont law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such in-

debtedness to the same extent as though it had not been withdrawn.

"B. TEMPORARY BORROWING.—The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate districts and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidenced by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this paragraph shall be payable within one year in the case of notes under clause (1) and three years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

"C. BORROWING FOR CAPITAL PROJECTS.—An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration, or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of ten percent of the total fair market value of taxable property in its member districts as defined in article VI of this compact. The primary obligation of the interstate district to pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this paragraph. Bonds or notes issued under this paragraph shall mature in equal or diminishing installments of principal payable at least annually commencing no later than two years and ending not later than thirty years after their dates.

"D. AUTHORIZATION PROCEEDINGS.—An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof.

"E. SALE OF BONDS AND NOTES.—Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the two required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

"F. PROCEEDS OF BONDS.—Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied

to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investments of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

"G. STATE AID PROGRAMS.—As used in this paragraph the term 'initial aid' shall include New Hampshire and Vermont financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes and Vermont construction aid under chapter 123 of 16 V.S.A. As used in this paragraph the term 'long-term aid' shall include New Hampshire and Vermont financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Vermont school building aid under chapter 123 of Title 16 V.S.A. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions. When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a New Hampshire share and a Vermont share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate districts bonds or notes under RSA 196-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed fifty per cent of the amount of the New Hampshire share as determined above. Vermont initial aid shall be available with respect to the amount of the Vermont share as though it were funds voted by a Vermont school district. Payments of Vermont initial aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Vermont long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Vermont shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of forty-five per cent, if there are three or less New Hampshire members in the interstate district, and otherwise it shall be payable as though

the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Vermont long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Vermont may at any time change their state school aid programs that are in existence when this compact takes effect and may establish new programs, and any legislation for these purposes may specify how much programs shall be applied with respect to interstate districts.

"H. TAX EXEMPTION.—Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

#### "ARTICLE VIII

##### "TAKING OVER OF EXISTING PROPERTY

"A. POWER TO ACQUIRE PROPERTY OF MEMBER DISTRICT.—The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

"B. VALUATION.—The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways:

"a. A valuation set forth in the articles of agreement or the amendment.

"b. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first two appraisers.

"C. REIMBURSEMENT TO MEMBER DISTRICT.—The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

"a. By one lump sum, appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"b. In installments over a period of not more than twenty years, each of which is appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"c. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

#### "ARTICLE IX

##### "AMENDMENTS TO ARTICLES OF AGREEMENT

"A. Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

"a. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

"b. If the amendment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at

which an affirmative vote of two-thirds of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

"c. In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

"d. No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

#### "ARTICLE X

##### "APPLICABILITY OF NEW HAMPSHIRE LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in New Hampshire, the provisions of New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. NEW HAMPSHIRE STATE AID.—A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF THE NEW HAMPSHIRE MEMBER SCHOOL DISTRICT.—A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the interstate district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

"D. SUIT AND SERVICE OF PROCESS IN NEW HAMPSHIRE.—The courts of New Hampshire shall have the same jurisdiction over the

district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who reside in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers' retirement system, the New Hampshire state employees' retirement system, the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

"1. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers' retirement system, even though assigned to teach in an interstate school in Vermont.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of New Hampshire or the state of Vermont but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedure of the retirement systems; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XI

##### "APPLICABILITY OF VERMONT LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in Vermont, the provisions of Vermont law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. VERMONT STATE AID.—A Vermont school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the Vermont member district, and as though the Vermont member district pupils attending the interstate schools were attending a Vermont union school district's schools. Such state aid shall be paid to the Vermont member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF VERMONT MEMBER SCHOOL DISTRICT.—A Vermont member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the

district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Vermont member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Vermont member school district and held or disposed of according to law.

"D. SUIT AND SERVICE OF PROCESS IN VERMONT.—The courts of Vermont shall have the same jurisdiction over the districts as though a Vermont member district were a party instead of the interstate district. The service necessary to institute suit in Vermont shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Vermont, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in Vermont shall be considered an employee of a Vermont school district for the purpose of the state teachers' retirement system of Vermont, the state employees' retirement system, the Vermont workmen's compensation law, and any other law relating to the regulation of employment or the provision of benefits for employees of Vermont school districts except as follows:

"1. A teacher in a Vermont member district may elect to remain a member of the state teachers' retirement system of Vermont, even though assigned to teach in an interstate school in New Hampshire.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of Vermont or the state of New Hampshire but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XII

##### "ADOPTION OF COMPACT BY DRESDEN SCHOOL DISTRICT

"The Dresden School District, otherwise known as the Hanover-Norwich Interstate School District, authorized by New Hampshire laws of 1961, chapter 116, and by the laws of Vermont, is hereby authorized to adopt the provisions of this compact and to become an interstate school district within the meaning hereof, upon the following conditions and subject to the following limitations:

"a. Articles of agreement shall be prepared and signed by a majority of the directors of the interstate school district.

"b. The articles of agreement shall be submitted to an annual or special meeting of the Dresden district for adoption.

"c. An affirmative vote of two-thirds of those present and voting shall be required for adoption.

"d. Nothing contained therein, or in this compact, as it affects the Dresden School District shall affect adversely the rights of the holders of any bonds or other evidences of indebtedness then outstanding, or the rights of the district to procure the means for payment thereof previously authorized.

"e. The corporate existence of the Dresden School District shall not be terminated by such adoption of articles of amendment, but shall be deemed to be so amended that it shall thereafter be governed by the terms of this compact.

#### "ARTICLE XIII

##### "MISCELLANEOUS PROVISIONS

"A. STUDIES.—Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

"B. TEXTBOOKS.—Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

"C. TRANSPORTATION.—The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

"D. LOCATION OF SCHOOLHOUSES.—In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in New Hampshire or in Vermont. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Vermont, the Vermont law relating to schoolhouses shall apply.

"E. FISCAL YEAR.—The fiscal year of each interstate district shall begin on July first of each year and end on June thirtieth of the following year.

"F. IMMUNITY FROM TORT LIABILITY.—Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors, except insofar as it may have undertaken such liability under RSA 281:7 relating to workmen's compensation, or RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under 21 V.S.A. Section 621 relating to workmen's compensation or 29 V.S.A. Section 1403 relating to the procurement of liability insurance by a governmental agency.

"G. ADMINISTRATIVE AGREEMENT BETWEEN COMMISSIONERS OF EDUCATION.—The commissioners of education of New Hampshire and Vermont may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the two state departments of education, in which any conflicts between the two states in procedure, regulations, and administrative practices may be resolved.

"H. AMENDMENT.—Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

"I. SEPARABILITY.—If any of the provisions of this compact, or legislation enabling the same, shall be held invalid or unconstitutional in relation to any of the applications

thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this compact are declared to be severable.

"J. INCONSISTENCY OF LANGUAGE.—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two states.

#### "ARTICLE XIV

##### "EFFECTIVE DATE

"This compact shall become effective when agreed to by the States of New Hampshire and Vermont and approved by the United States Congress."

"SEC. 2. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning any school district created under the New Hampshire-Vermont Interstate School Compact as is deemed appropriate by the Congress or such committee."

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

On page 28, line 14, delete "Article VIII" and insert in lieu thereof "Article VII".

On page 49, after line 5, insert the following:

"Sec. 2. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning any school district created under the New Hampshire-Vermont Interstate School Compact as is deemed appropriate by the Congress or such committee."

On page 49, line 6, strike out "Sec. 2." and insert in lieu thereof "Sec. 3."

The committee amendments were agreed to.

Mr. CLEVELAND. Mr. Speaker, the House takes a historic step in adopting H.R. 751. This bill, cosponsored by myself and my colleague, the distinguished gentleman from Vermont (Mr. STAFFORD), ratifies the New Hampshire-Vermont school compact. Under this legislation, communities along the borders of the two States are granted permission, under certain conditions, to form interstate school districts.

The bill is general in nature, modeled after a specific bill which was the true pioneer, which the gentleman from Vermont and I cosponsored in the 88th Congress. That law granted congressional approval to the establishment of a single school district involving Hanover, N.H., and Norwich, Vt. This experiment proved so successful that numerous other communities on either side of the Connecticut River, which is the boundary between the two States, have expressed the desire to do likewise. The purpose of H.R. 751 is to permit them to do so, their legislatures approving, without having to come to Congress in each instance. It is a worthy bill. I believe that other States may wish to examine it and apply this principle to similar circumstances facing them.

It is the considered judgment of the educational authorities in both States that this bi-State approach will reduce costs and make available better education through combining the resources in the affected areas.

In our case, the Connecticut River is both a boundary and a unifier. The communities which border the river are

similar in makeup of population and in their economies. It is only logical that Congress should not only consent but should encourage their mutual, interstate efforts to simplify and smooth the administration of their common affairs.

I am pleased to have helped and will watch with interest to see if others follow suit.

I wish to thank those who have made this possible and, in particular, to extend my appreciation to my good friend and neighbor, the gentleman from Vermont, for his cooperation and valuable assistance.

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

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 278) to consent to the New Hampshire-Vermont interstate school compact.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

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

S. 278

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the New Hampshire-Vermont Interstate School Compact which is substantially as follows:*

**"NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT"**

**"ARTICLE I"**

**"GENERAL PROVISIONS"**

"A. STATEMENT OF POLICY.—It is the purpose of this compact to increase the educational opportunities within the states of New Hampshire and Vermont by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of New Hampshire and Vermont may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as hereinafter set forth.

"B. REQUIREMENT OF CONGRESSIONAL APPROVAL.—This compact shall not become effective until approved by the United States Congress.

"C. DEFINITIONS.—The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

"a. 'Interstate school district' and 'interstate district' shall mean a school district composed of one or more school districts located in the state of New Hampshire associated under this compact with one or more school districts located in the state of Vermont, and may include either the elementary schools, the secondary schools, or both.

"b. 'Member school district' and 'member district' shall mean a school district located either in New Hampshire or Vermont which is included within the boundaries of a proposed or established interstate school district. In the case of districts located in Vermont, it shall include city school districts, town school districts, union school districts and incorporated school districts. Where appropriate, the term 'member district clerk'

shall refer to the clerk of the city in which a Vermont school district is located, the clerk of the town in which a Vermont town school district is located, or the clerk of an incorporated school district.

"c. 'Elementary school' shall mean a school which includes all grades from kindergarten or grade one through not less than grade six nor more than grade eight.

"d. 'Secondary school' shall mean a school which includes all grades beginning no lower than grade seven and no higher than grade twelve.

"e. 'Interstate board' shall refer to the board serving an interstate school district.

"f. 'New Hampshire board' shall refer to the New Hampshire state board of education.

"g. 'Vermont board' shall refer to the Vermont state board of education.

"h. 'Commissioner' shall refer to commissioner of education.

"i. Where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

"j. The terms 'professional staff personnel' and 'instructional staff personnel' shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counsellors, special education personnel, school nurses, therapists, teachers, and other certified personnel.

"k. The term 'warrant' or 'warning' to mean the same for both states.

**"ARTICLE II"**

**"PROCEDURE FOR FORMATION OF AN INTERSTATE SCHOOL DISTRICT"**

"A. CREATION OF PLANNING COMMITTEE.—The New Hampshire and Vermont commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June thirtieth of the third year following his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under the provisions of this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

"B. OPERATING PROCEDURES OF PLANNING COMMITTEE.—Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the

cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

"C. DUTIES OF INTERSTATE SCHOOL DISTRICT PLANNING COMMITTEE.—It shall be the duty of an interstate school district planning committee, in consultation with the commissions and the State departments of education: to study the advisability of establishing an interstate school district in accordance with the standards set forth in paragraph A of Article I of this compact, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts.

"D. RECOMMENDATIONS AND PREPARATION OF ARTICLES OF AGREEMENT.—An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendations, and shall also prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following:

"a. The name of the interstate school district.

"b. The member districts which shall be combined to form the proposed interstate school district.

"c. The number, composition, method of section and terms of office of the interstate school board, provided that:

"(1) The interstate school board shall consist of an odd number of members, not less than five nor more than fifteen;

"(2) The terms of office shall not exceed three years;

"(3) Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen;

"(4) The method of election shall provide for the filling of candidacies in advance of election and for the use of a printed non-partisan ballot;

"(5) Subject to the foregoing, provision may be made for the election of one or more members at large.

"d. The grades for which the interstate school district shall be responsible.

"e. The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.

"f. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.

"g. The indebtedness of any member district which the interstate district is to assume.

"h. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

"i. The manner in which state aid, available under the laws of either New Hampshire or Vermont, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

"j. The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state board in the same manner as required for approval of the original articles of agreement.

"k. The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

"l. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

"(1) The method of allocating the cost of transportation between the interstate district and member districts;

"(2) The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

"E. HEARINGS.—If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in New Hampshire, and at least one public hearing thereon within the proposed interstate school district in Vermont. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than fifteen days (not counting the date of publication and not counting the date of the hearing) before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

"F. APPROVAL BY STATE BOARDS.—After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may (a) if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or (b) refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the rec-

ommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in the following paragraph. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the following paragraph.

"G. ADOPTION BY MEMBER DISTRICTS.—Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the check list by a ballot substantially in the following form:

"Shall the school district accept the provisions of the New Hampshire-Vermont Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of ----- and -----, etc., in accordance with the provisions of the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?

"Yes  No

"If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

"If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

"H. RESUBMISSION.—If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G of this article. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either (a) dis-

charge the planning committee, or (b) refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted.

#### "ARTICLE III

##### "POWERS OF INTERSTATE SCHOOL DISTRICTS

"A. POWERS.—Each interstate school district shall be a body corporate and politic, with power to:

"a. To acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

"b. To sue and be sued, subject to the limitations of liability hereinafter set forth;

"c. To have a seal and alter the same at pleasure;

"d. To adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two states;

"e. To acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

"f. To enter into contracts and incur debts;

"g. To borrow money for the purposes hereinafter set forth, and to issue its bonds or notes therefor;

"h. To make contracts with and accept grants and aid from the United States, the state of New Hampshire, the state of Vermont, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation, and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;

"i. To employ such assistants, agents, servants, and independent contractors as it shall deem necessary or desirable for its purposes; and

"j. To take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

#### "ARTICLE IV

##### "DISTRICT MEETINGS

"A. GENERAL.—Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

"B. ELIGIBILITY OF VOTERS.—Any resident who would be eligible to vote at a meeting of a member district being held at the same time, shall be eligible to vote at a meeting of the interstate district. The board of civil authority in each Vermont member district and the supervisors of the check list of each New Hampshire district shall respectively prepare a check list of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

"C. WARNING OF MEETINGS.—A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of ten or more voters in the district, presented to the directors or to one of them, at least twenty-five days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

"D. POSTING AND PUBLICATION OF WARRANT.—The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least twenty days (not counting the date of posting and the

date of meeting) before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least ten days (not counting the date of publication and not counting the date of the meeting) before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

"E. RETURN OF WARRANT.—The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

"F. ORGANIZATION MEETING.—The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within sixty days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the first instance, and the following business shall be transacted:

"a. A temporary moderator and a temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

"b. A moderator, a clerk, a treasurer, and three auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

"c. The date for the annual meeting shall be established.

"d. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys, and educational or other consultants or experts.

"e. Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

"G. ANNUAL MEETINGS.—An annual meeting of the district shall be held between January fifteenth and June first of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

"a. Necessary officers shall be elected.

"b. Money shall be appropriated for the support of the interstate district schools for the first year beginning the following July first.

"c. Such other business as may properly come before the meeting.

"H. SPECIAL MEETINGS.—A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by five per cent or more of the voters (based on the check lists as prepared for the last preceding meeting) setting forth the subject matter upon which such action is desired. A special meeting may

appropriate money without compliance with RSA 33:8 or RSA 197:3 which would otherwise require the approval of the New Hampshire superior court.

"I. CERTIFICATION OF RECORD.—The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and (where required) for filing with a secretary of state.

"J. METHOD OF VOTING AT SCHOOL DISTRICT MEETINGS.—Voting at meeting of interstate school districts shall take place as follows:

"a. SCHOOL DIRECTORS.—A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

"b. OTHER VOTES.—Except as otherwise provided in the articles of agreement or this compact, with respect to all other votes (1) the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and (2) a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

#### "ARTICLE V

##### "OFFICERS

"A. OFFICERS: GENERAL.—The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and three auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any district office unless he is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

##### "B. BOARD OF DIRECTORS.—

"a. HOW CHOSEN.—Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as above set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

"b. TERM.—Interstate school directors shall be elected for terms in accordance with the articles of agreement.

"c. DUTIES OF BOARD OF DIRECTORS.—The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

"d. ORGANIZATION.—The clerk of the dis-

trict shall warn a meeting of the board of school directors to be held within ten days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

"C. CHAIRMAN OF THE BOARD.—The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him.

"D. VICE-CHAIRMAN OF THE BOARD OF DIRECTORS.—The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

"E. SECRETARY OF THE BOARD.—The Secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board (or the interstate district clerk, if so appointed) shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

"F. MODERATOR.—The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

"G. CLERK.—The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

"H. TREASURER.—The treasurer shall have custody of all of the monies belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year he shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1 to the following June 30.

"I. AUDITORS.—At the organization meeting of the district, three auditors shall be chosen, one to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years. After the expiration of each original term, the successor shall be chosen for a three year term. At least one auditor shall be a resident of New Hampshire, and one auditor shall be a resident of Vermont. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

"J. SUPERINTENDENT.—The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

"K. VACANCIES.—Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

#### "ARTICLE VI

##### "APPROPRIATION AND APPOINTMENT OF FUNDS

"A. BUDGET.—Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

"B. APPROPRIATION.—The interstate board of directors shall present the budget report of the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

"C. APPOINTMENT OF APPROPRIATION.—Subject to the provisions of article VII hereof, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time:

"a. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

"b. All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

"c. A formula based on any combination of the foregoing factors. The term 'fair market value of taxable property' shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

"The term 'fair market value of taxable property' shall mean the equalized grand list of a Vermont member district, as determined by the Vermont department of taxes.

"Such assessed valuation and grand list may be further adjusted (by elimination of certain types of taxable property from one or the other or otherwise) in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

"Average daily resident membership' of the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

"D. SHARE OF NEW HAMPSHIRE MEMBER DISTRICT.—The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate dis-

trict in payment of the New Hampshire member district's share of any anticipated obligations.

"E. SHARE OF VERMONT MEMBER DISTRICT.—The interstate board shall certify the share of a Vermont member district of the total appropriation to the school board of each member district which shall add sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

#### "ARTICLE VIII

##### "BORROWING

"A. INTERSTATE DISTRICT INDEBTEDNESS.—Indebtedness of an interstate district shall be a general obligation of the district and shall also be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under New Hampshire or Vermont law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not been withdrawn.

"B. TEMPORARY BORROWING.—The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate districts and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidenced by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this paragraph shall be payable within one year in the case of notes under clause (1) and three years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

"C. BORROWING FOR CAPITAL PROJECTS.—An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration, or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of ten percent of the total fair market value of taxable property in its member districts as defined in article VI of this compact. The primary obligation of the interstate district of pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this paragraph. Bonds or notes issued under this paragraph shall mature in equal or diminishing installments of principal payable at least annually commencing no later than two years and ending not later than thirty years after their dates.

"D. AUTHORIZATION PROCEEDINGS.—An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full

opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof.

"E. SALE OF BONDS AND NOTES.—Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the two required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

"F. PROCEEDS OF BOND.—Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses of capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

"G. STATE AID PROGRAMS.—As used in this paragraph the term 'initial aid' shall include New Hampshire and Vermont financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes and Vermont construction aid under chapter 123 of 16 V.S.A. As used in this paragraph the term 'long-term aid' shall include New Hampshire and Vermont financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Vermont school building aid under chapter 123 of Title 16 V.S.A. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions. When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a New Hampshire share and a Vermont share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school

district. In the case of a state guarantee of interstate districts bonds or notes under RSA 195-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed fifty per cent of the amount of the New Hampshire share as determined above. Vermont initial aid shall be available with respect to the amount of the Vermont share as though it were funds voted by a Vermont school district. Payments of Vermont initial aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Vermont long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Vermont shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of forty-five percent, if there are three or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Vermont long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Vermont may at any time change their state school aid programs that are in existence when this compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts.

"H. TAX EXEMPTION.—Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

#### "ARTICLE VIII

##### "TAKING OVER OF EXISTING PROPERTY

"A. POWER TO ACQUIRE PROPERTY OF MEMBER DISTRICT.—The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

"B. VALUATION.—The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways:

"a. A valuation set forth in the articles of agreement or the amendment.

"b. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first two appraisers.

"C. REIMBURSEMENT TO MEMBER DISTRICT.—The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

"a. By one lump sum, appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"b. In installments over a period of not more than twenty years, each of which is appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"c. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improve-

ment of the property, each such installment to be appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

#### "ARTICLE IX

##### "AMENDMENTS TO ARTICLES OF AGREEMENT

"A. Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

"a. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

"b. If the amendment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of two-thirds of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

"c. In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

"d. No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

#### "ARTICLE X

##### "APPLICABILITY OF NEW HAMPSHIRE LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in New Hampshire, the provisions of New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. NEW HAMPSHIRE STATE AID.—A New Hampshire school district shall be entitled to receive an amount of State aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF THE NEW HAMPSHIRE MEMBER SCHOOL DISTRICT.—A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not

herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

"D. SUIT AND SERVICE OF PROCESS IN NEW HAMPSHIRE.—The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who reside in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers' retirement system, the New Hampshire state employees' retirement system, the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

"1. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers' retirement system, even though assigned to teach in an interstate school in Vermont.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of New Hampshire or the state of Vermont but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedure of the retirement systems; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XI

##### "APPLICABILITY OF VERMONT LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in Vermont, the provisions of Vermont law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged

by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. VERMONT STATE AID.—A Vermont school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the Vermont member district, and as though the Vermont member district pupils attending the interstate schools were attending a Vermont union school district's schools. Such a state aid shall be paid to the Vermont member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF VERMONT MEMBER SCHOOL DISTRICT.—A Vermont member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Vermont member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Vermont member school district and held or disposed of according to law.

"D. SUIT AND SERVICE OF PROCESS IN VERMONT.—The courts of Vermont shall have the same jurisdiction over the districts as though a Vermont member district were a party instead of the interstate district. The service necessary to institute suit in Vermont shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Vermont, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in Vermont shall be considered an employee of a Vermont school district for the purpose of the state teachers' retirement system of Vermont, the state employees' retirement system, the Vermont workmen's compensation law, and any other law relating to the regulation of employment or the provision of benefits for employees of Vermont school districts except as follows:

"1. A teacher in a Vermont member district may elect to remain a member of the state teachers' retirement system of Vermont, even though assigned to teach in an interstate school in New Hampshire.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of Vermont or the state of New Hampshire but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system; (b) see that each teacher or professional staff

employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XII

##### "ADOPTION OF COMPACT BY DRESDEN SCHOOL DISTRICT

"The Dresden School District, otherwise known as the Hanover-Norwich Interstate School District, authorized by New Hampshire laws of 1961, chapter 116, and by the laws of Vermont, is hereby authorized to adopt the provisions of this compact and to become an interstate school district within the meaning hereof, upon the following conditions and subject to the following limitations:

"a. Articles of agreement shall be prepared and signed by a majority of the directors of the interstate school district.

"b. The articles of agreement shall be submitted to an annual or special meeting of the Dresden district for adoption.

"c. An affirmative vote of two-thirds of those present and voting shall be required for adoption.

"d. Nothing contained therein, or in this compact, as it affects the Dresden School District shall affect adversely the rights of the holders of any bonds or other evidences of indebtedness then outstanding, or the rights of the district to procure the means for payment thereof previously authorized.

"e. The corporate existence of the Dresden School District shall not be terminated by such adoption of articles of amendment, but shall be deemed to be so amended that it shall thereafter be governed by the terms of this compact.

#### "ARTICLE XIII

##### "MISCELLANEOUS PROVISIONS

"A. STUDIES.—Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

"B. TEXTBOOKS.—Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

"C. TRANSPORTATION.—The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

"D. LOCATION OF SCHOOLHOUSES.—In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in New Hampshire or in Vermont. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Vermont, the Vermont law relating to schoolhouses shall apply.

"E. FISCAL YEAR.—The fiscal year of each interstate district shall begin on July first of each year and end on June thirtieth of the following year.

"F. IMMUNITY FROM TORT LIABILITY.—Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors, except insofar as it may have undertaken such liability under RSA 281: 7 relating to workmen's compensation, or RSA 412: 3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under 21 V.S.A. Section 621 relating to workmen's compensation or 29 V.S.A. Section 1403 relating to the procurement of liability insurance by a governmental agency.

"G. ADMINISTRATIVE AGREEMENT BETWEEN COMMISSIONERS OF EDUCATION.—The commissioners of education of New Hampshire and Vermont may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the two state departments of education, in which any conflicts between the two states in procedure, regulations, and administrative practices may be resolved.

"H. AMENDMENT.—Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

"I. SEPARABILITY.—If any of the provisions of this compact, or legislation enabling the same, shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this compact are declared to be severable.

"J. INCONSISTENCY OF LANGUAGE.—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two states.

#### "ARTICLE XIV

##### "EFFECTIVE DATE

"This compact shall become effective when agreed to by the States of New Hampshire and Vermont and approved by the United States Congress."

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

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

A similar House bill (H.R. 751) was laid on the table.

#### DISCONTINUANCE OF THE ANNUAL REPORT TO CONGRESS AS TO THE ADMINISTRATIVE SETTLEMENT OF PERSONAL PROPERTY CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES

The Clerk called the bill (H.R. 4246) to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees.

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

H.R. 4246

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(e) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 241(e)), is repealed.*

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

Mr. HALL. Mr. Speaker, reserving the right to object, it is my understanding that there is a subsequent bill to be considered on the Consent Calendar today which will increase administrative settlement of similar claims, and honestly these two bills are part of the same reparation process, the reports of which we

have long enjoyed, and based on which we have only in the past 2 or 3 years extended the limits of permissiveness for settlement of service personnel's claims of loss by the administrative or executive branch.

I believe these reports are valuable and have proved of value to Members of the Congress and of the House in particular, insofar as reviewing these settlements that are made; actually as a delegation of congressional authority to the executive branch.

Therefore, I would ask unanimous consent that this bill be put over without prejudice at this time pending further study.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### NEW HAMPSHIRE-VERMONT INTER-STATE SCHOOL COMPACT

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the proceedings by which the bill, S. 278, was passed be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 278, a bill similar to H.R. 751 just passed on the Consent Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. HALL. Mr. Speaker, reserving the right to object, are we being reassured that this is simply a technical confirmation procedure and that the bill, S. 278, which is stated to be similar is in fact technically the same bill that we previously considered and passed by unanimous consent?

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

Mr. HALL. I yield to the gentleman. Mr. KASTENMEIER. This is identical except for the amendment just adopted by the House.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

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

S. 278

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the New Hampshire-Vermont Interstate School Compact which is substantially as follows:*

#### "NEW HAMPSHIRE-VERMONT INTER-STATE SCHOOL COMPACT

##### "ARTICLE I

##### "GENERAL PROVISIONS

"A. STATEMENT OF POLICY.—It is the purpose of this compact to increase the educational opportunities within the states of New Hampshire and Vermont by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to

permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of New Hampshire and Vermont may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as hereinafter set forth.

"B. REQUIREMENT OF CONGRESSIONAL APPROVAL.—This compact shall not become effective until approved by the United States Congress.

"C. DEFINITIONS.—The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

"a. 'Interstate school district' and 'interstate district' shall mean a school district composed of one or more school districts located in the state of New Hampshire associated under this compact with one or more school districts located in the state of Vermont, and may include either the elementary schools, the secondary schools, or both.

"b. 'Member school district' and 'member district' shall mean a school district located either in New Hampshire or Vermont which is included within the boundaries of a proposed or established interstate school district. In the case of districts located in Vermont, it shall include city school districts, town school districts, union school districts and incorporated school districts. Where appropriate, the term 'member district clerk' shall refer to the clerk of the city in which a Vermont school district is located, the clerk of the town in which a Vermont town school district is located, or the clerk of an incorporated school district.

"c. 'Elementary school' shall mean a school which includes all grades from kindergarten or grade one through not less than grade six nor more than grade eight.

"d. 'Secondary school' shall mean a school which includes all grades beginning no lower than grade seven and no higher than grade twelve.

"e. 'Interstate board' shall refer to the board serving an intermediate school district.

"f. 'New Hampshire board' shall refer to the New Hampshire state board of education.

"g. 'Vermont board' shall refer to the Vermont state board of education.

"h. 'Commissioner' shall refer to commissioner of education.

"i. Where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

"j. The terms 'professional staff personnel' and 'instructional staff personnel' shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counsellors, special education personnel, school nurses, therapists, teachers, and other certified personnel.

"k. The term 'warrant' or 'warning' to mean the same for both states.

##### "ARTICLE II

##### "PROCEDURE FOR FORMATION OF AN INTERSTATE SCHOOL DISTRICT

"A. CREATION OF PLANNING COMMITTEE.—The New Hampshire and Vermont commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June thirtieth of the third year following

his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under the provisions of this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

"B. OPERATING PROCEDURES OF PLANNING COMMITTEE.—Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

"C. DUTIES OF INTERSTATE SCHOOL DISTRICT PLANNING COMMITTEE.—It shall be the duty of an interstate school district planning committee, in consultation with the commissioners and the state departments of education: to study the advisability of establishing an interstate school district in accordance with the standards set forth in paragraph A of Article I of this compact, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts.

"D. RECOMMENDATIONS AND PREPARATION OF ARTICLES OF AGREEMENT.—An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendations, and shall also prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following:

"a. The name of the interstate school district.

"b. The member districts which shall be combined to form the proposed interstate school district.

"c. The number, composition, method of section and terms of office of the interstate school board, provided that:

"(1) The interstate school board shall consist of an odd number of members, not less than five nor more than fifteen;

"(2) The terms of office shall not exceed three years;

"(3) Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen;

"(4) The method of election shall provide for the filing of candidacies in advance of election and for the use of a printed non-partisan ballot;

"(5) Subject to the foregoing, provision may be made for the election of one or more members at large.

"d. The grades for which the interstate school district shall be responsible.

"e. The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.

"f. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.

"g. The indebtedness of any member district which the interstate district is to assume.

"h. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

"i. The manner in which state aid, available under the laws of either New Hampshire or Vermont, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

"j. The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

"k. The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

"l. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

"(1) The method of allocating the cost of transportation between the interstate district and member districts;

"(2) The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

"E. HEARINGS.—If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in New Hampshire, and at least one public hearing thereon within the proposed interstate school district in Vermont. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice

shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than fifteen days (not counting the date of publication and not counting the date of the hearing) before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

"F. APPROVAL BY STATE BOARDS.—After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may (a) if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or (b) refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in the following paragraph. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the following paragraph.

"G. ADOPTION BY MEMBER DISTRICTS.—Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the check list by a ballot substantially in the following form:

"Shall the school district accept the provisions of the New Hampshire-Vermont Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of ---- and ----, etc., in accordance with the provisions of the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?

"Yes (  ) No (  )"

"If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

"If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

"H. RESUBMISSION.—If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G of this article. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either (a) discharge the planning committee, or (b) refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted.

#### "ARTICLE III

##### "POWERS OF INTERSTATE SCHOOL DISTRICTS

"A. POWERS.—Each interstate school district shall be a body corporate and politic, with power to:

"a. To acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

"b. To sue and be sued, subject to the limitations of liability hereinafter set forth;

"c. To have a seal and alter the same at pleasure;

"d. To adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two states;

"e. To acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

"f. To enter into contracts and incur debts;

"g. To borrow money for the purposes hereinafter set forth, and to issue its bonds or notes therefor;

"h. To make contracts with and accept grants and aid from the United States, the state of New Hampshire, the state of Vermont, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation, and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;

"i. To employ such assistants, agents, servants, and independent contractors as it shall deem necessary or desirable for its purposes; and

"j. To take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

#### "ARTICLE IV

##### "DISTRICT MEETINGS

"A. GENERAL.—Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

"B. ELIGIBILITY OF VOTERS.—Any resident who would be eligible to vote at a meeting of a member district being held at the same time, shall be eligible to vote at a meeting of the interstate district. The board of civil

authority in each Vermont member district and the supervisors of the check list of each New Hampshire district shall respectively prepare a check list of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

"C. WARNING OF MEETINGS.—A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of ten or more voters in the district, presented to the directors or to one of them, at least twenty-five days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

"D. POSTING AND PUBLICATION OF WARRANT.—The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least twenty days (not counting the date of posting and the date of meeting) before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least ten days (not counting the date of publication and not counting the date of the meeting) before the date of the meeting. Although no further notice shall be required the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

"E. RETURN OF WARRANT.—The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

"F. ORGANIZATION MEETING.—The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within sixty days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the first instance, and the following business shall be transacted:

"a. A temporary moderator and a temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

"b. A moderator, a clerk, a treasurer, and three auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

"c. The date for the annual meeting shall be established.

"d. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys, and educational or other consultants or experts.

"e. Any other business, the subject matter

of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

"G. ANNUAL MEETINGS.—An annual meeting of the district shall be held between January fifteenth and June first of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

"a. Necessary officers shall be elected.

"b. Money shall be appropriated for the support of the interstate district schools for the first year beginning the following July first.

"c. Such other business as may properly come before the meeting.

"H. SPECIAL MEETINGS.—A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by five per cent or more of the voters (based on the check lists as prepared for the last preceding meeting) setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 33:8 or RSA 197:3 which would otherwise require the approval of the New Hampshire superior court.

"I. CERTIFICATION OF RECORDS.—The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and (where required) for filing with a secretary of state.

"J. METHOD OF VOTING AT SCHOOL DISTRICT MEETINGS.—Voting at meetings of interstate school districts shall take place as follows:

"a. SCHOOL DIRECTORS.—A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

"b. OTHER VOTES.—Except as otherwise provided in the articles of agreement of this compact, with respect to all other votes (1) the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and (2) a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

#### "ARTICLE V

##### "OFFICERS

"A. OFFICERS: GENERAL.—The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and three auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any office unless he is a voter in the

district. A custodian, school teacher, principal, superintendent, or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

##### "B. BOARD OF DIRECTORS.—

"a. HOW CHOSEN.—Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as above set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

"b. TERM.—Interstate school directors shall be elected for terms in accordance with the articles of agreement.

"c. DUTIES OF BOARD OF DIRECTORS.—The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

"d. ORGANIZATION.—The clerk of the district shall warn a meeting of the board of school directors to be held within ten days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

"C. CHAIRMAN OF THE BOARD.—The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him.

"D. VICE-CHAIRMAN OF THE BOARD OF DIRECTORS.—The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

"E. SECRETARY OF THE BOARD.—The Secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board (or the interstate district clerk, if so appointed) shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

"F. MODERATOR.—The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

"G. CLERK.—The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

"H. TREASURER.—The treasurer shall have custody of all of the monies belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year he shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and

submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1 to the following June 30.

"I. AUDITORS.—At the organization meeting of the district, three auditors shall be chosen, one to serve for a term of 1 year, one to serve for a term of 2 years, and one to serve for a term of 3 years. After the expiration of each original term, the successor shall be chosen for a 3-year term. At least one auditor shall be a resident of New Hampshire, and one auditor shall be a resident of Vermont. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

"J. SUPERINTENDENT.—The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

"K. VACANCIES.—Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

#### "ARTICLE VI

##### "APPROPRIATION AND APPORTIONMENT OF FUNDS

"A. BUDGET.—Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

"B. APPROPRIATION.—The interstate board of directors shall present the budget report of the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

"C. APPORTIONMENT OF APPROPRIATION.—Subject to the provisions of article VII hereof, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time:

"a. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

"b. All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

"c. A formula based on any combination of the foregoing factors. The term 'fair market value of taxable property' shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

"The term 'fair market value of taxable property' shall mean the equalized grand list of a Vermont member district, as determined by the Vermont department of taxes.

"Such assessed valuation and grand list may be further adjusted (by elimination of certain types of taxable property from one or the other or otherwise) in accordance with

the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

"Average daily resident membership' of the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

"D. SHARE OF NEW HAMPSHIRE MEMBER DISTRICT.—The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations.

"E. SHARE OF VERMONT MEMBER DISTRICT.—The interstate board shall certify the share of a Vermont member district of the total appropriation to the school board of each member district which shall add sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

#### "ARTICLE VIII

##### "BORROWING

"A. INTERSTATE DISTRICT INDEBTEDNESS.—Indebtedness of an interstate district shall be a general obligation of the district and shall also be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under New Hampshire or Vermont law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not been withdrawn.

"B. TEMPORARY BORROWING.—The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate districts and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidenced by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this paragraph shall be payable within one year in the case of notes under clause (1) and three years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

"C. BORROWING FOR CAPITAL PROJECTS.—An interstate district may incur debt and issue its bonds or notes to finance capital proj-

ects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration, or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of ten percent of the total fair market value of taxable property in its member districts as defined in article VI of this compact. The primary obligation of the interstate district of pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this paragraph. Bonds or notes issued under this paragraph shall mature in equal or diminishing installments of principal payable at least annually commencing no later than two years and ending not later than thirty years after their dates.

"D. AUTHORIZATION PROCEEDINGS.—An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof.

"E. SALE OF BONDS AND NOTES.—Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the two required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

"F. PROCEEDS OF BONDS.—Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

"G. STATE AID PROGRAMS.—As used in this paragraph the term 'initial aid' shall include New Hampshire and Vermont financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes and Vermont construction aid under chapter 123 of 16 V.S.A. As used in this paragraph the

term 'long-term aid' shall include New Hampshire and Vermont financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Vermont school building aid under chapter 123 of Title 16 V.S.A. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions. When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a New Hampshire share and a Vermont share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate districts bonds or notes under RSA 195-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed fifty per cent of the amount of the New Hampshire share as determined above. Vermont initial aid shall be available with respect to the amount of the Vermont share as though it were funds voted by a Vermont school district. Payments of Vermont initial aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Vermont long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Vermont shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of forty-five percent, if there are three or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Vermont long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Vermont may at any time change their state school aid programs that are in existence when this compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts.

"H. TAX EXEMPTION.—Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

#### "ARTICLE VIII

##### "TAKING OVER OF EXISTING PROPERTY

"A. POWER TO ACQUIRE PROPERTY OF MEMBER DISTRICT.—The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

"B. VALUATION.—The articles of agreement, or the amendment, shall provide for the determination of the value of the property to

be acquired in one or more of the following ways:

"a. A valuation set forth in the articles of agreement or the amendment.

"b. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first two appraisers.

"C. REIMBURSEMENT TO MEMBER DISTRICT.—The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

"a. By one lump sum, appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"b. In installments over a period of not more than twenty years, each of which is appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"c. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

#### "ARTICLE IX

##### "AMENDMENTS TO ARTICLES OF AGREEMENT

"A. Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

"a. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

"b. If the enactment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amount shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of two-thirds of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

"c. In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

"d. No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

#### "ARTICLE X

##### "APPLICABILITY OF NEW HAMPSHIRE LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in New Hampshire, the provisions of New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. NEW HAMPSHIRE STATE AID.—A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF THE NEW HAMPSHIRE MEMBER SCHOOL DISTRICT.—A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

"D. SUIT AND SERVICE OF PROCESS IN NEW HAMPSHIRE.—The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who reside in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers' retirement system, the New Hampshire state employees' retirement system, the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

"1. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers' retirement system, even though assigned to teach in an interstate school in Vermont.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of New

Hampshire or the state of Vermont but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedure of the retirement systems; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XI

##### "APPLICABILITY OF VERMONT LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in Vermont, the provisions of Vermont law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. VERMONT STATE AID.—A Vermont school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the Vermont member district, and as though the Vermont member district pupils attending the interstate schools were attending a Vermont union school district's schools. Such state aid shall be paid to the Vermont member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF VERMONT MEMBER SCHOOL DISTRICT.—A Vermont member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Vermont member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Vermont member school district and held or disposed of according to law.

"D. SUIT AND SERVICE OF PROCESS IN VERMONT.—The courts of Vermont shall have the same jurisdiction over the districts as though a Vermont member district were a party instead of the interstate district. The service necessary to institute suit in Vermont shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Vermont, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in Vermont shall be considered an em-

ployee of a Vermont school district for the purpose of the state teachers' retirement system of Vermont, the state employees' retirement system, the Vermont workmen's compensation law, and any other law relating to the regulation of employment or the provision of benefits for employees of Vermont school districts except as follows:

"1. A teacher in a Vermont member district may elect to remain a member of the state teachers' retirement system of Vermont, even though assigned to teach in an interstate school in New Hampshire.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of Vermont or the state of New Hampshire but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XII

##### "ADOPTION OF COMPACT BY DRESDEN SCHOOL DISTRICT

"The Dresden School District, otherwise known as the Hanover-Norwich Interstate School District, authorized by New Hampshire laws of 1961, chapter 116, and by the laws of Vermont, is hereby authorized to adopt the provisions of this compact and to become an interstate school district within the meaning hereof, upon the following conditions and subject to the following limitations:

"a. Articles of agreement shall be prepared and signed by a majority of the directors of the interstate school district.

"b. The articles of agreement shall be submitted to an annual or special meeting of the Dresden district for adoption.

"c. An affirmative vote of two-thirds of those present and voting shall be required for adoption.

"d. Nothing contained therein, or in this compact, as it affects the Dresden School District shall affect adversely the rights of the holders of any bonds or other evidences of indebtedness then outstanding, or the rights of the district to procure the means for payment thereof previously authorized.

"e. The corporate existence of the Dresden School District shall not be terminated by such adoption of articles of amendment, but shall be deemed to be so amended that it shall thereafter be governed by the terms of this compact.

#### "ARTICLE XIII

##### "MISCELLANEOUS PROVISIONS

"A. STUDIES.—Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

"B. TEXTBOOKS.—Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

"C. TRANSPORTATION.—The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

"D. LOCATION OF SCHOOLHOUSES.—In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine

whether it shall be located in New Hampshire or in Vermont. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Vermont, the Vermont law relating to schoolhouses shall apply.

"E. FISCAL YEAR.—The fiscal year of each interstate district shall begin on July first of each year and end on June thirtieth of the following year.

"F. IMMUNITY FROM TORT LIABILITY.—Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors, except insofar as it may have undertaken such liability under RSA 281:7 relating to workmen's compensation, or RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under 21 V.S.A. Section 621 relating to workmen's compensation or 29 V.S.A. Section 1403 relating to the procurement of liability insurance by a governmental agency.

"G. ADMINISTRATIVE AGREEMENT BETWEEN COMMISSIONERS OF EDUCATION.—The commissioners of education of New Hampshire and Vermont may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the two state departments of education, in which any conflicts between the two states in procedure, regulations, and administrative practices may be resolved.

"H. AMENDMENT.—Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

"I. SEPARABILITY.—If any of the provisions of this compact, or legislation enabling the same, shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this compact are declared to be severable.

"J. INCONSISTENCY OF LANGUAGE.—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two states.

#### "ARTICLE XIV

##### "EFFECTIVE DATE

"This compact shall become effective when agreed to by the States of New Hampshire and Vermont and approved by the United States Congress."

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Passed the Senate May 5, 1969.

Attest:

Secretary.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER, Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: Strike out all after the enacting clause of S. 278 and insert in lieu thereof the provisions of H.R. 751, as passed, as follows:

"That the Congress consents to the New Hampshire-Vermont Interstate School Compact which is substantially as follows:

"NEW HAMPSHIRE-VERMONT INTER-STATE SCHOOL COMPACT"

"ARTICLE I

"GENERAL PROVISIONS

"A. STATEMENT OF POLICY.—It is the purpose of this compact to increase the educational opportunities within the states of New Hampshire and Vermont by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of New Hampshire and Vermont may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as hereinafter set forth.

"B. REQUIREMENT OF CONGRESSIONAL APPROVAL.—This compact shall not become effective until approved by the United States Congress.

"DEFINITIONS.—The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

"a. "Interstate school district" and "interstate district" shall mean a school district composed of one or more school districts located in the state of New Hampshire associated under this compact with one or more school districts located in the state of Vermont, and may include either the elementary schools, the secondary schools, or both.

"b. "Member school district" and "member district" shall mean a school district located either in New Hampshire or Vermont which is included within the boundaries of a proposed or established interstate school district. In the case of districts located in Vermont, it shall include city school districts, town school districts, union school districts and incorporated school districts. Where appropriate, the term "member district clerk" shall refer to the clerk of the city in which a Vermont school district is located, the clerk of the town in which a Vermont town school district is located, or the clerk of an incorporated school district.

"c. "Elementary school" shall mean a school which includes all grades from kindergarten or grade one through not less than grade six nor more than grade eight.

"d. "Secondary school" shall mean a school which includes all grades beginning no lower than grade seven and no higher than grade twelve.

"e. "Interstate board" shall refer to the board serving an interstate school district.

"f. "New Hampshire board" shall refer to the New Hampshire state board of education.

"g. "Vermont board" shall refer to the Vermont state board of education.

"h. "Commissioner" shall refer to commissioner of education.

"i. Where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

"j. The terms "professional staff personnel" and "instructional staff personnel" shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counsellors, special education personnel, school nurses, therapists, teachers, and other certified personnel.

"k. The term "warrant" or "warning" to mean the same for both states.

"ARTICLE II

"PROCEDURE FOR FORMATION OF AN INTERSTATE SCHOOL DISTRICT

"A. CREATION OF PLANNING COMMITTEE.—The New Hampshire and Vermont commissioners of education shall have the power,

acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June thirtieth of the third year following his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under the provisions of this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

"B. OPERATING PROCEDURES OF PLANNING COMMITTEE.—Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

"C. DUTIES OF INTERSTATE SCHOOL DISTRICT PLANNING COMMITTEE.—It shall be the duty of an interstate school district planning committee, in consultation with the commissioners and the state departments of education: to study the advisability of establishing an interstate school district in accordance with the standards set forth in paragraph A of Article I of this compact, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts.

"D. RECOMMENDATIONS AND PREPARATION OF ARTICLES OF AGREEMENT.—An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendation, and shall also prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the member-

ship of the planning committee, which set forth the following:

"a. The name of the interstate school district.

"b. The member districts which shall be combined to form the proposed interstate school district.

"c. The number, composition, method of selection and terms of office of the interstate school board, provided that:

"(1) The interstate school board shall consist of an odd number of members, not less than five nor more than fifteen;

"(2) The terms of office shall not exceed three years;

"(3) Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen;

"(4) The method of election shall provide for the filing of candidacies in advance of election and for the use of a printed non-partisan ballot;

"(5) Subject to the foregoing, provision may be made for the election of one or more members at large.

"d. The grades for which the interstate school district shall be responsible.

"e. The specific properties of members districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.

"f. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.

"g. The indebtedness of any member district which the interstate district is to assume.

"h. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

"i. The manner in which state aid, available under the laws of either New Hampshire or Vermont, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

"j. The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

"k. The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

"l. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

"(1) The method of allocating the cost of transportation between the interstate district and member districts;

"(2) The nomination of individual school

directors to serve until the first annual meeting of the interstate school district.

"E. HEARINGS.—If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in New Hampshire, and at least one public hearing thereon within the proposed interstate school district in Vermont. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than fifteen days (not counting the date of publication and not counting the date of the hearing) before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

"F. APPROVAL BY STATE BOARDS.—After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may (a) if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or (b) refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in the following paragraph. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the following paragraph.

"G. ADOPTION BY MEMBER DISTRICTS.—Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the check list by a ballot substantially in the following form:

" "Shall the school district accept the provisions of the New Hampshire-Vermont In-

terstate School Compact providing for the establishment of an interstate school district, together with the school districts of \_\_\_\_\_ and \_\_\_\_\_ etc., in accordance with the provisions of the proposed articles of agreement filed with the school district (town, city or incorporated school (district) clerk?

" "Yes (  ) No (  )"

"If the articles of agreement included the nomination of individual school directors, those nominated from each member shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

"If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

"H. RESUBMISSION.—If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G of this article. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either (a) discharge the planning committee, or (b) refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all the powers and duties as the planning committee as originally constituted.

#### "ARTICLE III

##### "POWERS OF INTERSTATE SCHOOL DISTRICTS

"POWERS.—Each interstate school district shall be a body corporate and politic, with power to:

"a. To acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

"b. To sue and be sued, subject to the limitations of liability hereinafter set forth;

"c. To have a seal and alter the same at pleasure;

"d. To adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two states;

"e. To acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

"f. To enter into contracts and incur debts;

"g. To borrow money for the purposes hereinafter set forth, and to issue its bonds or notes therefor;

"h. To make contracts with and accept grants and aid from the United States, the state of New Hampshire, the state of Vermont, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;

"i. To employ such assistants, agents, servants, and independent contractors as it shall deem necessary or desirable for its purposes; and

"j. To take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

#### "ARTICLE IV

##### "DISTRICT MEETINGS

"A. GENERAL.—Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

"B. ELIGIBILITY OF VOTERS.—Any resident who would be eligible to vote at a meeting of a member district being held at the same time, shall be eligible to vote at a meeting of the interstate district. The board of civil authority in each Vermont member district and the supervisors of the checklist of each New Hampshire district shall respectively prepare a checklist of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

"C. WARNING OF MEETINGS.—A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of ten or more voters in the district, presented to the directors or to one of them, at least twenty-five days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

"D. POSTING AND PUBLICATION OF WARRANT.—The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least twenty days (not counting the date of posting and the date of meeting) before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least ten days (not counting the date of publication and not counting the date of the meeting) before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

"E. RETURN OF WARRANT.—The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

"F. ORGANIZATION MEETING.—The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within sixty days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the first instance, and the following business shall be transacted:

"a. A temporary moderator and a temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

"b. A moderator, a clerk, a treasurer, and three auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified.

Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

"c. The date for the annual meeting shall be established.

"d. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys, and educational or other consultants or experts.

"e. Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

"G. ANNUAL MEETINGS.—An annual meeting of the district shall be held between January fifteenth and June first of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

"a. Necessary officers shall be elected.

"b. Money shall be appropriated for the support of the interstate district schools for the fiscal year beginning the following July first.

"c. Such other business as may properly come before the meeting.

"H. SPECIAL MEETINGS.—A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by five per cent or more of the voters (based on the check lists as prepared for the last preceding meeting) setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 33:8 or RSA 197:3 which would otherwise require the approval of the New Hampshire superior court.

"I. CERTIFICATION OF RECORDS.—The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and (where required) for filing with a secretary of state.

"J. METHOD OF VOTING AT SCHOOL DISTRICT MEETINGS.—Voting at meetings of interstate school districts shall take place as follows:

"a. SCHOOL DIRECTORS.—A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

"b. OTHER VOTES.—Except as otherwise provided in the articles of agreement or this compact, with respect to all other votes (1) the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and (2) a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

#### "ARTICLE V

##### "OFFICERS

"A. OFFICERS: GENERAL.—The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of

the board, a moderator, a clerk, a treasurer, and three auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the State in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any district office unless he is a voter in the district. A custodian, school teacher, principal, superintendent, or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

##### "B. BOARD OF DIRECTORS.—

"a. HOW CHOSEN.—Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as above set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

"b. TERMS.—Interstate school directors shall be elected for terms in accordance with the articles of agreement.

"c. DUTIES OF BOARD OF DIRECTORS.—The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

"d. ORGANIZATION.—The clerk of the district shall warn a meeting of the board of school directors to be held within ten days following the date of the annual meeting for the purpose of organizing the board, including the election of its officers.

"C. CHAIRMAN OF THE BOARD.—The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him.

"D. VICE-CHAIRMAN OF THE BOARD OF DIRECTORS.—The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

"E. SECRETARY OF THE BOARD.—The Secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board (or the interstate district clerk, if so appointed) shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

"F. MODERATOR.—The moderator shall preside at the district meetings, regulate the business thereof decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

"G. CLERK.—The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed,

shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

"H. TREASURER.—The treasurer shall have custody of all the monies belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year he shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1 to the following June 30.

"I. AUDITORS.—At the organization meeting of the district, three auditors shall be chosen, one to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years. After the expiration of each original term, the successor shall be chosen for a three year term. At least one auditor shall be a resident of New Hampshire, and one auditor shall be a resident of Vermont. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

"J. SUPERINTENDENT.—The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

"K. VACANCIES.—Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

#### "ARTICLE VI

##### "APPROPRIATION AND APPORTIONMENT OF FUNDS

"A. BUDGET.—Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

"B. APPROPRIATION.—The interstate board of directors shall present the budget report of the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

"C. APPORTIONMENT OF APPROPRIATION.—Subject to the provisions of article VII hereof, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time:

"a. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

"b. All of such balance to be apportioned on the basis that the average daily resident

membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

"c. A formula based on any combination of the foregoing factors. The term "fair market value of taxable property" shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

"The term "fair market value of taxable property" shall mean the equalized grand list of a Vermont member district, as determined by the Vermont department of taxes.

"Such assessed valuation and grand list may be further adjusted (by elimination of certain types of taxable property from one or the other or otherwise) in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

"Average daily resident membership" of the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

"D. SHARE OF NEW HAMPSHIRE MEMBER DISTRICT.—The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriate had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations.

"E. SHARE OF VERMONT MEMBER DISTRICT.—The interstate board shall certify the share of a Vermont member district of the total appropriation to the school board of each member district which shall add sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

#### "ARTICLE VII

##### "BORROWING

"A. INTERSTATE DISTRICT INDEBTEDNESS.—Indebtedness of an interstate district shall be a general obligation of the district and shall also be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under New Hampshire or Vermont law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not been withdrawn.

"B. TEMPORARY BORROWING.—The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate districts and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidenced by interest bearing or discounted

notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this paragraph shall be payable within one year in the case of notes under clause (1) and three years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

"C. BORROWING FOR CAPITAL PROJECTS.—An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration, or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of ten percent of the total fair market value of taxable property in its member districts as defined in article VI of this compact. The primary obligation of the interstate district to pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this paragraph. Bonds or notes issued under this paragraph shall mature in equal or diminishing installments of principal payable at least annually commencing no later than two years and ending not later than thirty years after their dates.

"D. AUTHORIZATION PROCEEDINGS.—An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof.

"E. SALE OF BONDS AND NOTES.—Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the two required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

"F. PROCEEDS OF BONDS.—Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were

issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

"G. STATE AID PROGRAMS.—As used in this paragraph the term "initial aid" shall include New Hampshire and Vermont financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes and Vermont construction aid under chapter 123 of 16 V.S.A. As used in this paragraph the term "long-term aid" shall include New Hampshire and Vermont financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Vermont school building aid under chapter 123 of Title 16 V.S.A. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions. When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a New Hampshire share and a Vermont share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate districts bonds or notes under RSA 195-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed fifty per cent of the amount of the New Hampshire share as determined above. Vermont initial aid shall be available with respect to the amount of the Vermont share as though it were funds voted by a Vermont school district. Payments of Vermont initial aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Vermont long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Vermont shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of forty-five per cent, if there are three or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Vermont long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Vermont may at any time change their state school aid programs that are in existence when this

compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts.

"H. TAX EXEMPTION.—Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

#### "ARTICLE VIII

##### "TAKING OVER EXISTING PROPERTY

"A. POWER TO ACQUIRE PROPERTY OF MEMBER DISTRICT.—The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

"B. VALUATION.—The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways:

"a. A valuation set forth in the articles of agreement or the amendment.

"b. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first two appraisers.

"C. REIMBURSEMENT TO MEMBER DISTRICT.—The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

"a. By one lump sum, appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"b. In installments over a period of not more than twenty years, each of which is appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"c. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

#### "ARTICLE IX

##### "AMENDMENTS TO ARTICLES OF AGREEMENT

"A. Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

"a. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

"b. If the amendment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of two-thirds of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

"c. In all cases an amendment may be adopted on the part of an interstate district

upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

"d. No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

#### "ARTICLE X

##### "APPLICABILITY OF NEW HAMPSHIRE LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in New Hampshire, the provisions of New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. NEW HAMPSHIRE STATE AID.—A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF THE NEW HAMPSHIRE MEMBER SCHOOL DISTRICT.—A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

"D. SUIT AND SERVICE OF PROCESS IN NEW HAMPSHIRE.—The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the

last and usual place of abode of one of the directors who reside in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers' retirement system, the New Hampshire state employees' retirement system; the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

"1. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers' retirement system, even though assigned to teach in an interstate school in Vermont.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of New Hampshire or the state of Vermont but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedure of the retirement systems; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XI

##### "APPLICABILITY OF VERMONT LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in Vermont, the provisions of Vermont law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. VERMONT STATE AID.—A Vermont school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the Vermont member district, and as though the Vermont member district pupils attending the interstate schools were attending a Vermont union school district's schools. Such state aid shall be paid to the Vermont member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF VERMONT MEMBER SCHOOL DISTRICT.—A Vermont member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be

subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Vermont member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Vermont member school district and held or disposed of according to law.

"D. SUIT AND SERVICE OF PROCESS IN VERMONT.—The Courts of Vermont shall have the same jurisdiction over the districts as though a Vermont member district were a party instead of the interstate district. The service necessary to institute suit in Vermont shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Vermont, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in Vermont shall be considered an employee of a Vermont school district for the purpose of the state teachers' retirement system of Vermont, the state employees' retirement system, the Vermont workmen's compensation law, and any other law relating to the regulation of employment or the provision of benefits for employees of Vermont school districts except as follows:

"1. A teacher in a Vermont member district may elect to remain a member of the state teachers' retirement system of Vermont, even though assigned to teach in an interstate school in New Hampshire.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of Vermont or the state of New Hampshire but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

#### "ARTICLE XII

##### "ADOPTION OF COMPACT BY DRESDEN SCHOOL DISTRICT

"The Dresden School District, otherwise known as the Hanover-Norwich Interstate School District, authorized by New Hampshire laws of 1961, chapter 116, and by the laws of Vermont, is hereby authorized to adopt the provisions of this compact and to become an interstate school district within the meaning hereof, upon the following conditions and subject to the following limitations:

"a. Articles of agreement shall be prepared and signed by a majority of the directors of the interstate school district.

"b. The articles of agreement shall be submitted to an annual or special meeting of the Dresden district for adoption.

"c. An affirmative vote of two-thirds of those present and voting shall be required for adoption.

"d. Nothing contained therein, or in this compact, as it affects the Dresden School District shall affect adversely the rights of the holders of any bonds or other evidences

of indebtedness then outstanding, or the rights of the district to procure the means for payment thereof previously authorized.

"e. The corporate existence of the Dresden School District shall not be terminated by such adoption of articles of amendment, but shall be deemed to be so amended that it shall thereafter be governed by the terms of this compact.

#### "ARTICLE XIII

##### "MISCELLANEOUS PROVISIONS

"A. STUDIES.—Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

"B. TEXTBOOKS.—Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

"C. TRANSPORTATION.—The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

"D. LOCATION OF SCHOOLHOUSES.—In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in New Hampshire or in Vermont. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Vermont, the Vermont law relating to schoolhouses shall apply.

"E. FISCAL YEAR.—The fiscal year of each interstate district shall begin on July first of each year and end on June thirtieth of the following year.

"F. IMMUNITY FROM TORT LIABILITY.—Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors, except insofar as it may have undertaken such liability under RSA 281:7 relating to workmen's compensation, or RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under 21 V.S.A. Section 621 relating to workmen's compensation or 29 V.S.A. Section 1403 relating to the procurement of liability insurance by a governmental agency.

"G. ADMINISTRATIVE AGREEMENT BETWEEN COMMISSIONERS OF EDUCATION.—The commissioners of education of New Hampshire and Vermont may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the two state departments of education, in which any conflicts between the two states in procedure, regulations, and administrative practices may be resolved.

"H. AMENDMENT.—Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bond or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

"I. SEPARABILITY.—If any of the provisions of this compact, or legislation enabling the same, shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this compact are declared to be severable.

"J. INCONSISTENCY OF LANGUAGE.—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two states.

#### "ARTICLE XIV

##### "EFFECTIVE DATE

"This compact shall become effective when agreed to by the States of New Hampshire and Vermont and approved by the United States Congress."

"SEC. 2. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning any school district created under the New Hampshire-Vermont Interstate School Compact as is deemed appropriate by the Congress or such committee.

"SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved."

The amendment was agreed to.

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

#### AMENDING SECTIONS 2734, 2733, AND 715 OF TITLE 10, UNITED STATES CODE, TO AUTHORIZE THE SECRETARY CONCERNED TO MAKE PARTIAL PAYMENTS ON CERTAIN CLAIMS WHICH ARE CERTIFIED TO CONGRESS

The Clerk called the bill (H.R. 4247) to amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress.

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

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### AMENDING SECTION 336(c) OF THE IMMIGRATION AND NATIONALITY ACT

The Clerk called the bill (H.R. 3666) to amend section 336(c) of the Immigration and Nationality Act.

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

Mr. PELLY. Mr. Speaker, reserving the right to object, and I do this not to indicate opposition to the legislation because I think it has merit, but on the other hand as I read it, it would change the policy under the rules and the criteria that have been established by the official objectors. It seems to me this is not the right type of calendar under which this legislation should be considered.

Therefore, Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

### AMENDING SECTION 312 OF THE IMMIGRATION AND NATIONALITY ACT

The Clerk called the bill (H.R. 3667) to amend section 312 of the Immigration and Nationality Act.

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

H.R. 3667

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and by inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334 of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years".

With the following committee amendments:

On page 1, at the end of the bill, add two new sections to read as follows:

"Sec. 2. Paragraphs (1) and (2) of section 320(a) of the Immigration and Nationality Act (8 U.S.C. 1431) are amended to delete the word 'sixteen' and substitute in lieu thereof the word 'eighteen'.

"Sec. 3. Paragraphs (4) and (5) of section 321(a) of the Immigration and Nationality Act (8 U.S.C. 1432) are amended to delete the word 'sixteen' and substitute in lieu thereof the word 'eighteen'."

The amendments were agreed to.

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

The title was amended so as to read: "A bill to amend sections 312, 320(a), and 321(a) of the Immigration and Nationality Act."

A motion to reconsider was laid on the table.

### EXTENSION OF GREAT PLAINS CONSERVATION PROGRAM

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10595) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program, as amended.

The Clerk read as follows:

H.R. 10595

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of August 7, 1956 (70 Stat. 1115), as amended, is hereby further amended by striking subparagraph (b) (1) of said Act and inserting in lieu thereof the following:

"(1) The Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed for the contract period of the farms, ranches, or other lands covered thereby. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms,

ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than December 31, 1981, on farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The landowner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

"(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

"(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program. In return for such agreement by the land owner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical instal-

lation of the conservation practices and measures under the contract;"

Sec. 2. Subparagraph (b) (2) is amended to read:

"(2) the Secretary may terminate any contract with a land owner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary;"

Sec. 3. Subparagraph (b) (7) of said Act is amended to read:

"(7) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided*, That the total cost of the program (excluding administrative costs) shall not exceed \$300,000,000, and for any program year payments shall not exceed \$25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act."

The SPEAKER pro tempore (Mr. McFALL). Is a second demanded?

Mr. KLEPPE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, I yield myself such time as I may consume.

This bill merely provides an extension of the existing Great Plains conservation program, which is, I believe, one of the best accepted of our conservation programs in the country. A Great Plains conservation program was authorized under Public Law 1021, 84th Congress, to provide farmers and ranchers in the critically erodible areas of the Great Plains, known in the 1930's as the "Dust Bowl", with long-range costsharing on conservation practices and technical assistance in their application. The program is designed to improve and conserve the resources of this vast agricultural area. The program supplements other soil and water conservation programs; it is also coordinated with the objectives of local conservation districts, State agencies, and community groups. It contemplates reorientation of the use of badly eroded lands, in the area formerly known as the Dust Bowl. It involves areas covering the major part of 10 Midwestern States. It rests on contracts of from 3 to 10 years with landowners, whereby they undertake to carry out certain practices with certain governmental assistance.

While drought, destructive winds and floods, and other natural disasters cannot be prevented, their damaging effects can be minimized. The Great Plains conservation program is an integral part in any reduction of their effect.

The bill pending would also define by law the role of soil and water conservation districts in the implementation of the program.

The bill would allow the Secretary to enter into contracts on land units not usually considered farms or ranches when erosion of those tracts was serious enough to threaten the surrounding area.

The bill would allow modification of contracts to make provisions of this program more complementary to other U.S. Department of Agriculture administered programs.

The Great Plains program is not a land retirement program, and the failure of one landowner to participate does not very often reduce the benefits to others. In this respect this program is definitely different from the land retirement and crop reductions of other Department of Agriculture programs. The program is directed at shifts and changes in land uses to better conserve the land resources. In order that as many farmers and ranchers as possible participate, a limit of \$25,000 over the entire contract period for any one unit, or \$2,500 in any 1 year, was established. This limit is continued by the pending bill. The average cooperating landowner has a program of about 5½ years' duration, during which time the Federal Government participates at the rate of \$630 per year. As of June 30, 1968, a total of 31,122 contracts involving more than 56 million acres had been executed.

Under the program, the Department furnishes a part of the cost for the installation of permanent-type conservation practices under long-term contracts.

Second, the Department provides the technical services of trained conservationists, engineers, and other agricultural specialists to plan and help install programs adapted to each farm or ranch. These include scheduling of treatment measures and the technical help in design, layout, and site selection, as well as actual technical supervision of construction.

In addition to conserving the lands, the program has had the side effect of improving marginal farms and ranches to the point that income has been substantially enhanced. Equally important has been the reduction in sediment pollution of streams and air.

The bill provides for a continuation of this work at the same rate of authorized expenditures as in the past, which is \$15 million per year, and which over a 20-year period would be \$300 million with a limitation of expenditure of \$25 million in any one year. Obviously, if \$25 million is spent in 1 year, less than \$15 million will have to be spent in some other years.

It was felt by some on the committee that this program should be extended to cover additional States. It was finally agreed, however, that while some extension of area was needed, that such extension should be within the States already included, and the Department agreed that it had the authority and under the pending bill would have authority to extend this program to additional counties within the 10 States now included as the needs in those areas indicated.

I know of no reason for objecting to a

continuation of this program, which has proven such a success, as is a program which is working and is relatively modest—quite modest as far as modern-day programs are concerned—and one which involves the protection of the soil over a very vast area. Actually it involves the people over all the United States, because those of you who are old enough to remember will recall that in the middle 1930's there were duststorms which actually blew dust into this Capitol in the District of Columbia, the dust originating in the Midwestern States—the very area which we are trying to protect now under this bill.

I reserve the balance of my time. I yield to the gentleman from South Dakota such time as he desires.

Mr. KLEPPE, Mr. Speaker, I commend the chairman of our committee for his explanation of the bill, and most assuredly I join in his remarks.

I would just like to point out for the RECORD, that of the 27 original sponsors of legislation to extend the Great Plains conservation program, all 27 are part and parcel of this legislation. H.R. 10595, which we have under consideration, contains 20 names. I would like the RECORD to show that in addition to those, the names of Mr. BELCHER, Mr. ASPINALL, Mr. MAHON, Mr. STEED, Mr. LUJAN, Mr. FOREMAN, and Mr. ROGERS of Colorado should be shown as cosponsors of this legislation also.

The only reason they were not originally shown on the bill was because, first of all, we could have only 25 names on the bill, and second, on the day when the bill was introduced, we just could not physically and personally contact all, so H.R. 10677 was introduced the following day with these additional names on it.

This is good legislation, Mr. Speaker, and I most assuredly commend it to the Members of the House and recommend its passage.

(Mr. BERRY (at the request of Mr. KLEPPE) was given permission to extend his remarks at this point in the RECORD.)

Mr. BERRY, Mr. Speaker, I rise in support of H.R. 10595, a bill to extend the Great Plains conservation program.

As a cosponsor of this legislation, extending the existing program for 10 years, I cannot stress too strongly that dependable agriculture in the Great Plains States is vital to all America. The 10 States which participate in the program contain over a third of our Nation's land area and two-fifths of our cropland.

H.R. 10595 will provide for the continuation of a program to assist farmers and ranchers in developing good conservation practices through utilization of water resources and prevention of soil erosion. In addition, the program provides opportunities for participants to stabilize their operations by insuring carryover feed for livestock to avoid untimely sales during drought or other emergencies.

Under the provisions of the bill, the amount of the appropriation will be increased from the present spending level of \$150 million to \$300 million, with not more than \$25 million to be expended in any 1 year.

The Secretary of Agriculture is author-

ized within the amounts of these appropriations to enter into contracts with farmers and ranchers for a period of up to 10 years. In order to allow as many farmers and ranchers as possible to participate, a limit of \$25,000 for any one unit has been established.

Statistics indicate that contracts average about \$3,500 in Federal cost sharing, spread over about 5½ years. This means about \$630 a year in Federal cost sharing is used by individuals on the average in carrying his conservation program to completion.

At this point, it might be well to give a brief history of how this program was started and what it has accomplished to date.

During the mid-1950's the Great Plains suffered from an extended drought which caused severe wind erosion, loss of crops, untimely sales of livestock and in some cases, loss of farms and ranches due to economic stress.

It was a repeat of the severe land damage in the 1930's which led to the origin of the term "Dust Bowl" for a large area of the Plains.

Consequently, in 1956 Congress passed legislation establishing the Great Plains conservation program. U.S. Department of Agriculture agency representatives at State levels, along with other interested groups of soil and water conservationists, worked together in setting out the boundaries and recommended to the Secretary of Agriculture the initial counties in each State to be eligible to participate in the program.

Today, that area embraces 427 counties in parts of the 10 States of Montana, South Dakota, North Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, New Mexico, and Texas.

As of June 30, 1968, a total of 31,122 contracts covering 56,601,700 acres had been executed.

In the Second Congressional District of South Dakota, which I am privileged to represent, 39 of the district's 43 counties participate in the program. The farmers and ranchers in these counties have signed 1,509 contracts since the inception of the program, covering 4½ million acres. In addition, there are 348 applications pending in South Dakota and about 5,000 in the 10-State area.

In my judgment, this program has proven itself in providing technical and financial assistance through long-term contractual arrangements to help farmers and ranchers install complete conservation programs on their entire operating units.

There is much, however, that still needs to be accomplished. As I indicated earlier, over 5,000 applications are still pending. It is imperative that this program be continued if we are to keep the almost certain drought cycles from re-occurring in the Plains area.

We cannot afford to leave this area unprotected again.

Mr. BROTZMAN (at the request of Mr. KLEPPE) was given permission to extend his remarks at this point in the RECORD.)

Mr. BROTZMAN, Mr. Speaker, I was pleased to join with my distinguished colleague, Congressman KLEPPE and

others, as a sponsor of the Great Plains conservation program.

This program has provided a voluntary soil conservation program to protect farmers and ranchers in Colorado and the other Plains States from the hazards of drought for the last 13 years.

During that time more than 32,000 farmers and ranch operators have taken part in the program which emphasizes better utilization of land, and control of wind erosion and moisture.

As a supplement to the other Department of Agriculture programs in the Plains region, the program has been a great success. But the job is far from done. The 1971 expiration date will come long before the critical conservation needs for the Great Plains can be met.

Therefore, I urge my distinguished colleagues to act favorably on this bill, H.R. 10595, which would extend the program for another 10 years.

(Mr. SHRIVER (at the request of Mr. KLEPPE) was given permission to extend his remarks at this point in the RECORD.)

Mr. SHRIVER. Mr. Speaker, I rise in support of H.R. 10595, of which I am a cosponsor, with the distinguished Congressman from North Dakota (Mr. KLEPPE). This bill authorizes the Secretary to enter into contracts of not to exceed 10 years with owners and operators of land in the Great Plains area.

Without this action today this important conservation program would expire in 1971 leaving much undone.

This program was designed to assist farmers and ranchers in applying conservation programs throughout the vast Plains area. As I have stated, it has become apparent the critical conservation needs in the 10 Great Plains States, including Kansas, cannot be met by the end of 1971.

We are aware of the great strides which have been made in conservation work as a result of this partnership between the Federal Government, farmers and ranchers, and local and State governments.

However, we are constantly reminded by nature that the job is far from finished. The ability of the farmer to provide for the future food needs of our Nation may depend on our continuing investments in agricultural programs such as the Great Plains conservation program.

More than half of the crop, range, and pasture lands within the 423 counties participating in this program is still vulnerable to damage and still in need of conservation treatment.

The Committee on Agriculture has recognized the importance of extending the life of this program and authorizing adequate financing.

This legislation authorizes \$300 million for the total cost of the program and enables the Secretary to make payments of up to \$25 million in any program year.

With the extension of the Great Plains conservation program, we will see this region and the Nation move closer to the time when all of the lands will be protected from wind erosion problems and proper soil and water conservation measures will be implemented.

Mr. DENNEY. Mr. Speaker, in past years I have pointed with pride to the fine conservation record in Nebraska. Historically we have measured progress in miles of terraces, numbers of farm ponds, and other on-the-land conservation treatment.

The Great Plains conservation program—Public Law 1021—is being utilized in all of the 60 eligible counties in the western part of the State. Under this program, the Soil Conservation Service assists farmers and ranchers to develop a complete conservation plan for their farm or ranch. The Soil Conservation Service also provides technical and cost-sharing assistance for installing the needed and agreed-to measures over a reasonable period of years.

Strip cropping is one of the practices used in the Great Plains program. Across the western two-thirds of the State, grass seeding—converting cropland to permanent native grass—is the No. 1 practice.

Over 5,000,000 acres of land in the State have been placed under contract for complete conservation treatment. In contracts in Nebraska, an average of 25 percent of the original cropland is being seeded permanently to native grass. This means as of July 1968, over 200,000 acres of cropland were either planted or planned for retirement and without annual rental payments.

It is estimated that the present accomplishments under the Great Plains program are about one-fifth of the potential in the 60 eligible counties. A recent conservation needs inventory shows counties reporting 817,000 acres of submarginal cropland that should be planted permanently to grass.

The extension of the Great Plains conservation program for another 10 years and an increase in the program authorization would enable the Great Plains area to move much closer to the time when all the lands of this vital region will be protected.

It makes good sense to extend this program.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 10595, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the bill (H.R. 10595) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

#### SPECIAL HOUSING FOR PARAPLEGICS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the

bill (S. 408) to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required, as amended.

The Clerk read as follows:

S. 408

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 801 of title 38, United States Code, is amended by substituting a comma and the word "or" for the semicolon at the end of clause numbered (2) and adding "(3) due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair,".*

SEC. 2. Section 802 of title 38, United States Code, is amended by striking out "\$10,000" and inserting in lieu thereof "\$15,000".

SEC. 3. Section 1811(d) of title 38, United States Code, is amended (1) by striking out "\$17,500" each place where it appears therein and inserting in lieu thereof in each such place "\$25,000"; (2) by striking the second semicolon and all that follows in subsection (2) and inserting in lieu thereof a period; and (3) by striking out the semicolon where it appears in subsection (3) and all that follows and inserting a period.

SEC. 4. Section 1803(d)(3) of title 38, United States Code, be amended to read as follows:

"(3) Any real estate loan (other than for repairs, alternations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan for the purchase or construction of a home is so secured, the Administrator may disregard a superior lien created by a duly recorded covenant running with the realty in favor of a private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services or programs within and for the benefit of the development or community in which the veteran's realty is located, if he determines that the interests of the veteran borrower and of the Government will not be prejudiced by the operation of such covenant. In respect to any such superior lien to be created after the effective date of this amendment, the Administrator's determination must have been made prior to the recordation of the covenant. Any non-real-estate loan (other than for working or other capital, merchandise, good will, and other intangible assets) shall be secured by personalty to the extent legal and practicable."

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, we have a new Congress. We have a new administration. The House Committee on Veterans' Affairs is doing a very careful study of our entire veterans' program. These two bills are two of a number we will be bringing up within the next few weeks. I think it quite interesting that one of these bills would save about \$5 million and the other would cost about \$2 million.

Mr. Speaker, these bills have been handled by our committee, which has done an excellent job.

In 1948 Public Law 80-702 was enacted, legislation which authorized the granting of \$10,000 for paraplegic and quadriplegic veterans whose disability is service-connected of a permanent and total quality resulting in the loss or loss of use of both lower extremities so as to preclude locomotion without the aid of crutches, canes, or a wheelchair. The original enactment covered all those individuals who served on or after April 20, 1898, and was subsequently amended to broaden its eligibility—Public Law 81-268—to include those veterans who had blindness in both eyes with loss or loss of use of one lower extremity.

Over the life of the program there have been 10,073 loans made for this type of disability with grants totaling \$96,567,134.

Section 1 of the bill, which passed the Senate by unanimous vote on March 17, 1969, would enlarge the eligibility classes to include those veterans who from service-connected causes have lost or lost use of one lower extremity together with a residual of a disease which so affected the functions of balance or propulsion as to preclude locomotion without resorting to a wheelchair.

Section 2 has been added to increase the amount of the paraplegic housing grant from \$10,000 to \$15,000. In 1948, when this program was first considered, the average cost of constructing a new single family residence was \$7,850. Today the average cost is \$26,800. The average purchase price in 1948 for a newly constructed single family residence under the GI loan program was \$9,208, as compared with \$20,490 today.

Section 3 of the bill increases the amount of the direct loan program for an individual home from \$17,500 to \$25,000. There have been 259,140 such loans over the life of the program with a total value of \$2,780 million. There has been excellent repayment record on these loans which are restricted to rural areas or areas where private financing is not available. The loss rate has been less than 1 percent.

Pertinent statistics on the direct loan program follow:

Number of direct loans made in fiscal years:	
1967	11,719
1968	11,903
1969	12,850
[In millions]	
Amount available for direct loans in fiscal years:	
1967	\$929.8
1968	762.4
1969	793.3
1970	615.7
Average loan amount in fiscal years:	
1967	12,190
1968	12,496
1969 (estimated)	12,700
1970 (estimated)	12,900

Section 4 of the reported bill is an effort to meet one of the latest developments in the housing field: namely, the development of satellite towns. Today, veterans are not eligible to obtain a loan guarantee in one of these towns, though FHA financing is available. These new-type "towns" generally finance their development of community facilities by

imposition of a monthly charge to be borne by individual purchasers. Such monthly charges closely resemble special assessments or taxes levied to defray the cost of similar type facilities when provided by a governmental entity. The basic financial agreements between the developer and his lender usually require, as in the case of taxes or assessments, that these charges against the purchaser be secured by a first lien against his home. Under the language of the bill, the "homeowner's share" of the cost of such community facilities may be determined in any of a variety of ways so long as the charge levied against him is fair and equitable.

The bill is a logical and extremely worthwhile extension of the housing program for veterans, generally and particularly those who are in the paraplegic and quadriplegic class.

The Veterans' Administration has reported that it favors the enactment of S. 408 as passed by the Senate and that the first-year cost can be expected to apply to 75 cases involving \$750,000. Section 2, increasing the amount of paraplegic grant, can be expected to involve 470 cases the first year and a like number for succeeding 4 years, at an annual cost of \$2,350,000. Section 3 would require a budget outlay for direct loans with a maximum potential increase of approximately \$2,900,000, but this would not be a cost to the Treasury, assuming, as seems warranted, that the same experience on repayment is experienced with this new group of loans as has been true of the program in the past. Section 4 of the bill would not involve any new expenditure of Government funds.

Mr. Speaker, during the unavoidable absence of the subcommittee chairman, the gentleman from Nevada (Mr. BARRING), the Honorable RAY ROBERTS acted as chairman of the Subcommittee on Housing and reported to the full committee the bill, S. 408. I am indebted to him and his colleagues for their help in reporting this measure. In addition to the gentleman from Texas, the members are MESSRS. DAVID E. SATTERFIELD III, HENRY HELSTOSKI, DON EDWARDS, EDWARD R. ROYBAL, WILLIAM H. AYRES, SEYMOUR HALPERN, JOHN J. DUNCAN, and Mrs. MARGARET M. HECKLER. I thank them all.

Mr. Speaker, I yield now to the gentleman from Texas (Mr. ROBERTS), who has done most of the work on this bill, so he may explain the bill.

Mr. ROBERTS. Mr. Speaker, the bill, S. 408, I am glad to say, was reported unanimously by the Subcommittee on Housing and also by the full Committee on Veterans' Affairs.

As presented to the House today it accomplishes four items:

First. It enlarges the class of eligibles for paraplegic housing to include those service-connected veterans who have lost or lost the use of one lower extremity together with a residual of a disease which affects their balance or propulsion so as to compel them to use a wheelchair.

Second. It increases from \$10,000 to \$15,000 the amount of the paraplegic grant. Housing costs have, of course, more than doubled since 1948.

Third. Section 3 increases the amount

of the direct loan for veterans residing in rural areas or areas where private financing is not available from the present \$17,500 to \$25,000. The loss rate on this type of loan has been less than 1 percent and an increase in the direct loan was passed by the House in the last Congress but failed of enactment in the Senate because of a committee jurisdiction dispute.

Fourth. Lastly, the bill makes eligible for the loan guaranty provision of the existing GI bill of rights those veterans who wish to live in the so-called satellite towns such as Columbia, Md., now under construction. FHA financing has been available in these satellite towns for some months and this is simply a logical extension to permit eligible veterans to enjoy this type of housing if it is their selection.

The actual cost of the measure would be somewhat in excess of \$3 million the first year.

Mr. TEAGUE of California. Mr. Speaker, this bill has the complete bipartisan unanimous support of the Committee on Veterans' Affairs. I recommend it be approved by the House.

Mr. Speaker, I rise in support of S. 408. This bill, if enacted into law, will liberalize the specially adapted housing program for certain service-connected disabled veterans, increase the maximum direct home loan for veterans, and permit veterans to obtain GI home loans for the purchase of homes in so-called satellite towns.

Existing law authorizes the grant of \$10,000 to veterans who have suffered the service-connected loss or loss of use of both lower extremities so as to preclude locomotion without the aid of crutches, canes, or a wheelchair to aid in purchasing specially adapted housing.

The bill as it passed the Senate would permit those veterans who have suffered the service-connected loss or loss of use of one lower extremity together with a residual of a disease which so affected the functions of balance or propulsion as to preclude locomotion without resorting to a wheelchair to also receive the special housing grant. The Committee on Veterans' Affairs agrees that this expanded eligibility is warranted and in keeping with the original philosophy of this benefit.

Additionally, the committee has amended the bill to increase the special housing grant from \$10,000 to \$15,000. The special housing grant was first authorized in 1948 at \$10,000. The average cost of constructing a new single-family residence has more than tripled since this program was first authorized. It is, therefore, fitting that the grant be increased to \$15,000.

The committee has also amended the bill to increase the maximum direct home loan from \$17,500 to \$25,000. If the direct loan program is to provide any benefit to veterans living in remote and rural areas, it is necessary that the maximum amount of a loan be increased to \$25,000, in keeping with today's home construction costs. Some 295,000 such loans have been made over the life of the program. The repayment record on these loans has been excellent.

Finally, the bill has been amended to

permit veterans to obtain a loan guaranty under the GI bill to purchase a home in a satellite town. Under existing law GI loan guaranty is not available to housing constructed in these new type towns which generally finance their development of community facilities by the imposition of a monthly charge to be borne by individual purchasers. Since FHA financing is available, it would appear to be a logical extension of the housing program for veterans to permit them to purchase homes under the GI bill in such satellite towns.

Mr. Speaker, this bill as amended is, in my judgment, necessary. I urge that it be passed.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I am happy to support S. 408 because the House committee amendments thereto authorize long overdue liberalizations of two important programs. I am referring, of course, to the paraplegic housing program and the veterans' direct home loan program.

Since 1948, certain seriously disabled veterans who have suffered the loss or loss of use of two lower extremities so as to prevent locomotion have been able to receive a \$10,000 grant to assist in acquiring specially adapted housing. Despite the fact that housing costs have skyrocketed in the intervening years, this grant has remained at \$10,000. S. 408, as amended, will increase the grant to \$15,000 and at the same time will make more liberal the eligibility criteria, thus permitting additional seriously disabled veterans to qualify for this benefit.

The bill also recognizes the increased costs of housing and construction of homes by increasing the maximum direct loan to individual veterans from its present \$17,500 to \$25,000. Under this program, veterans in remote and rural areas, when private capital is determined to be unavailable, may receive a direct loan from the Veterans' Administration for the purchase of a home under the GI bill. The increased cost of housing and the maximum of \$17,500 on such loans has severely handicapped veterans in obtaining the home of their choice. I believe the provisions of S. 408, as amended, will correct this situation.

Mr. Speaker, I urge that this bill be promptly passed.

Mr. DULSKI. Mr. Speaker, I support fully the bill, S. 408, which is before us today in amended form from the Committee on Veterans' Affairs.

The bill as approved by the Senate is an excellent bill, providing for a practical expansion of the eligibility rule covering special housing grants for veterans who are confined to wheelchairs because of loss of limbs or loss of use of the lower extremity of their bodies.

The expansion of the coverage applies to those whose use of a wheelchair is required because of the residual of a disease which so affected their functions of balance or propulsion.

Our committee added three other pertinent sections to the bill that would: First, increase the amount of the paraplegic grant from the present \$10,000 to \$15,000; second, increase the amount of

the direct loan for veterans residing in rural areas and other areas where financing is unavailable from \$17,500 to \$25,000, and, third, apply the loan guaranty provision to those veterans who elect to reside in so-called satellite towns.

Mr. Speaker, I believe that these changes in the veterans housing law are overdue and I urge their approval.

#### GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the RECORD on this bill S. 408.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill S. 408, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes."

A motion to reconsider was laid on the table.

#### VETERANS EDUCATIONAL AMENDMENTS ACT OF 1969

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6808) to amend section 1781 of title 38, United States Code, to eliminate the prohibition against receipt of certain Federal educational assistance benefits, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6808

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Veterans Educational Amendments of 1969".*

Sec. 2. Chapter 34 of title 38, United States Code, is amended—

(a) by amending section 1673(a) to read: "(a) The Administrator shall not approve the enrollment of an eligible veteran in—

"(1) any (A) bartending course, or personality development course, or (B) any sales or sales management course which does not provide specialized training within a specific vocational field; or

"(2) any type of course which the Administrator finds to be avocational or recreational in character unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.";

(b) by inserting in section 1673 at the end thereof the following new subsection:

"(e) The Administrator shall not approve the enrollment of any eligible veteran in an apprentice or other on-the-job training program where he finds that by reason of prior training or experience such veteran is performing or is capable of performing the job

operations of his objective at the same performance level as the journeyman in the occupation.";

(c) by deleting in section 1677(a)(1) after the word "license" where it first appears the following: "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license.";

(d) by amending section 1681(d) to read as follows:

"(d) No educational assistance allowance shall be paid to an eligible veteran enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period or where the program is pursued by correspondence a certificate as to the number of lessons actually completed by the veteran and serviced by the institution, and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution,

except that the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."; and

(e) by amending section 1682 by adding at the end thereof the following new subsection:

"(e) If a program of education is pursued by an eligible veteran at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such veteran under this section shall be paid at a rate in Philippine pesos equivalent to \$0.50 for each dollar."

Sec. 3. Chapter 35 of title 38, United States Code, is amended as follows:

(a) Section 1712(a)(3) is amended by deleting the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs";

(b) Section 1712 is amended by inserting at the end thereof the following new subsection:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person.";

(c) Section 1723(a) is amended to read as follows:

"(a) The Administrator shall not approve the enrollment of an eligible person in—

"(1) any (A) bartending course, or personality development course, or (B) any sales or sales management course which does not provide specialized training within a specific vocational field; or

"(2) any type of course which the Administrator finds to be avocational or recreational in character unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation."; and

(d) Section 1732 is amended by adding at the end thereof the following new subsection:

"(d) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at a rate in Philippine pesos equivalent to \$0.50 for each dollar."

Sec. 4. Chapter 36 of title 38, United States Code, is amended by inserting at the end of section 1772 thereof the following new subsection (c):

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs."

Sec. 5. Chapter 36 of title 38, United States Code, is amended as follows:

(a) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training;" and

(b) by deleting in the table of sections at the beginning of such chapter the following: "1781. Nonduplication of benefits."

and inserting in lieu thereof the following: "1781. Limitations on educational assistance."

Sec. 6. Section 504 of the Act of October 15, 1968, entitled "An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes" is hereby repealed.

Sec. 7. Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts" is hereby repealed.

Sec. 8. The amendments made by section 2(e) and 3(d) of this Act shall apply with respect to monthly education assistance allowances paid under chapter 34 or 35 of title 38, United States Code, for months beginning the first day of the third month after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. TEAGUE) will be recognized for 20 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 20 minutes. The Chair recognizes the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, the bill as reported directs the Administrator not to approve any bartending

or personality development courses, or any sales or sales management courses which do not provide specialized training within a specific vocational field. This is in line with existing authority which bars any type of course which the Administrator finds to be basically avocational or recreational in character unless justification is submitted showing that such courses will be bona fide within the pursuit of his present or contemplated business occupation.

Special attention was given by the subcommittee in developing the restrictions on sales management courses to make certain that all legitimate and bona fide courses of this type would be continued and that the Administrator would entertain submissions by any schools adversely affected which demonstrated that the majority of the enrollees in fact found employment upon the completion of this type of course and that the vocational objectives were and are being met. The committee recognizes the value of sales courses and recognizes the necessity of an individual selling commercial insurance to have a knowledge of sales and sales management techniques while at the same time needing a basic knowledge of insurance and the type of policies best suited to meet the needs of a prospective policyholder. The language included in section 2 of the reported bill in no way would interfere with any such legitimate operation.

The Administrator is also prevented from approving the enrollment of any eligible veteran in an apprenticeship or on-the-job training program where he finds that by reason of prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation.

The bill also amends section 1677(a) (i) by providing as a requirement for eligibility to take flight training, the possession of a valid private pilot's license and removing the alternative of satisfactory completion of the required number of hours of flight training required for a private pilot's license. This is believed to be a step forward in furthering the education and training of any individual who has a legitimate interest in taking valid training leading toward a commercial pilot's license.

For educational institutions below the college level, the Administrator is authorized to pay the educational assistance allowance representing the initial payment of a normal period not exceeding 1 full month upon receipt of the certificate of enrollment thus making the provision uniform with the provision which applies to individuals taking training at the college level.

In the case of individuals pursuing a course of education, both veterans and beneficiaries of veterans, in the Republic of the Philippines, veterans of the Commonwealth Army and the new Scouts, now receive the education assistance allowance computed at the rate of a Philippine peso equivalent to 50 cents for each dollar. The bill extends this provision to cover all other beneficiaries taking training in the Philippines, American veterans,

Philippine veterans, with service in the American forces and beneficiaries for the latter group, in order to establish a uniform policy.

Section 3 provides a slight liberalization of chapter 35 by substituting the phrase "last occurs" for "first occurs" for the period which ends 5 years after the Administrator finds that the parent from whom eligibility is derived has a service-connected disability permanent in nature, or the date of the death of such parent. A further liberalization is found in the new definition of the term "first finds" as being the effective date of the rating, or the date of notification of the veteran establishing service-connected total disability, whichever is more advantageous to the veteran.

Section 4 was suggested by the Department of Labor and provides that in the case of programs of apprenticeship where the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29, United States Code, as a national apprenticeship program for operation in more than one State, and the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State, the Administrator would act as a State approving agency for the approval of all such programs, for example, a railroad line has an apprenticeship program for machinists. The line operates between Chicago and San Francisco. The terms and conditions of apprenticeship are identical in each of the States through which the railroad line runs. It is possible that an apprentice will pursue his program in more than one State. Under the proposed amendment, the Administrator would act as a State approving agency for such an apprenticeship program for the entire line.

In the 90th Congress, section 504 of Public Law 90-574, which provided that an individual having a public health service grant and also being eligible for educational assistance provided by the Veterans' Administration, could enjoy both such grants. Similar provisions were included in section 506 of Public Law 90-575 which contained amendments to the Higher Education Act of 1965, section 5 provides a liberalization of the limitations role on receiving educational assistance by providing that an eligible veteran may receive educational assistance under chapters 34 and 35 of title 38, and in addition receive any other grants for which he may be eligible under other programs operated by the Federal Government except in two instances:

First, when he is on active duty pursuing a course of education which is paid for by the Armed Forces or by the Department of Health, Education, and Welfare, in the case of Public Health Service, or

Second, who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training.

The Subcommittee on Education and Training held hearings on a number of bills seeking to make technical changes and improvements in the veterans and dependents education programs as set

forth in chapters 34 and 35 of title 38, United States Code. These hearings were held on March 25, 26, and 27, 1969. Testimony was received from representatives of the veterans organizations, the Veterans' Administration, and various educational groups representing trade, technical, and business schools. A representative of the National Association of State Approval Agencies also appeared.

Mr. Speaker, I want to express my appreciation for the activities and hearings which the Subcommittee on Education and Training, headed by the gentleman from California, the Honorable GEORGE BROWN, conducted in connection with the reporting of H.R. 6808. I also want to express my appreciation to all the members of this subcommittee who have contributed to the favorable action on this bill. In addition to the gentleman from California, the members are Messrs. THADDEUS J. DULSKI, WALTER S. BARING, W. J. BRYAN DORN, HENRY HELSTOSKI, ROMAN C. PUCINSKI, DON EDWARDS, EDWARD R. ROYBAL, Mrs. SHIRLEY CHISHOLM, Messrs. SEYMOUR HALPERN, JOHN J. DUNCAN, WILLIAM H. AYRES, WILLIAM LLOYD SCOTT, JOHN M. ZWACH, and ROBERT V. DENNEY. My thanks to each of them.

Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Education, the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I thank the chairman.

Mr. Speaker, this bill makes only one change of major significance in title 38 relating to veterans benefits. This has to do with the provision concerning duplication of benefits.

The major purpose of the bill is to permit a veteran to receive his educational assistance allowance from the Veterans' Administration and also any other grant or scholarship for which he may be eligible under another program. The only exception will be Federal employees and members of the armed services who are under full salary and have their tuition paid by their departments.

There are a number of other minor aspects which merely clarify, explain, or simplify existing provisions of law. These are fully set forth in the report. I do not believe I need to go through them in this explanation.

The main provision, as I have indicated, has to do with the duplication of Federal educational assistance benefits.

Mr. TEAGUE of California. Mr. Speaker, like the bill previously considered, this bill had the unanimous bipartisan and nonpartisan support of the Committee on Veterans' Affairs. Again I recommend that the House adopt it.

Mr. Speaker, I rise in support of H.R. 6808. This bill will eliminate the prohibition against the dual receipt of educational benefits under the GI bill and certain other Federal educational grants.

Under the language of the bill, the duplication bar would be limited to cases of persons on active duty with the Armed Forces or the Public Health Service whose education or training costs are being paid by the Federal Government, and cases of civilian Federal employees receiving education or training under

the Government Employees Training Act and being paid their full salary during that period.

In all other cases, the educational assistance allowance would be paid by the Veterans' Administration to an eligible veteran, whether or not he was a recipient of any other Federal educational grant.

Since many Federal grants are based upon financial need, the amount of the Veterans' Administration training allowance would be considered in determining the amount of the grant. Dual receipt of GI bill benefits and other Federal educational programs are currently permitted in some cases. This bill will permit all Federal educational programs to be treated in the same manner.

This bill, Mr. Speaker, also purposes to pay eligible persons pursuing education or training under the GI bill or the war orphans program at institutions located in the Republic of the Philippines, an allowance in Philippine pesos equivalent to 50 cents for each dollar. This will permit educational allowances to be paid at the same rate as compensation and pension payments.

Additionally, the bill will clarify the Administrator's authority to disapprove training in certain courses. It will require a private pilot's license as a condition to enrollment in flight training. It contains provisions that will facilitate the issuance of a veteran's initial monthly payment upon enrollment in a program of training under the GI bill.

Mr. Speaker, these amendments will strengthen the GI bill. I urge that the bill be passed.

Mr. HALPERN. Mr. Speaker, I rise to express my complete support for H.R. 6808. This bill will make a number of significant changes in the programs which provide educational assistance for our veterans and their dependents. In brief, the bill will have two primary results. It will tighten those provisions of law which have it as their objective to make certain that the money spent on educational allowances goes into that type of schooling or training which will really help the veteran pursue a serious educational or vocational goal. And, it will replace the present sweeping restriction which prevents a veteran from getting educational assistance from the Veterans' Administration and from any other Federal agency at the same time, with a more finely drawn limitation. This new limitation will continue to prevent the type of windfall which could discredit the program, but it will no longer blindly prohibit any sort of duplication of benefits.

I wish to commend the author of the bill, the distinguished chairman of the Committee on Veterans' Affairs, Mr. TEAGUE, and also its cosponsor, the chairman of the Subcommittee on Education and Training, for seeking, as they always do, to make a good piece of legislation better.

There have been few Federal undertakings which can even approach the reputation for success which our veterans' educational assistance programs enjoy. Yet, year after year, we have enacted legislation to strengthen and improve

these programs still more. And that is exactly what H.R. 6808 will do.

When the first GI bill was enacted in 1944, it did not contain any real restrictions on the type of training which would be covered. As a result, a number of abuses sprang up with some institutions providing courses that could only be described as frivolous. Over the years, Congress has enacted a number of laws to curb this sort of thing, and at least in general, we have been reasonably successful in doing so. Up to now, however, there has been some difficulty in drawing the restrictions in such a way that the Veterans' Administration will be able to disapprove courses which make no significant contribution to a veteran's vocational objectives without also proscribing courses which may be truly important to a veteran's career. H.R. 6808 attempts to overcome this problem by spelling out in some detail the types of courses which will not be approved while at the same time leaving room for certain exceptions if they can be justified. The bill also brings a greater degree of uniformity to the course disapproval provisions of the program for veterans and the program for war orphans and widows.

The other major provision of H.R. 6808 concerns a limitation which applies to both the veterans' and the war orphans and widows' programs. Under this provision an individual who is getting educational assistance under any other Federal program cannot receive the veterans' educational benefits to which he would otherwise be entitled. On the surface this seems like a good idea: indeed, that is undoubtedly why it is now in the law. However, this effectively excludes a number of veterans from federally funded fellowships or manpower training programs unless they are willing to forgo VA benefits. Thus, instead of having Federal programs working to complement each other we have them working at cross purposes. H.R. 6808 repeals this broad restriction against receiving veterans' educational benefits simultaneously with payments, however insignificant, under another Federal program. However, H.R. 6808 also recognizes that it would be wasteful and uncalled for to provide veterans' allowances to people drawing a salary as full-time Federal employees—either in the military or in the civil service—when the Federal agency employing them is also paying the full cost of their education. As a result, this type of duplication of Federal payments is specifically forbidden by the bill.

There are a number of other provisions in H.R. 6808 dealing with such varied matters as the rate of educational allowances in the Philippines and the approval of apprenticeship programs which cross the State lines. While I do not intend to discuss these in detail, I do want to point out that each and every section of H.R. 6808 represents an improvement in the GI bill, and should be favorably acted upon by this Congress.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 6808, principally because it liberalizes certain provisions of the

educational program for veterans, widows and war orphans.

First, the bill proposes to eliminate the prohibition against a so-called duplication of benefits. Existing law states that no educational assistance allowance under the GI bill shall be paid for any period during which a veteran is enrolled in and pursuing a program of education or course paid for by the United States under any other provision of law. Because of this language of the law, an Atomic Energy Commission fellowship, a National Science Foundation fellowship, participation in the U.S. Maritime Commission training program, and educational assistance under the Manpower Development and Training Act would serve to deny a veteran the benefits of the GI bill that he has earned by virtue of his military service. Inasmuch as qualifying criteria for these Federal programs differs considerably from the eligibility criteria for entitlement to the GI bill, it is unjust and inequitable to deprive a veteran who is fortunate enough to receive a fellowship in addition to earning entitlement under the GI bill from receiving the benefits of both programs. I believe the correction of this inequity is long overdue.

The bill would also authorize the release of the first month's educational allowance to veterans who are following an educational program below college level for the initial period of enrollment upon receipt of the certificate of enrollment. A veteran embarking on a program of education is usually uncertain as to how he will meet his expense when his initial payment of educational allowance is held up. Because of Government red-tape, it presents a financial hardship. This provision of H.R. 6808 will simplify the existing procedures and permit the prompt payment of the first month's education allowance.

Finally, under the language of existing law, war orphans and widows, in certain instances, are denied the full period of entitlement to educational benefits for which they are eligible. This bill contains amendatory language which will assure all widows and all war orphans of the full period of entitlement intended by the law.

Mr. Speaker, I support this bill and urge that it be passed.

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 6808, which makes important and overdue revisions in the educational program for veterans, widows, and war orphans.

This program has proved its worth many thousands of times over the years and has been fundamentally a sound program. In the light of experience our committee has recommended some changes, with which I concur in full.

Many are the veterans in our Nation today who can thank their current station in life—their current vocation—for their assistance which they received through the GI bill in its changing versions over the years.

Today, we are proposing to tighten the law as it applies to certain courses of training in order to avoid abuses which have come to the committee's attention.

The bill also clarifies and defines more

specifically the ban on a veteran receiving educational assistance from another Federal agency at the same time he is receiving assistance from the Veterans' Administration.

Chairman TEAGUE of Texas has explained carefully in his outline of the bill the necessity for redefining this restriction.

Mr. Speaker, this is a timely bill which is the result of careful study and recommendation by our committee. I urge its approval.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill H.R. 6808, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on this bill, H.R. 6808.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. TEAGUE)?

There was no objection.

#### DANGERS OF CENSORSHIP

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

Mr. SIKES. Mr. Speaker, all of my life I have been told of the dangers of censorship. It is prohibited by the Constitution of the United State under freedom of speech guarantees. It supposedly is anathema to every newspaperman and to every commentator. Yet we have in our country a tight censorship about which newsmen do not complain—indeed which some help to maintain and others tolerate. It is a censorship imposed by liberal elements of the press against conservatives in Government. This arbitrary and open denial by the liberal press of space in its columns to conservatives in Government applies, however, only to their constructive contributions. These are the things that almost never are mentioned.

On the other hand the liberal press claims the right to dredge up, manipulate, and edit for its own purposes any action by a conservative which might serve to place him in the unfavorable light, particularly with his constituents or his colleagues.

One of the worst example of this censorship can be seen in today's Washington Post where half of the editorial page is devoted to degrading the record of our distinguished colleague, the gentleman from South Carolina, the chairman of the Committee on Armed Services (Mr. RIVERS). In this entire half-page, there is not one word of mention of Mr. RIVERS' contributions to Government or his efforts in behalf of those who wear the uniform and their depend-

ents, efforts which were solidly backed by the overwhelming majority of his great committee. Nowhere is there reference to the fact that he displayed the initiative necessary to secure a more adequate pay scale for those in uniform, and that it was his leadership which insured for them the same pay increases that has been proposed for civilian workers; this despite the reluctance of both the administration and the Pentagon to concur—again, with the solid backing of his committee. There is no mention of the fact that it was Mr. RIVERS whose determination has helped to provide better living quarters and better working conditions for military personnel. It is not an inconsiderable item that he also took the lead in obtaining a substantial reduction in charter flight costs for overseas travel by servicemen and their dependents.

The greatly improved airlift capability which our Nation enjoys today stems directly from work which Mr. RIVERS initiated a number of years ago.

This is but a partial list of his contributions. As a result of the dedicated leadership of this one individual, morale in the armed services is incalculably higher than it would have been had his recommendations not been followed by the Congress, but the censorship of the liberal press is such that no one would realize it from reading their columns. This is a most unfortunate situation, an ill-conceived and unfair situation, and one which in time could result in an imposition of the very censorship which they love to protest.

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

Mr. SIKES. I yield to the gentleman from New York.

Mr. STRATTON. I want to commend the gentleman from Florida for his remarks. This appears to be a time when many individuals have expressed an interest in close and critical analyses of Government spending, particularly in the military field. The article that the gentleman in the well refers to this morning contained a completely inaccurate statement to the effect that the chairman of our distinguished Committee on Armed Services, the gentleman from South Carolina (Mr. RIVERS) had instructed me as chairman of the subcommittee presently investigating the Government Sheridan tank program to say nothing at all about that program. Not only is this report completely inaccurate, but the fact of the matter is that the chairman of the committee (Mr. RIVERS) himself directed our subcommittee to look into this costly billion-dollar program involving a tank that yet has to demonstrate its capabilities. Not only did he not suppress any report, he started the investigation and it has been a very complete one. I can assure the gentleman from Florida that in carrying through on the original directions of the gentleman from South Carolina (Mr. RIVERS), our subcommittee is certainly going to make a report, and I know it will be of great interest to the taxpayers of our Nation and to the Members of the House. Our investigative reports have never pulled their punches.

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

Mr. SIKES. I yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me. I want to associate myself with his remarks. I doubt that such articles should be dignified by remark on defense. Certainly Chairman RIVERS needs none of the latter. I want to further state that the Committee on Armed Services is more fairly conducted and the most bipartisan committee dealing with the primary mission of defending our Nation, of any committee the other 40 Members and I have ever served upon. If our Nation fails to defend against aggressors there is little left for the liberal ideologist and internationalist.

To defend our chairman's participation in his efforts directed toward the defense of our Nation, I would much rather see our chairman tried in a court of merit, his peers on the military on any transgression he might make, if any; than in a court of public opinion written by those who traffic in yellow scandalism and dip their pens in gall.

Mr. HAGAN. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Florida.

I would like to say this—any man who has served on the Committee on Armed Services with Chairman L. MENDEL RIVERS knows beyond a shadow of a doubt that there has never been a man in the Congress of the United States who works harder for the preservation of this great Nation of ours than L. MENDEL RIVERS.

Mr. Speaker, I cannot find words to describe the shame that the author of such an article as appeared in this liberal Post this morning must feel.

There is no way to describe how ashamed they should be and I say that the editor and those associated with that paper who ascribe to that sort of thing should be ashamed of themselves and of this morning's Washington Post.

The SPEAKER. The time of the gentleman from Florida has expired.

#### CHAIRMAN L. MENDEL RIVERS

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

Mr. PRICE of Illinois. Mr. Speaker, I would like to state in connection with the remarks of the gentleman from Florida that the rules of the House Committee on Armed Services are almost exactly identical to the rules of every other committee of the House, and I know they are administered in our committee on a fair basis.

In the years that I have served on the committee, I have never known of anyone complaining that he was ignored on the committee.

There was some reference to a 5-minute rule on questioning. Of course, there is a 5-minute rule on questioning just as they have the same rule in almost every other committee of the House. That does not mean that a member is limited in questioning to 5 minutes. That means on his first time around he has 5 minutes. Then there is a second round

and perhaps a third. After this procedure, when the number of interrogators are reduced, members usually have full opportunity to ask any question that comes to their mind.

Members usually have unlimited time as long as no other Member has questions to ask.

I would like to bring this out—that the chairman has administered the rules of the committee with a high degree of fairness and, as the gentleman from Missouri stated, the Armed Services is a committee where we have little partisan friction and on which the rights of each member is fully recognized by the chairman.

Mr. DANIEL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman.

Mr. DANIEL of Virginia. Mr. Speaker, as a new member of the Committee on Armed Services, I should like to associate myself with the remarks of the gentleman from Florida.

It has been my experience to have served under many able chairmen as a member of the Virginia General Assembly—five in number—and I know of no man who presides with more fairness than the Honorable MENDEL RIVERS. It is a pleasure to serve under his leadership and I should like to say that the article which appeared this morning, so far as it pertains to new members, is completely and entirely inaccurate.

Mr. BENNETT. Mr. Speaker, the article about Chairman RIVERS in this morning's Washington Post gives the strong impression that the writer is not an enthusiastic supporter of the chairman; and I presume that since it is an editorial type piece, that it is not required to be factually accurate. However, for those who may read it for its factual content, it should not be accepted as speaking authoritatively.

For instance, consider how the article criticizes RIVERS for not appointing Congressman PIKE chairman of the investigating subcommittee, after Chairman Hardy retired. It is my understanding that chairmanships of subcommittees are allotted on the basis of seniority on the full committee, not on seniority on a subcommittee. If it were otherwise, I would have been chairman of the CIA subcommittee ever since 1962; and I have not yet become its chairman. Actually, there are three Congressmen senior to PIKE on the full committee after the retirement of Hardy and under the rules each of them would normally have become the subcommittee chairman prior to PIKE.

More important than the factual inaccuracies of the article is the total thrust of the piece to indicate that the writer feels that Chairman RIVERS puts parochial and personal advantage ahead of the interests of his country. I have served under Mr. RIVERS for many years and it is my opinion that this attack is thoroughly unjustified and not in accordance with the facts. I think he has done a magnificently good job for his country and deserves praise, not slurs. This same observation is valid for Mr. Blandford, also unfairly attacked by the article.

#### THE NEW ADMINISTRATION: SOFT ON SAFETY STANDARDS AND BALONEY

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

Mr. KOCH. Mr. Speaker, the attitude of the Republican administration in the areas of consumer and worker protection are finally surfacing. I was shocked to read two items in the New York Times on May 17. One of them discloses that Secretary of Labor George P. Shultz has ordered a reduction in the proposed industrial health and safety standards which were designed by the prior administration to protect 6 to 8 million workers from noise hazards and lung damage caused by dust. The apparent reason for reducing the protection is that to comply with those recommended by former Secretary Willard Wirtz, of the prior administration, will cost the industries involved more moneys than they would like to pay. On the other hand, the U.S. Public Health Service has stated, that the reduction of these health and safety standards as proposed by the Nixon administration will result in a 50 percent increase in the incidence of pneumoconiosis—black lung—among miners exposed to coal dust.

Another illustration of the same indifference by the new administration to the health of the American public was the announcement on the same day by the Agriculture Department proposing that the hot dogs and cooked sausages which are sold by the billions in this country now be permitted to contain 33-percent fat instead of the 30-percent limit proposed last summer by the outgoing Johnson administration. Again, we must assume this was done to save the industries money.

I, too, am concerned about costs, particularly costs incurred by the Federal Government. But, I am more concerned about the health and safety of our citizens. Fortunately, in these matters there are no costs to the Federal Government. True, there would be costs to the industries but if we reduce the standards then it is the consumers and the workers of this country who suffer in their health and safety. Can there be any question but that this Congress should support the health and safety of our fellow citizens? We are witnessing what we expected but hoped would not occur: a greater concern by the new administration for the protection of property and business profits than for the health and safety of the people.

As I read the item in the New York Times which indicated the propensity of the new administration to add fat to the hot dog, it convinced me that our job to get the administration to get the fat out of the defense budget will be even harder.

#### NEW SAFETY AND HEALTH REGULATION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HECHLER of West Virginia. Mr. Speaker, I share the concern of the gen-

tleman from New York about the dangerous effect of the order announced May 16 by Secretary of Labor George P. Shultz, promulgating new safety and health regulations under the Walsh-Healey Public Contracts Act. I am particularly disturbed at the establishment of the standard for respirable coal dust at 4.5 milligrams per cubic meter of air. In his statement accompanying the order, Secretary Shultz very cautiously proclaimed:

Overexposure to excessive coal dust is apparently a cause of pneumoconiosis, or "black lung."

I wonder why it was necessary for Secretary Shultz to employ that qualifying adverb, "apparently"?

I feel that Secretary's Shultz' decision is a victory for the big coal operators. This means that every coal miner will breathe 50 percent more coal dust than the standard of 3 milligrams per cubic meter recommended by the Surgeon General and the Public Health Service. It means also that there will be 50 percent more cases of pneumoconiosis, according to the Surgeon General's testimony this year, than the 3-milligram standard which the preceding Secretary of Labor promulgated in January of this year.

I think, Mr. Speaker, that it is about time we started setting these regulations to protect the health of human beings instead of the profits of the coal industry.

#### FLORIDA WORLD TRADE CONFERENCE

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

Mr. ROGERS of Florida. Mr. Speaker, I recently had the pleasure of participating in the Eighth Annual Florida World Trade Conference, held this year in Palm Beach. Many distinguished State and National leaders attended and took part in the discussions which are so important to the American balance of trade as well as to our domestic market situation.

Two speeches in particular recalled the important part the State of Florida has played in opening up new markets for American goods abroad, and the ties of friendship which have also developed between the people of Florida and their neighbors in foreign countries.

I include the remarks prepared by Mr. John Lombardi, marketing services manager for Pan American Airlines, and the remarks by the distinguished Secretary-General of the Organization of American States, the Honorable Galo Plaza, at this point in the RECORD:

#### HOW AIRLINES CAN HELP EXPORTERS MARKET PRODUCTS OVERSEAS

(By John V. Lombardi)

Pan American Airways, being an international airline, is often invited to participate in programs related to world trade. Under normal circumstances my opening comment would be, "I am delighted to be part of The Eighth Florida World Trade Conference, representing Pan American Air-

ways". In all honesty I must admit that the genuine pleasure of our participation is the fact that we are in Florida. As many of you probably know, Pan Am was born in Florida some 40 years ago, when our first flight operated between Key West and Havana.

I hope the theme, of your conference "Florida Grows As World Trade Grows," is not misinterpreted by the Florida business community. Business growth does not come about by osmosis. I am sure this theme is not intended as an assumption that the growth of world trade will automatically benefit Florida. A true analysis of success in any endeavor will show a high degree of input in the areas of research, creativity, talent, initiative, and above all relentless effort.

There are some obvious ways in which the airlines help companies market products overseas. The availability of transportation facilities in itself is a catalyst that encourages businessmen to investigate, sell and ship to foreign markets. But there are a number of other areas where the airlines can and do help to stimulate successful international marketing, and I hope, as we discuss them, you will be able to relate them to your own areas of interest.

With your permission, I will limit my discussion to Pan Am in order to deal with specific rather than general areas.

Back in January 1961, in response to the concern of our government in relation to the United States balance of payments situation, Pan American initiated a trade development program called "Worldwide Marketing Service". In the implementation of this program, we offered the American business community the opportunity to investigate the possibility of selling their wares overseas. There are two ways in which the service is rendered.

The first and most direct method is where a company has a specific market area in mind. As an example let's take a United States manufacturer of widgets used in the building trade. The marketing executive has heard that there is a considerable amount of construction in the planning stage in Thailand. He'd like to sell his widgets through a distributor in the area, but how does he find a distributor calling on this trade who has the capability to service the product after it is sold? When he contacts Pan Am's Worldwide Marketing Service in his area, we take his product catalogues and send them together with his description of the type firm he is seeking, to our office in Bangkok. In our day to day airline operation in Bangkok, as in the rest of the world served by Pan Am, we accumulate a substantial amount of commercial intelligence in the area. In most cases, our local office not only knows a number of firms who may qualify as distributors, but knows the executives of the firms. The brochures and information are shown to the prospects and their degree of interest is relayed back to the Pan Am office which originated the request. At this point it is suggested that the United States manufacturer correspond or negotiate directly with the firms that have expressed interest, and Pan Am steps out of the picture. We also make it quite clear to all companies involved that our arrangement of introduction does not constitute endorsement of a firm or a product and credit and reliability investigations are not Pan Am's responsibilities. This same procedure would be applied in the instance where a firm was seeking a source of supply rather than a market area.

The second method of assistance is through a monthly magazine published by Pan Am called, "Worldwide Marketing Horizons". One section of this magazine called Worldwide Marketing Opportunities, lists products being offered or sought throughout the world. When a firm is relatively new in export and they are seeking representation in many areas of the world, we offer them a complimentary listing in "Worldwide

Marketing Horizons". This little magazine is published in seven languages and distributed at no charge to some 193,000 businessmen throughout the world. (I've brought a small supply of them with me for anyone interested).

As an extension of our Marketing Service, we will arrange international business trips to include appointments and contacts in desired cities and countries.

Our office is also involved in other activities which offer direct support to the potential exporter. These include trade workshops and seminars; trade missions to foreign countries and various trade information publications.

One of our recent guides is entitled "The Kennedy Round And You". In order to inform the business world of the significant results of the recent GATT negotiations, and how the scheduled reductions affect their specific products, Pan American, in cooperation with the United States Department of Commerce, published this booklet.

The "Kennedy Round And You" signifies a substantial step forward to the day when businessmen will enjoy free trade. With our enormous GNP and inexhaustible variety of manufactured goods, a non-tariff system worldwide would be an automatic windfall for the American businessman.

Two recent aviation developments give promise that Florida's airborne trade with other parts of the world will increase appreciably in the next few years.

One is the new 747 airliner. Pan Am will be the first airline in the world to put this 382-Passenger giant into service late this year. Eleven years ago the jet revolutionized marketing and distribution techniques. People used to consider geography as being measured in distance. Today air shippers regard geography as representing time. The 747 brings this concept closer to home. The 747 has an amazing capacity for transportation of cargo in addition to passengers and mail. With a full load of passengers and their baggage, this airplane, additionally, can haul some 20 tons of cargo. With this kind of fast-delivery, mass capability, I am confident that Florida manufacturing firms and growers will find their horizons widened in terms of new markets in Europe and Africa in addition to their traditional Latin American and Caribbean markets.

One question that shippers quite properly always ask is, "What will the 747 do to cargo rates?" Our studies indicate the 747 will be more economical than today's jets in direct operating costs. When we first began considering the 747, we were hopeful the operating economies would permit lower passenger fares and cargo rates.

Now we are not so sure, however, with inflation rampant, if we can keep cargo tariffs at their present levels, we have in effect provided shippers with reduced rates. To put it another way, you can be sure that cargo rates in the future will be lower than if the 747 hadn't come along.

The second aviation development is the direct Florida-London air route which will be inaugurated on or after January 1, next year and for which Pan Am has been recommended by a Civil Aeronautics Board Examiner. This single-carrier direct service will open vast new vistas for Florida shippers, particularly for high-value, perishable commodities such as your winter crops. It will mean, for example, gladioli can be cut in a field at Fort Myers today and be on the market in London tomorrow. This would also apply to other produce items and the many manufactured products such as wearing apparel, appliances, cosmetics, etc., which also can be considered perishable because they are modified and improved so often as a result of research and development. In fact, advanced technology is one of the reasons that approximately fifty percent of what we carry

as air freight today wasn't even invented five years ago.

Florida shippers are among the most air-minded in the nation, probably because of the state's long history as the air gateway to Latin America. Florida has already made significant penetration of the European market. Surveys indicate that today there are some 75 to 80 firms in Florida engaged in business in the United Kingdom alone. Studies made by the Florida Commissioner of Agriculture, Mr. Doyle Conner, show that in 1967 products worth more than \$1,200,000 were exported by air from Florida to Europe. It is Commissioner Conner's opinion, (and one in which I heartily concur), that Florida commodities will be moving to Europe in much greater quantities with the opening of the direct Florida-Europe flights.

At this point I would like to share a remarkable statistic with you. In 1967, 18,000 additional jobs were created in the state of Ohio as a result of an additional 100 million dollars worth of export sales. This is three times the national average when compared with employment created from increasing domestic production. So, exporting benefits the businessman, and the state vis-a-vis the generation of new jobs and tax monies for school and community use.

We, in Pan Am, of course, hope that the Civil Aeronautics Board and the White House will concur in the examiner's choice of Pan Am over eight other airlines to fly the Florida-London route. I am prejudiced, naturally, but I am confident that Pan Am will be an ideal partner in progress with Florida in enhancing the state's trade and tourism. Pan Am alone can funnel into Florida trade and tourism from both London and all of Europe, and from Latin America en route to Europe.

Year after year, Pan Am has spent more to encourage inbound United States travel than any other organization, government or private. Last year that amount was \$24,500,000. Needless to say, we would look forward to the promotion of "Visit Florida" in connection with this new direct service.

In conclusion, each of these items that I've mentioned really add up to the fact that internationally, things are changing. Advances in economics, communications, and transportation are rapidly leading us to a "one market world." A favorite expression goes: If you have been doing something the same way for two years, it must be re-examined. But if you have been doing something the same way for five years, it is undoubtedly wrong. The real challenge to the Florida businessman is, will he capitalize on these new opportunities, or will he wait five years to find he is doing something wrong?

#### THE POSITIVE SIDE OF ECONOMIC NATIONALISM IN LATIN AMERICA (By Galo Plaza)

I want to congratulate the organizers of the Florida World Trade Conference for their astuteness and timing in having suggested that I speak on "Economic Nationalism in Latin America." There are few topics of such vital interest to each and every one of us . . . and few topics so delicate for an international official.

To be truthful, I welcome the opportunity to talk with you about economic nationalism, which is perhaps the most dynamic force at work in Latin America today. I believe it is a force which is much misunderstood in the United States. And I further believe that unless the people of the United States clearly see exactly what is involved, we run the risk of doing serious damage to the inter-American relations.

In recent months, the United States press has reported quite extensively on the rise of economic nationalism in Latin America. Most

of the reporting—understandably—has been somewhat alarming to American businessmen, dealing as it does with the possibility of expropriation of U.S. interests, and with a day-to-day rise of American and Latin American tempers over some serious differences. In short, the United States press—again let me say, understandably so—has largely presented economic nationalism as a negative force that threatens to undermine inter-American solidarity.

The truth of the matter is that as a general rule, Latin American governments are deeply aware of the need for foreign investment. They know that the development of the region is hastened or retarded to some degree by the rate of flow of such investment. Under appropriate controls, and with the proper mix between local and external capital, they are quite happy to see the foreign investors step off the plane.

Foreign investment is a prime source of risk capital for Latin America. This is a type of financing not available from public sector sources, either foreign or domestic. Foreign investment brings with it a generous measure of management know-how and advanced technology—the accumulated techniques and skills of modern industry. Another advantage is the foreign investors' ready access to markets outside the country.

On the other hand, Latin American governments are also well aware of the inherent shortcomings of private foreign investment. It is sometimes an expensive source of financing. It usually flows into the sectors or the particular countries where profit opportunities are best, often creating an uneven "bunching" of foreign investments. Moreover, private foreign investment is not likely to move into basic infrastructure projects.

It is also true that the foreign investor may not always identify his own interests with those of the country in which he operates. In the case of balance of payments problems back home, for example, he may have to repatriate profits in large doses, without reference to the balance of payments problems of the country in which he is located. He may be loath to compete with other foreign firms, or more specifically, with branches of his own firm in other countries.

Understandably, the foreign investor thinks first of profit potential and, secondarily of development potential. But for many Latin Americans, the measure of worth of foreign investment is precisely what it does for the economic and social development of their country. Under the new nationalism, only the foreign firm that is able to contribute to economic progress and help promote healthy social change is wanted. This means primarily the market-oriented enterprise. The firm that exploits a nation's resources without reference to the objectives of the country and the will of the people is unwelcome, not for being foreign, but for being insensitive to the local desire for reform and development.

Latin Americans feel the direct and indirect influence of U.S. business at every turn. An American reporter (John M. Goshko in *The Washington Post*, March 9, 1969) recently observed that "In some countries if a man is of the upper middle class . . . he is apt to drive to work in a car manufactured or assembled in an American-owned plant . . . In the evening, he will probably relax in front of an American-made television set or go to see an American film released by an American distributor. . . . Whatever the worker grows or refines, at some stage it will pass through a machine or process invented by American technology and brought in by American business. If the product is exportable, chances are that its ultimate sale will take place in the American market."

Some time ago, Thomas J. Watson, Chairman of the Board of the International Busi-

ness Machine Corporation, noted that the "United States is the largest off-shore investor in world history." If American branches and subsidiaries overseas were to form a nation, he said, "its gross national product would rank third in the world, following the United States and the Soviet Union."

District private investment by American business in Latin America comes to slightly more than \$10 billion. It is estimated that U.S. firms now produce one-third of all Latin American exports, contribute some 20% of total fiscal revenues, and account for nearly one-tenth of the \$100 billion gross product of the region. And the rate of American investment in the region is rising steadily.

Present day economic nationalism in Latin America, with its concern for national development and for social reform, is a far cry from xenophobic isolationism. Indeed, the new nationalism is distinguished by its regional spirit. For another of its goals is the establishment of a viable, regional Latin American economy, managed by Latin Americans, for the benefit of Latin Americans.

Unfortunately, it is all true that many Latin Americans look upon all foreign business, and on American business in particular, as allied with the entrenched status quo. They see a panacea for most of their ills in the end of economic domination by corporate giants. The best antidote for this type of resentment is effective cooperation by the foreign investor with Latin American nationalists who are working for development and reform.

There are a number of models on which effective cooperation by U.S. business in Latin America can be patterned. There is no single answer to the meshing of a score of countries and literally hundreds of separate business firms.

More than 20 years ago, my good friend Nelson Rockefeller created the International Basic Economy Corporation as a means of pioneering new ideas in Latin American investment. IBEC's main purpose was to stimulate private enterprise in certain areas deemed critical to national development. Many of these areas have been incorporated into national development plans, proving the essential far-sightedness of the Rockefeller approach.

Today, IBEC operates in such widely diverse areas as the development of supermarkets, banking, and the production of machinery for the chemical processing industry. Its branches can be found from Brazil to Puerto Rico. It has never been a big money-maker, but it has always been long on social awareness. It makes less than one per cent profit on its total assets and pays three times as much taxes in Latin America as in the United States.

If the low-profit example of IBEC doesn't commend itself to all American businessmen, there are countless firms that have made excellent profits while establishing solid economic and social ties in their host country. They buy all the goods they possibly can from local sources, hire local personnel and promote them to high executive positions.

Another model, perhaps even more pertinent to Latin America's mood today, is the ADELA Investment Company. The brainchild of Senator Jacob K. Javits of New York, ADELA is a multinational private investment company, founded on the principle that when capital comes from many countries, it loses its national identity. ADELA attracts investment not only from the United States, but from Latin American and European countries as well. And it channels its investments into projects that have a distinct multinational potential. In the past three-and-a-half years, ADELA has funneled \$800 million worth of multinational capital to Latin America.

This is of crucial importance, for the fu-

ture of Latin America lies in the economic integration movement and in the development of the private sector along multinational lines.

For the foreign investor, the message should be clear: the brightest opportunities lie in multinational joint ventures with Latin American participation.

It is no accident that a best-selling book in Latin America is *The American Challenge* by the French author, Jean-Jacques Servan-Schreiber. The Frenchman is an unabashed admirer of the giant American corporation which operates in Europe. He is impressed by its size, its efficiency, its managerial talent and its technology. But he is also worried. For he sees such American firms far outstripping European firms and eventually eliminating them from any hope of competition.

European business must make a determined effort, says Servan-Schreiber, to create its own corporate giants, even if it must do so through political union. The main beneficiaries of the European Common Market so far have been the American corporations which have seen the potential offered by economic integration and have seized on its vastly expanded markets.

Latin America is now engaged in an all-out effort to create its own economic integration movement. At the Summit Conference in Punta del Este two years ago, the Presidents of the American nations pledged to have a common market in substantial operation by 1985. That target date is overly enthusiastic, but I for one believe that the movement toward regional economic union is inexorable. And I further believe that for Latin America to assure that the vastly expanded market serves the true economic and social interests of the people of the region, it is necessary to create efficient multinational business corporations, jointly owned and jointly controlled by Latin American and foreign capital.

Without such multinational corporations, it will be exceedingly difficult to achieve integration . . . or development . . . or social justice for our people. For if mighty Europe cannot compete with you Americans, except on the basis of the multinational corporation, how can we Latin Americans hope to do so with our still less developed industrial base?

Economic nationalism, if properly channeled, can drive this hemisphere to still greater heights of self-discipline and self-help. It challenges the foreign investor and the national government to seek new means of accommodation and understanding.

It would be a tragic error to permit this force to degenerate into hatred of all things foreign. It would be equally tragic to try to understand it in terms of an "image problem" for U.S. business.

So long as there are vast areas of poverty in this hemisphere, there will continue to be discontent, frustration and anger. The greater the gap between the United States and Latin America in affluence, the greater will be the gap in understanding. So long as a foreign corporation, by its huge size and awesome economic power, raises the fear of domination in the Latin American mind, it will be seen as a threat to national interests, and it will come under suspicion and open attack.

Latin America is marching boldly and confidently along the road of economic and social progress so that a hundred million of men, women, and children, now victims of poverty, ignorance, and disease, may enjoy the abundant and satisfying life that is their God-given right. The road is long, and not without hazards, but it is also wide—wide enough for men of good will in business and government throughout the Americas to walk shoulder to shoulder, resolving their differences and working together for the common good.

## THE GREAT PLAINS CONSERVATION PROGRAM

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

Mr. MIZE. Mr. Speaker, today's Consent Calendar includes H.R. 10595, a bill extending and expanding the Great Plains conservation program.

This legislation is extremely important to the 10 States in the Great Plains region, for it provides an opportunity for farmers and ranchers to enter into long-range conservation projects through contracts for cost-sharing with the Federal Government.

In the 10-State area, only 43 million acres of cropland and 91 million acres of rangeland have treatment adequate to protect the land from the ravages of wind and water erosion. There are still 67.5 million acres of cropland and 124 million acres of rangeland which must be protected.

Farmers and ranchers have a public responsibility to all Americans to insure the future productivity of our richest resource: our bounteous and generous soil. But farmers and ranchers simply cannot afford the high cost of proper conservation measures—without the assistance provided by the Great Plains conservation program, millions of acres of valuable land will be lost to marginal productivity, increased erosion, and destruction.

Mr. Speaker, I am particularly pleased with the legislation before us. As cosponsor of H.R. 10595, I am pleased to report that the legislative history of this bill, through exchanges between Chairman FOAGE of the Agricultural Committee and representatives of the U.S. Department of Agriculture, clearly provides for expansion of the Great Plains conservation program to additional counties not now permitted to participate in its benefits.

Let me make my position very clear: The administrators of the Great Plains conservation program at the Department of Agriculture will, upon passage of H.R. 10595, be permitted to review the need of each and every county in the 10-State region. Should counties now excluded from participation demonstrate positive need for conservation assistance, the Department will have complete freedom, subject to budget limitations, to extend the benefits of the program to new counties, new farms, and rangeland.

As the immediate needs of the participating counties are met over time, funds and administrative talent will become available in increasing amounts to attack the problems of counties heretofore ineligible for participation.

Our experience with Great Plains conservation program since the 1950's has shown us that there is no better investment for the Government than soil and water conservation. Billions of dollars of future production potential has been protected with a Federal expenditure of less than \$120 million. Such economics reflect great credit upon the Department of Agriculture and the Congress.

Mr. Speaker, I urge all Members to

support H.R. 10595, for this legislation represents some of the finest work that the Congress can perform, for the benefit of all Americans.

## FEDERAL JUDGES SHOULD BE RE-CONFIRMED EACH 6 YEARS

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

Mr. DICKINSON. Mr. Speaker, I am today introducing legislation which I sponsored in both the 89th and 90th Congresses. This proposed constitutional amendment would require that Federal judges be reconfirmed by the U.S. Senate every 6 years. Any Federal judge not reconfirmed by the Senate would be required to vacate the office and retire, if eligible.

In order for one to be a U.S. district judge, a circuit court judge, or a Justice on the U.S. Supreme Court, he is nominated by the President and confirmed by the Senate. Although extensive investigations are conducted, once a Federal judge is confirmed, the job is his for life and he is answerable to no one. Even though a Federal judge may become incompetent or senile or may behave immorally, unless he decides to retire, there is no machinery available for his removal unless he has committed a crime for which he can be impeached.

I believe Members of the House of Representatives are familiar with the difficulties involved in the impeachment process. It is so cumbersome and impractical that only four Federal judges have been removed from office by impeachment in our Nation's history.

Mr. Speaker, the unfortunate chain of events surrounding a U.S. Supreme Court Justice in recent months convinces me that the constitutional amendment I am proposing is needed. Had former Supreme Court Justice Abe Fortas not resigned his office, the only recourse available to the people of the Nation would have been the demand that the Congress initiate impeachment proceedings.

I am not charging Mr. Fortas with the commission of a crime, for the complete information about his business dealings is not available to me. As a matter of fact, his explanation of his actions—if facts support his contentions—indicates that no criminal action took place. In my opinion, however, his actions were injudicious, to say the very least, and violated canons of accepted activities of Federal judges.

Therefore, Mr. Speaker, it appears unlikely, from my point of view—based on information given to the public—that sufficient support could have been mustered to successfully push through an impeachment resolution in the House and obtain the necessary two-thirds vote in the Senate to remove Mr. Fortas from office, even though his private dealings indicate to me that he did not conduct himself in accordance with accepted standards for Supreme Court Justices.

The constitutional amendment I am proposing would provide us with some measure of control over the activities of

the members of the Federal judiciary. Everyone should be answerable to someone else, Mr. Speaker, and I believe that Federal judges should not be excluded.

#### THE LATE DR. ABRAHAM VEREIDE

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

Mr. TALCOTT. Mr. Speaker, as President of the House Prayer Breakfast Group, it is my sad responsibility to inform the House of the death of Dr. Abraham Vereide.

I say sad only because Dr. Vereide died much too soon, even though he was 82 and lived a wonderful, complete, and productive life.

Dr. Abraham Vereide, who was a Methodist minister and a founder of International Christian Leadership, to promote prayer breakfasts, died Friday at Montgomery General Hospital after a heart attack. He lived at 3360 Chiswick Court, Silver Spring.

Born in Norway, Dr. Vereide came to the United States in 1905 with 10 cents in his pocket. He worked for railroads and mines in Montana before gaining admission to Northwestern University's Garrett Theological Seminary.

He was ordained a minister in 1908 and was a pastor between 1910 and 1935 in Kenosha, Wis., Spokane and Seattle, Wash., Portland, Oreg., and Boston, Mass. He became an American citizen in 1913.

Between 1921 and 1924 he was superintendent of the Pacific Northwest District of the Norwegian-Danish-Methodist-Episcopalian Church. He established a Goodwill Industries branch in Seattle during the 1920's and was associate general superintendent for Goodwill in Boston from 1931 to 1934.

With a group of 19 business executives, Dr. Vereide in 1935 founded the prayer breakfast group in Seattle—a movement aimed at cultivating Christian leadership in government, business, education, and other professions.

In 1941, Dr. Vereide came to Washington and met with Members of Congress at the Willard Hotel. The result was the formation of separate Senate and House breakfast groups which meet once a week while Congress is in session.

The meeting also led to International Christian Leadership presidential breakfasts, held at the opening of Congress each year. The group also holds breakfast meetings for Governors, mayors, and professional groups around the world. Dr. Vereide was executive director emeritus of the organization at the time of his death.

His wife, Mattie B., died January 30. Friends may call at Fellowship House, 2817 Woodland Drive NW., from 2 to 8 p.m. today. Burial will be private.

A memorial service will be held at 11 a.m. Tuesday at the Fourth Presbyterian Church, 5500 River Road, Bethesda.

Mrs. Talcott and I join many others in extending our condolences to Dr. Vereide's family and also in expressing our gratitude for his great leadership while living.

#### HEARINGS ON STUDENTS FOR A DEMOCRATIC SOCIETY

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

Mr. ICHORD. Mr. Speaker, the House Committee on Internal Security will very shortly begin public hearings on activities of the Students for a Democratic Society.

A full-scale field investigation of the organization was launched by the committee staff on March 6, when committee members met and authorized such an investigation as the first step in an in-depth study of revolutionary violence in the United States. No public announcement of the specific object of the committee's interest was made at that time, however, in order that the inquiry could go forward in an orderly and expeditious manner.

Last week, the members of the committee unanimously approved the holding of public hearings at an early date. It is my intention to schedule the initial public hearings the first week in June.

Most of the violence being reported from college and university campuses is being attributed to the Students for a Democratic Society. And we apparently are not going to have any surcease, if SDS leaders have their way.

Even graduation ceremonies in our Nation's universities and colleges represent opportunities for violence and disruption, according to a national officer of SDS.

At a recent news conference Bernadine Dohrn, national interorganizational secretary of SDS, reportedly declared that the SDS "presence will be known at graduation ceremonies where the big people will come as speakers." "It will be more than just a walkout from the ceremonies," she threatened.

As for SDS' summer vacation plans, Miss Dohrn offers the chaotic prospect of SDS members working in the neighborhoods and fighting "police invaders if we have to."

Miss Dohrn's news conference was reported in the New York Times of May 14, 1969, and I ask permission to insert the article at this point in my remarks.

[From the New York Times, May 14, 1969]

#### SDS PLANS DISRUPTIONS AT GRADUATION CEREMONIES

CHICAGO, May 13.—The Students for a Democratic Society plans disruptions at university and college graduation ceremonies. Bernadine Dohrn, national interorganizational secretary, said today.

"Our presence will be known at graduation ceremonies where the big people will come as speakers," she said at a news conference. "It will be more than just a walkout from the ceremonies."

Miss Dohrn said S.D.S. "will work with kids in the neighborhood that fight the police invaders when we have to" this summer.

"We will go around the country wherever the rich people go—like Rockefeller, Nixon, and Kennedy," she said.

#### WEST HIGH SCHOOL PUPILS EXPRESS ANXIETY OVER POLLUTED LAKE ERIE

(Mr. FEIGHAN asked and was given permission to address the House for 1

minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, the House of Representatives recently passed the Water Quality Improvement Act of 1969, designed to protect public waters from pollution by oil, sewage, and other matter, and authorizing grants for water-quality research and education.

The quality of our waterways is a matter of deep concern to me and I have continually supported legislation to improve our antipollution efforts.

Clevelanders are equally enthusiastic over steps to upgrade our water quality as their recreational pursuits are directly affected by the quality of Lake Erie. The citizens of Cleveland recently approved a \$100 million bond issue to improve the water quality of Lake Erie and their interest has succeeded in influencing their youngsters to express a similar concern for the appallingly polluted condition of the lake.

Mr. Speaker, 41 ninth-grade pupils from West High School have written to express their anxiety over the polluted conditions of Lake Erie. These teenagers are worried that the level of pollution content in Lake Erie will continue to increase with no immediate remedial measures emanating from the Federal Government. They are disturbed by the offensive aromas rising from the contaminated waters. Finally, Mr. Speaker, they are angry that they are prohibited from enjoying the benefits of a once popular lakefront beach for swimming, boating, and other pleasurable water sports.

These alert young people are anxious to know why additional Federal moneys cannot be expended to solve the pollution problem. "Why," they ask, "cannot taxpayers' money be utilized to clean up the lake?" And, "Why," they continue, "cannot the taxpayers' money be used to provide more beaches?"

These high school students are distressed that more action on the part of the Federal Government has not been taken in solving the serious national pollution problems. They have thoughtfully outlined their grievances, made some astute observations, and asked some very pertinent questions. In these difficult times of student unrest and discontent, these young people have taken the initiative to become involved in a cause of deep concern to them. They have prudently expressed their views on a vital local and national issue and, hopefully, their judicious attention to this problem will generate similar expressions of concern from other citizens, young and old alike.

I have advised the students from West High School of my sponsorship of an amendment to the Water Quality Improvement Act, providing for a Great Lakes water-control demonstration project to develop techniques to remove polluted matter and abate new pollution. This amendment was adopted by the House and will be considered by the Senate along with the Water Quality Act. It is my sincere hope that the amendment receives Senate approval, as the Great Lakes are in desperate need of revitalization. Antipollution efforts will be severely handicapped if this amendment is not

enacted. A genuine commitment to clean water is badly needed if we are going to accomplish the goals desired by the students from West High School and concerned citizens across the Nation. Now is the time for all people to become involved in the massive attempts at pollution prevention so necessary for the future of our national waterways.

Mr. Speaker, I would like to mention the names of these young students from West High School who have been so diligent in carrying out their civic responsibilities.

The names of the 41 students from West High School follow in alphabetical order:

Donna Beukema, Dave Bodzioney, Kathleen Casey, Nancy Conroy, John Costanzo, Karan Casto, Terry Cox, Roger Cozort, Ray Early, Richard Gregg.

Debbie Harowski, Jerry Hessler, Tom Hiltaychuck, Edward Homan, Mathie Hunley, Wayne Hunt, Loretta Hylton, Danny Jones, Elanora Kiss, Richard Kopchok.

Lilly Laich, Oscar Lee, Pat Maglionice, Margaret Martin, Monajean Miller, Ira Moore, Greg Osborne, Doug Paus, Janet Penttila, Dwight Peto, Kathy Puskas.

Gary Rittbuger, Barbara Robinson, Jerry Shanis, Nancy Spelic, Susan Springer, Marion Tate, Betty Taylor, Lynn Terry, Faye Thompson, David Tainer.

#### ARMS CONTROL TALKS WITH SOVIET UNION SHOULD HAVE HIGHEST POSSIBLE PRIORITY

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

Mr. BINGHAM. Mr. Speaker, early last week I announced my intention of introducing a resolution urging that the President accord the matter of arms control talks with the Soviet Union the highest possible priority, and urging that the further testing of the very unsettling new weapons system known as MIRV be deferred until every effort has been made in the arms control negotiations to achieve a mutual freeze of the further development of such weapons systems.

I am happy to say I have now been joined by 25 cosponsors and am introducing the resolution today on a bipartisan basis.

MIRV is a new concept in nuclear weapons systems. Not only will a single MIRV missile be able to carry a number of nuclear warheads, multiplying the total number of warheads that might be delivered upon an enemy. But, in addition, each of the warheads of a MIRV missile will be capable of hitting a different target—each target many miles from the other targets hit by other warheads from the same MIRV missile. Perfection of such a system would produce a quantum jump in our ability to deal destruction, as well as in the destructive capacity of any potential enemy who might develop a similar system.

According to the Secretary of Defense, both the United States and the Soviet

Union are developing MIRV systems. Neither side has operational MIRV's at this time. But the Russian SS-9 and our own Minuteman III and Poseidon missiles are explicitly designed to deliver MIRV's.

To my mind, testing the MIRV constitutes the prelude to a dangerous escalation of the arms race—an escalation that has virtually escaped careful congressional attention. We have been rightly attentive to the implications of the proposed ABM system, but in our concern we have ignored a weapons concept that promises to have perhaps even more unsettling effects on our current rough world strategic balance and on hopes for effective arms control.

President Nixon has announced his intention to work for United States-Soviet arms control talks beginning this summer. I firmly support those projected efforts, but I fear that our MIRV testing puts the talks in jeopardy before they even begin.

Our current MIRV testing program promises to bring this advanced system to the operational stage in the relatively short-term future. Whether or not that occurs before or at about the time we propose to get arms control talks underway with the Soviets, there is the undesirable possibility that the Soviets might come to believe that our MIRV system has reached the operational stage. Therefore, by pressing for a major breakthrough in offensive weaponry, as we are by our MIRV testing program, we will erect a new stumbling block to the convening of arms control talks and a new and more difficult item for the agenda should such talks get underway.

Should the Soviets conclude, on the basis of their monitoring of our MIRV tests, that our system is operational, they could easily use that conclusion to justify refusing to negotiate until their own MIRV system is operational. By continuing MIRV testing, we might indirectly force the Soviets and ourselves to escalate, rather than to suspend, the arms race.

In addition to strangling projected arms control talks, perfection of MIRV's will make future arms control agreements much more difficult—if not practically impossible—to hammer out. We have developed satellite surveillance and inspection techniques which can take reliable inventories of missile sites and ICBM capacities. But satellite pictures cannot reveal the numbers of warheads clustered on a single booster, or the scattering of targets toward which those warheads might be directed. If we and the Soviets introduce MIRV's into the international strategic equation, arms control agreements will simply have to include on-site inspection.

Mr. Speaker, I need not remind the Members of the House of the effect the question of on-site inspection has had on earlier arms control talks. The question of on-site inspection ruined prospects for arms control in the fifties. Our hopes for the upcoming negotiations are founded on the fact that unobtrusive inspection by satellite is now both a possible and potentially adequate means of insuring

compliance with arms control agreements. Any development that necessitates on-site inspection will set arms control talks back severely, if not irredeemably.

We can afford to suspend testing for 2 or 3 months, until the talks get underway, as I sincerely hope they will. The evidence indicates that we are already ahead of the Soviets in MIRV development. According to Secretary Laird, we are now testing our Poseidon and Minuteman III systems. The Soviet multiple warhead test reported by Secretary Rogers on April 21, 1969, was not a MIRV, but a MRV—multiple warheads not independently targeted.

I wish to emphasize that I am not suggesting in this resolution that we scrap the MIRV, or that we abandon our MIRV development efforts and leave that field to the Soviets.

Any halt to our testing should be temporary unless and until the Soviet Union would agree to a mutual halt to MIRV testing, which should, I feel, be the first item on any arms talks agenda and should not wait for broader arms control agreement. But if the Soviets press ahead with their own development, or if arms control talks fail to produce a mutual freeze on MIRV's, we can and should resume testing.

The resolution, which I am now submitting, urges the administration immediately to suspend MIRV testing until a total effort to stop arms escalation through negotiations has been made. Such a move is vital if we are to give negotiations the full chance they merit to succeed.

A copy of my resolution, and a list of House Members who have cosponsored it, follows:

#### HOUSE CONCURRENT RESOLUTION 259—RE URGENCY OF ARMS CONTROL TALKS (By Mr. BINGHAM)

Whereas, the present is an especially propitious time for Soviet-American arms control negotiations because of (1) the approximate state of balance that exists through mutual deterrence, (2) the existing techniques of surveillance by satellite that make it possible for each side to keep track of the other's missile capabilities without on-site inspection, and (3) the present nonbelligerent attitude of the Soviets as evidenced by their unprecedented cancellation of the traditional display of military power in their May Day parade; and

Whereas, the successful development of a Multiple, Independently-targeted Reentry Vehicle (MIRV) weapons system by either the United States or the Soviet Union would not only threaten the present balance, but make much more difficult the achievement of a missile arms control agreement by making it impossible to check on warhead deployment without on-site inspection; and

Whereas, both the United States and the Soviet Union are currently pressing ahead with efforts to develop a MIRV system, and the United States is reportedly more advanced with its development program; and

Whereas, effective nuclear arms control offers the best, if not the only, hope of preventing a continuing arms race between the U.S. and the Soviet Union at disastrous cost to both sides and with no security for either; therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress

(1) that the President should proceed with efforts to convene nuclear arms control negotiations with the Soviet Union with utmost urgency; and

(2) that the United States should defer further MIRV testing until every effort has been made to achieve a mutual freeze on MIRV development; and

(3) that such a mutual freeze should be a part of more comprehensive arms control agreements respecting both offensive and defensive missiles; but should not be delayed pending the working out of all aspects of such comprehensive agreements.

#### COSPONSORS

Representative Thomas Ashley (Democrat, of Ohio.)  
 Representative John Brademas (Democrat, of Indiana.)  
 Representative George Brown (Democrat, of California.)  
 Representative Shirley Chisholm (Democrat, of New York.)  
 Representative Bob Eckhardt (Democrat, of Texas.)  
 Representative Don Edwards (Democrat, of California.)  
 Representative Leonard Farbstein (Democrat, of New York.)  
 Representative Seymour Halpern (Republican, of New York.)  
 Representative Henry Helstoski (Democrat, of New Jersey.)  
 Representative Edward Koch (Democrat, of New York.)  
 Representative Spark Matsunaga (Democrat, of Hawaii.)  
 Representative Abner Mikva (Democrat, of Illinois.)  
 Representative William Moorhead (Democrat, of Pennsylvania.)  
 Representative F. Bradford Morse (Republican, of Massachusetts.)  
 Representative Bertram Podell (Democrat, of New York.)  
 Representative Thomas Rees (Democrat, of California.)  
 Representative Ogden Reid (Republican, of New York.)  
 Representative Henry Reuss (Democrat, of Wisconsin.)  
 Representative Benjamin Rosenthal (Democrat, of New York.)  
 Representative Edward Roybal (Democrat, of California.)  
 Representative William Ryan (Democrat, of New York.)  
 Representative James Scheuer (Democrat, of New York.)  
 Representative Robert Tiernan (Democrat, of Rhode Island.)  
 Representative Philip Burton (Democrat, of California.)  
 Representative Donald Fraser (Democrat, of Minnesota.)

#### DEFER TESTING OF MIRV

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

Mr. ASHLEY. Mr. Speaker, today I am joining our colleague from New York, the Honorable JONATHAN B. BINGHAM, and other Members of the House in the introduction of a resolution calling for immediate deferment of further development and testing of multiple independently targeted reentry vehicles by the United States until every effort has been exhausted to reach a mutual MIRV freeze agreement with the Soviet Union.

The administration is reportedly planning to commence nuclear arms control

talks with Russia this summer. I applaud this decision; however, I am taking this opportunity to express my sincere belief that the success of these talks is dependent upon a freeze of our MIRV program.

The singular opportunity now presented for prompt talks lies in the confluence of several decisive factors: First, the approximate state of arms parity that exists through mutual deterrence; second, the existing techniques of surveillance that enable each side to verify the strength of the other side without on-site inspection; and, third, the present nonbelligerent attitude of the Soviets as evidenced by their unprecedented cancellation of the traditional display of military power in their May Day parade.

Further development of the MIRV by the United States at this time could very easily upset this delicate balance of elements necessary for successful arms control. If we continue development of MIRV, we risk the very real possibility that the Soviets will conclude before talks get underway that the United States already has an operational MIRV system—with such a system, Russia could not know how many weapons we have without on-site inspection, because a counted silo might contain one warhead, or three, or 10. Such a mistake on the part of Soviet leaders would make it inevitable that they would proceed with their own MIRV development, thereby producing another vicious cycle of escalating arms and costs. An immediate freeze on U.S. development of MIRV's, on the other hand, would eliminate the possibility that potential United States-Soviet arms talks could be subverted in this way and would make our stated desire to reach mutual arms control accord more credible.

Mr. Speaker, the opportunity for arms control is ripe and we must seize it. But if we are to succeed, we must recognize that the essence of any stable United States-Soviet agreement to limit nuclear arms will be the certainty and visibility of assured destruction power on both sides. We cannot afford to destroy this requisite condition of mutual deterrence by continuing with the MIRV, unless we are convinced that Russia does not want arms control.

At this vital juncture in the history of mankind, I call upon the President to proceed with efforts to convene nuclear arms control negotiations with the Soviet Union with utmost urgency; to defer further MIRV development and testing until every effort has been made to achieve a mutual freeze on MIRV development; and to make such a mutual freeze a part of more comprehensive arms control agreements respecting both offensive and defensive missiles.

#### SUPREME COURT DISTORTION BY ONE VOTE

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

Mr. RARICK. Mr. Speaker, following the resignation of Abe Fortas, the U.S.

Supreme Court announced that the vote of Abe Fortas would be purged on cases he had deliberated in and voted on, and the Court's decision would be reached by the votes of the eight remaining judges. The ruling would be limited to cases decided after Fortas' resignation not yet rendered public in open court.

This would mean that in any of the pending cases, if the vote minus the Fortas vote were 4-to-4, the lower court judgment would stand unmoled.

However, the reason for Fortas' resignation permeates every decision that he voted on since his original confirmation in 1966.

Hundreds of acts of Congress have been stricken down or their intent warped, State laws and State constitutions have been declared unconstitutional, and thousands of criminal convictions have been overturned, pornography and sexual perversion laws have been voided as well as subversive statutes—and many of these by a 5-to-4 decision wherein the vote of Justice Abe Fortas was the deciding vote.

If the magnanimous Supreme Court—in its noble efforts to atone for the guilty influence of the one vote held by Abe Fortas—seeks to cleanse its record, it raises the question: How does the Court propose to rectify the many injustices inflicted upon the American people by the 5-to-4 decisions reached with Fortas' vote prior to his resignation—from 1965 to date?

Can his overriding vote before his resignation inspire any greater public confidence than his suspect vote following his departure?

Mr. Speaker, I include a list of the 5-to-4 Supreme Court decisions in which Justice Fortas voted with the majority—each critical to the structure of our society, as follows:

THE 5-TO-4 SUPREME COURT DECISIONS IN WHICH JUSTICE FORTAS VOTED WITH THE MAJORITY

Harris v. United States, 382 U.S. 162 (1965).  
 Brown v. Louisiana, 383 U.S. 131 (1966).  
 Ginzburg v. United States, 383 U.S. 463 (1966).  
 Kent v. United States, 383 U.S. 541 (1966).  
 Elbrandt v. Russell, 384 U.S. 11 (1966).  
 Riggan v. Virginia, 384 U.S. 152 (1966).  
 Miranda v. United States, 384 U.S. 436 (1966).  
 Garrity v. New Jersey, 385 U.S. 493 (1967).  
 Spevack v. Klein, 385 U.S. 511 (1967).  
 Keyishian v. Board of Regents, 385 U.S. 589 (1967).  
 Zuckerman v. Greason, 386 U.S. 15 (1967).  
 Kaye v. Co-Ordinating Committee on Discipline of the New York Bar, 386 U.S. 17 (1967).  
 Giles v. Maryland, 386 U.S. 66 (1967).  
 Woodward Manufactures v. National Labor Relations Board, 386 U.S. 612 (1967).  
 Houston Contractors Association v. National Labor Relations Board, 386 U.S. 664 (1967).  
 Waldron v. Moore-McCormack Lines, Inc., 386 U.S. 724 (1967).  
 Afroyim v. Rusk, 387 U.S. 253 (1967).  
 Reitman v. Mulkey, 387 U.S. 369 (1967).  
 National Labor Relations Board v. Allis-Chalmers Manufacturing Company 388 U.S. 175 (1967).  
 Hanner v. DeMarcus, 390 U.S. 736 (1968).  
 Miller v. California, 392 U.S. 616 (1968).  
 Harris v. Nelson, 37 L.W. 4219 (1969).

THE 50TH ANNIVERSARY OF STEUBEN SOCIETY OF AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, the Steuben Society of America and its members have every reason to be proud of their organization and its record of solid accomplishment over the past 50 years.

During that span of a half a century they have given life and meaning to the lofty principles which moved and guided Gen. Frederick von Steuben in his role as one of the most inspiring leaders in our war for national independence.

Those principles—duty, justice, tolerance, and charity—are as basic to the survival of American democracy today as they were to the winning of our Revolutionary War nearly 2 centuries ago.

The fidelity of the members of the Steuben Society to those principles, and their maintenance in the life of our Nation, has won respect, admiration, and distinction for the Steuben Society.

The founders of their society were men and women deeply rooted in the spirit of America. They were motivated by the most enduring characteristic of German-American life—a constant concern for the welfare, the happiness, the growth, and the safety of our Nation.

Over the course of almost 3 centuries German immigrants and their descendants have woven this characteristic into the fabric of our Nation.

Their founders were mindful of the pioneer role played by German settlers in pushing the frontiers of civilization across this vast continent to the Pacific Ocean. Those early settlers moved on from Pennsylvania, along the mountain range southward, colonizing Maryland, Virginia, and Kentucky. Following the Indian wars, my home State of Ohio was opened up to the most hearty of these settlers. The imprint of German talents in the fields of industry, agriculture, commerce, the arts and sciences, education, religion, the professions, and civic achievement forms an indelible part of contemporary life in the State of Ohio. And so it is in many States of our Union.

The society's founders were certainly aware of the industrial history of the 19th century in which Germans were preeminent in all those pursuits that required technical training. Their love of exact science and technology and their unique ability to apply such talents for the benefit of their fellow men strengthened beyond measure this relatively new land. Many immigrants from Germany brought with them the advantages of training in the technical schools of the homeland at a time when the need for similar institutions in America had not yet been satisfied.

Perhaps above all else, German-Americans led the way in the vital field of engineering. It was John A. Roebling who built the first great suspension bridge over the Niagara River and then went on to build the Brooklyn Bridge—considered for many years as one of the wonders of the age.

German names, too numerous to cite, are engraved in the archives of our industrial development as pioneers in the chemical industry, electrical engineering, mining engineering, wagon and automobile manufacture, the iron and steel industries, and in the production of prepared food products from flour to chocolate.

The society's founders were surely proud of the fact that from the birth of our Nation German names stand high on the honored roll of fighters in behalf of our free way of life. They have given their sons for the defense of our Nation just as they have given their talents and labors to the building of our Nation.

Bancroft, historian of the American Revolution, and Gould, statistician of the Civil War, have testified that German volunteers in both those wars exceeded in proportion those of the natives of all other foreign stock.

And they must have been equally proud of the fact that German-Americans were in the forefront of the fight for human rights during the testing decades of the 19th century.

Carl Schurz of Wisconsin was a dedicated champion of the antislavery cause and Gov. John P. Altgeld of Illinois was an able champion of the rights of organized labor.

The long record of German participation in the American march of progress renders many German traditions part and parcel of American traditions existing today. The great results of American ingenuity are in many instances also the results of German ingenuity, incorporated into the mainstream of American knowledge.

These are but some of the causes which moved their founders to action. They acted in harmony with the oldest and the highest ideals of our Nation. They were bound together in a common resolve that this citadel of human liberty would henceforth and forever remain a beacon of hope for mankind the world over.

To strengthen their resolve they dedicated their purposes to upholding the patriotic ideals of the revered hero of the war which gave birth to our Nation—Gen. Frederick von Steuben.

To reaffirm their devotion, to assure an unbroken attachment to the great American dream, they adopted the credo "One country, one flag, one language."

This is the rich legacy of their founders, passed on to all those who have held and now hold membership in the Steuben Society of America.

This is the measure of added responsibility assumed by all who have held or now hold positions of leadership in the society.

During the past 20-odd years I have been privileged to know and to work with the leaders of this society at the national level, at the State level of Ohio and in my home city of Cleveland. That has been one of the most memorable and pleasant experiences of my public life. For that experience demonstrated for me that the society lives by its principles of "duty, justice, tolerance, and charity."

All members of the Steuben Society can

be proud of the constructive role played by its national officers in congressional reform of our immigration laws. It was my responsibility, as chairman of the House Subcommittee on Immigration and Nationality, to establish the facts, bring reason to bear and win majority support for a system of immigrant admissions that was humane and in the national interest. In the emotionally charged atmosphere which attended the public hearings during two sessions of the Congress this was not an easy task.

After 40 years of heated public controversy over immigration policy, the climax of change was reached.

It became evident that the national origins quota system no longer governed immigrant admissions into our country. Contrary to popular belief the quota system accounted for no more than one third of our annual immigrant admissions. For the previous 10 years we had been admitting close to 300,000 immigrants per year in contrast to the 156,000 authorized by the quota system and which most people believed was a fixed numerical ceiling on admissions.

The real problem grew out of the long waiting lists in many countries, made up of close relatives of U.S. citizens. Under then existing law persons with no relatives in the United States and with no skills needed here were being admitted from some countries while close relatives of our citizens in other countries or persons with needed skills had to wait in line for years.

In our search for a new formula of immigrant admissions our subcommittee was confronted with sharply conflicting opinions; on the number we should admit each year; whether Congress should maintain control of policy through a clear-cut, self-executing law or whether some of the congressional authority in this field should be delegated to a new Immigration Board; retention of the privileged status of natives of the Western Hemisphere for whom there had never been quota controls or numerical limits on their admission; the relationship of immigration to our labor market and the need to protect the rights and hard-won gains of American labor—just to mention some of the major issues in controversy.

These problems confronting the Congress together with the remedies proposed were discussed at length with the national officers of the Steuben Society. This was a part of the process of working out a new system that would be fair to all and consistent with the needs of our country at this point in our national development. The position taken by the officers on all issues was clear and consistent. That position was: What is best for the United States?

It was that same spirit which governed the decisions of the House Subcommittee on Immigration and Nationality. That spirit is clearly reflected in our new selective immigration system signed into law October 3, 1965, by President Johnson.

Legislation is never perfect. Experience with the act reveals that changes are necessary.

Each and every person, by virtue of membership in the Steuben Society has assumed responsibility for nurturing the good seeds of dedicated and staunch citizenship planted by past generations.

To succeeding generations falls the duty for maintaining that concern for the welfare, the happiness, the growth, and the safety of our Nation which motivated the founders of the society.

Knowing loyal Steubenites as I do, I am confident that they welcome the duties and responsibilities which have been passed on to them by their founders. I am equally confident that their future endeavors will be crowned with the same success which has distinguished the work of the Steuben Society over the past 50 years.

I am including in my remarks the golden jubilee message of the Steuben Society and a proclamation issued by Gov. Nelson A. Rockefeller pursuant to the resolution of the General Assembly and the Senate of the State of New York, which follow:

**THE GOLDEN JUBILEE MESSAGE: 50 YEARS STEUBEN SOCIETY OF AMERICA—46 YEARS U.S. IMMIGRATION LAWS**

(By the National Council, Steuben Society of America; Ward Lange, national chairman; George Stotz, chairman, public affairs)

On May 19, 1919 The Steuben Society of America was formally founded, just six months after the end of a war against the kin of the founders of this new American National Organization of American Citizens of Germanic Origin.

The dissolution of the "German-American National Alliance" with America's entry into World War I still fresh in their minds, the founders vowed not to repeat any of the errors which may have helped to make the dissolution of their "Alliance" possible.

They were determined to build an entirely different society on an enduring foundation, deeply rooted in the U.S. Constitution. The principles of Unity, Tolerance, Charity and Justice were adopted as the "Constitutional Tap Roots" which would sustain their new structure against all attacks for "as long as the Constitution of the United States of America will stand," which was to the Dean of the founders, the late Dr. Franz Koempel "forever and forever." His home is to this day called the "Cradle of the Steuben Society of America.

This new and different society concentrated its energies immediately on the healing of the wounds of war and on the reestablishment of good relations with the new government and the people of defeated Germany.

An objective program called for, among other issues, an early and just peace treaty to avoid a future world holocaust; the return of alien property; the return of the teaching of the German language to our Nation's classrooms, then barred in nearly all schools; to give aid to their kin across the sea and to end the blockade.

#### A LAW TO CONTROL IMMIGRATION

As the passions of war were subsiding and Congress was considering the creation of a law to control immigration, the society set out to create what had been most sorely missing before and during World War I: "A voice of Americans of German origin in the Halls of Government".

While many voices called for restrictive immigration measures for German immigration, the Society's voice of reason found many supporters and the first immigration law, passed in 1923 gave a generous quota, 26,000, to German immigrants. (The Steuben Society of

America has been actively involved in every revision of the law since then and in the passage of the special Emergency Relief Act of 1953.)

#### THE FIRE TEST

When in the late 1930's the war clouds gathered once more over Europe and World War 2 broke out on September 1, 1939, the Society instituted a vigorous campaign to expose all foreign propaganda and influence in order to oppose all efforts to involve America in that war.

After the Constitutional Declaration of war against Japan, Germany and Italy by the Congress of the United States of America, triggered by the vicious Pearl Harbor attack on December 7, 1941, the Society pledged its unqualified support to our Nation's Commander in Chief of the Armed Forces, the late President Franklin Delano Roosevelt in the following declaration:

DECEMBER 11, 1941.

The PRESIDENT,  
The White House,  
Washington, D.C.

SIR: The National Council of the Steuben Society of America wishes to convey to you the following Declaration adopted by its Executive Committee at a special meeting:

#### "DECLARATION

"The Steuben Society of America has consistently maintained that the power to declare war rests solely in the Congress of the United States.

"Congress now having declared war against Japan, Italy and Germany, it becomes the duty of every American to loyally support our government in prosecuting that war to a successful conclusion.

"We are again a united people.

"Our Country, First, Last and All the Time."

We desire further to pledge to you, our President and Commander-in-Chief, the wholehearted support of our entire organization and membership in this national emergency, and offer our services in whatever capacity we, collectively and/or individually, may best be fitted for.

With these assurances of our loyalty and support, believe us to be,

Respectfully,

THEO H. HOFFMANN,  
National Chairman.

F. W. MAYER,  
National Secretary.

The Founders of the "entirely different" society were now to witness whether their creation, the Steuben Society of America could endure even through a war against their own kin. Little did they realize in 1919 that 26 years later their Society would be called upon to repeat substantially their efforts to "heal the wounds of war"—only under much more complex and difficult circumstances. Instead of having to labor to end a blockade it had to engage itself in the opening of the mails to defeated Germany so the sending of packages for the aid to their starving kin was possible.

The Society had stood the fire test. It is especially noteworthy after 50 years, that this is the first instance in American History that a National Society of Americans of German origin, actively involved in American political affairs, has endured for a half century.

#### IMMIGRATION AGAIN, AFTER 50 YEARS

Ironically, on the eve of its 50th Anniversary date the Steuben Society of America finds itself once again engaged in a nationwide effort to secure fair treatment under the new 1965 Immigration and Nationality Act, for German immigrants who have historically been a prominent segment of the formative element of the American people.

The new law is by no means restrictive only to German immigrants, but to all

Northern European countries, 14 in all. The efforts 46 years ago by the founders of the Steuben Society of America must now be repeated during our Golden Jubilee Year.

#### PROCLAMATION FROM THE STATE OF NEW YORK, EXECUTIVE CHAMBER

The Senate and Assembly of New York State have adopted a joint resolution requesting that I issue a proclamation in behalf of the Steuben Society of America. I am happy to comply.

The Steuben Society of America is a national patriotic society of persons wholly or partly of German descent, founded on May 19, 1919. The Society this year is celebrating its 50th anniversary.

In the words of the Legislature's Joint Resolution:

"The prosperity and growth of such citizens' organizations such as the Steuben Society of America are essential and vital to the preservation and success of our American way of life.

"It is important to recognize and to encourage the participation of private citizens of our Nation and of the State of New York in the affairs of government and of the community.

"The celebration of the Fiftieth Anniversary of the Steuben Society of America is an outstanding achievement deserving of official recognition by the Government."

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim May 19-25, 1969, as Steuben Society of America Golden Jubilee Memorial Week in New York State.

Given under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day of April in the year of our Lord one thousand nine hundred and sixty-nine.

By the Governor:

NELSON A. ROCKEFELLER,  
ALTON G. MARSHALL, Secretary to the Governor.

Mr. BARING, Mr. Speaker, I wish to take this time to join my colleagues in honoring the 50th anniversary of the Steuben Society. I deem it a great honor myself to be a member of this society which is so dedicated to upholding the American Constitution and all for which it stands. It is a tremendous achievement for the Steuben Society today as it celebrates its golden jubilee as an organization of people deeply involved in the American way of life while their kinship is Germanic in nature.

However, this society goes even further than that as it strives continuously for a better way of life for all Americans, no matter what nationality.

The Steuben Society's national standing and long record of endurance must be witnessed today as one of the great hallmarks in the march of freedom for all people of the United States and great tribute should be paid to the society's efforts in aiding people elsewhere in the world.

The stalwart determination of the Steuben Society of America will preserve this society as one of the best supporters of the American Constitution as the society perseveres in spreading its adopted principles of unity, tolerance, charity, and justice throughout the life of the United States.

Mr. WYDLER, Mr. Speaker, the golden jubilee anniversary of the Steuben Society of America is being celebrated this

spring. As a member of that splendid organization, I am extremely proud of the principles espoused by the Steuben Society, and of the record of patriotic achievement of the man for whom it was named.

General von Steuben was the German-born military adviser to George Washington who is credited with the successful training of the Continental Army. Joining Washington at Valley Forge in 1778, Von Steuben formed a model company of 100 men and personally undertook to drill it. The rapid progress of this company under his instruction has been said to have been the most remarkable achievement in rapid training for combat in the military history. General von Steuben, who became an American citizen 11 years before his death in 1794, has been called the maker of the American Army.

The Steuben Society is an organization of Americans of German origin and descent who are dedicated to "one country, a country so fair, tolerant, and just that all who live in it may love it; one flag, an American flag for American purposes only; and one language, the language of truth." It is an organization dedicated to patriotic ideals. I should like to pay tribute today to this great organization for its steadfast devotion to these American ideals.

Mrs. DWYER. Mr. Speaker, the 50th anniversary of the founding of the Steuben Society of America, which we commemorate today, is an occasion which is most worthy of recognition by the Congress of the United States, and so I am most pleased to join with other colleagues in extending to the officers and members of the society my congratulations upon the completion of a half century of service to our country and to Americans of German descent.

The role of voluntary citizens' organizations, Mr. Speaker, is an important one in our free society. The accomplishments of organizations such as the Steuben Society has contributed memorably to the growth and development of this "nation of immigrants" and have helped to assure that our people will continue to be blessed by the strengths which flow from diversity within unity.

The Steuben Society was founded by Americans determined to build an enduring organization, one which was based on principles as lasting as the U.S. Constitution. They chose these: unity, tolerance, charity, and justice. Today, 50 years later, these principles were never more contemporary, never more vital to a free and peaceful America, never more needed in the hearts and minds of all our countrymen.

The Steuben Society of America, Mr. Speaker, chose its guiding principles wisely. And the history of this distinguished patriotic society during the past five decades has amply demonstrated the commitment of its members to these purposes. On this notable occasion, therefore, I am proud to join in wishing them continued success and prosperity.

Mr. HORTON. Mr. Speaker, 50 years

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ago today, the Steuben Society of America was founded to build a new and lasting understanding between the people of the United States and the people of German origin.

The founders of this society were determined to build a new society, deeply rooted in the U.S. Constitution and dedicated to the principles of unity, tolerance, charity, and justice.

The Steuben Society, under the direction of the late Dr. Franz Koempel, the dean of the founders, concentrated its energies on the healing of wounds opened during World War I. The society worked hard for a just immigration quota in 1923 and has been actively involved with every revision of the law since.

The George Ellwanger unit of the Steuben Society in Rochester, N.Y., has been active over the years. Its membership includes many civic and community leaders.

One of the most energetic programs developed in recent years has been the Steuben Society scholarship program which recognizes outstanding students in Rochester area high school German language programs.

It is my pleasure today, Mr. Speaker, to join in recognizing the efforts of the National Steuben Society to preserve and strengthen our American way of life.

I was pleased to note that the distinguished Governor of the State of New York, Hon. Nelson A. Rockefeller, has singled out the Steuben Society for generous praise and recognition. His proclamation is worthy of the attention of all our colleagues:

#### PROCLAMATION BY STATE OF NEW YORK

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"It is important to recognize and to encourage the participation of private citizens of our Nation and of the State of New York in the affairs of government and of the community.

"The celebration of the Fiftieth Anniversary of the Steuben Society of America is an outstanding achievement deserving of official recognition by the Government."

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Given under my hand and the Privy Seal of the State at the Capitol in the City of Albany this thirtieth day of April in the year of our Lord one thousand nine hundred and sixty-nine.

By the Governor:

NELSON A. ROCKEFELLER,  
ALTON G. MARSHALL,  
Secretary to the Governor.

#### GENERAL LEAVE TO EXTEND

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### SURTAX AND INVESTMENT TAX CREDIT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 30 minutes.

Mr. WHALEN. Mr. Speaker—

##### I. BACKGROUND

##### A. THE PROBLEM

In our view, the number one problem facing our domestic economy in 1969 is the threat of continuing strong inflation and the deepening of the inflationary psychology that has spread widely through the economy in recent months.

This statement, submitted on March 1, 1969, to the Joint Economic Committee of the Congress by the American Life Convention and the Life Insurance Association of America, echoes the concern of economists throughout the Nation.

At the end of 1965 the consumer price index stood at 109.9 percent of the 1957-59 price level. On March 31, 1969, prices had risen to 125.4 percent. This represents a 14.1 percent cost-of-living increase in 39 months. In 1968, alone, saw a 4.2 percent consumer price increase. An 0.8 percent rise occurred in March 1969, the greatest advance in any single month since February 1951.

##### B. "INFLATION"—DEFINITION

As I indicated in a speech delivered on the House floor on December 4, 1967, in an economy where supply and demand operate unimpeded—"perfect competition"—economists describe inflation as an "increase in prices, employment, and production." However, in a society, such as ours, where supply and demand do not function perfectly, factors other than price may determine the total level of demand—and thereby production and employment. Thus, in 1958 we had the anomaly of rising prices and a concurrent decline in production and employment. For the purposes of this analysis, therefore, the use of the term "inflation" shall be restricted to the element of "price" only.

##### C. INFLATION—ITS CAUSES

In the context of the foregoing definition, economists attribute inflation to two sources.

First is "demand-pull" inflation. This occurs when the market demands more than the economy can produce. Like a lid which pops when a stove generates too much steam, prices, too, "explode" when the economy becomes overheated.

The second type is termed "cost-push" inflation. This exists when increased production costs—labor, materials, and so forth—are not matched by productiv-

ity gains. If a firm produces a commodity whose demand is "elastic," that is, responsive to changes in price, it may have to absorb per unit cost increase—or close its doors due to declining profits. However, many large companies process non-substitutable products, such as food, steel, and so forth, whose demand, therefore, is not predicated solely upon price. In the case of these "inelastic" items, cost increases can, and are, passed on to the buyer in the form of higher prices.

#### D. CURRENT PRICE SPIRAL—THE CAUSES

Economists generally agree that the inflationary phase of the current business cycle, which commenced in earnest in late 1965, stems both from demand and cost influences. "Demand-pull" was the culprit in 1966. The sudden upsurge in Federal spending, caused by the acceleration of our Vietnam involvement, exerted great pressure upon an economy which was operating at near-optimum capacity—90.8 percent plant utilization in the second quarter of 1966, according to the Federal Reserve system.

Since mid-1967 we have faced a combination of "demand-pull" and "cost-push" forces. While our plant utilization, by March 1969, had declined to 84.1 percent, acute shortages still exist among certain professional and skilled labor categories. However, an unfavorable cost-productivity ratio during the past 2 years has had an even greater impact upon prices. In 1967, according to the Department of Labor's Output Per Man-Hour Index, total cost per unit of output rose 1.6 percent. Last year per unit costs advanced 3.3 percent.

#### E. COUNTER-CYCLICAL MEASURES

Having identified inflation's two principal causes, let us next consider its cures. Price stabilization is attainable through the operation—individually and in concert—of three forces.

First. Most significant, and yet most often overlooked, is the long-run reaction of the marketplace to price changes. It has been noted that there are impediments to a "perfect" supply-demand response to price movements. Yet the law of supply and demand has not been entirely "repealed"! For example, as prices climb, some citizens, especially those living on fixed income, suffer a reduction in purchasing power. As the rise becomes steeper, other markets decline. These include foreign purchasers, who can buy more competitively elsewhere, and certain domestic customers—such as Government workers and employees of small firms—whose wages do not respond rapidly to economic changes. Consequently, in the long-run "price" still serves the economy as an adjusting mechanism.

Second. Since the mid-1930's fiscal policy—"Government programs with respect to spending, taxing, and borrowing"—has been employed in our country as a stabilizing device. In periods of declining prices, production, and employment, "compensatory" fiscal policy requires that the Government stimulate the economy by "pumping" into it through spending programs more than

it withdraws through tax collections. This calls for increased expenditures and/or reduction of tax rates.

Conversely, when inflation is rampant, Government programs should act as a depressant. Spending is restricted, although not necessarily reduced from the previous fiscal year, and/or tax rates are increased.

From the preceding it is apparent that fiscal policy's role is to influence aggregate demand. For this reason fiscal policy traditionally is more effective in dealing with demand-inspired inflation than countering price rises spurred by swollen production costs.

Third. Finally, central banks throughout the world utilize monetary policy as a counter-cyclical weapon. In times of depression, central banks will encourage economic expansion by making large quantities of money available at comparatively low rates of interest. The Federal Reserve system—our version of a central bank—accomplishes this by lowering discount rates, reducing member bank cash reserve requirements, and buying bonds in the open market, thus providing more reserves to member banks.

On the other hand, the Federal Reserve system attempts to combat rising prices by making less money available with which to buy. This is accomplished by employing such measures as increased discount rates, higher member bank cash reserve requirements, and open-market bond sales—thus causing the bond buyers' cash to flow from commercial banks to the Federal Reserve.

Unfortunately, Federal Reserve policy, in its application, is uneven in its effects throughout our economy. For instance, when a tight money program is invoked, its impact is felt initially and most heavily by the construction industry. Today, a decline in new housing starts, while helping to cool the economy, also may have unfortunate social implications at a time when a national housing shortage is beginning to emerge.

#### II. THE SURCHARGE

##### A. HISTORY—RECENT TAX LEGISLATION

As previously noted, tax programs, as a component of fiscal policy, are designed to achieve economic stabilization. In January 1963, President John Kennedy proposed reductions in personal and corporate tax rates. He argued that this would give the consumer and the businessman more disposable income—"income available for spending and/or savings after taxes." Since there is a human tendency to spend at least a portion of any additional income received—"marginal propensity to consume"—the economy would benefit from greater aggregate demand, the President reasoned, by the increased production and employment it would generate.

Upon his death President Kennedy's tax program was adopted by his successor, Lyndon Johnson. President Johnson shepherded it through the Congress and in 1964 achieved an \$11.5 billion tax-reduction package.

As Sylvia Porter concluded in her June 13, 1968, column:

With the income tax cuts of 1964, we came close to eliminating the gap between performance and potential. But the Vietnam war escalation in mid-1965 pushed the economy from balanced to unbalanced prosperity and added problems of price-wage inflation, domestic and balance of payments deficits, higher interest rates, skilled labor shortages.

Recognizing this growing threat of inflation, President Johnson, in his January 10, 1967 state of the Union message to the newly convened 90th Congress, recommended: "a surcharge of 6 percent on both corporate and individual income taxes—to last for 2 years or for so long as the unusual expenditures associated with our efforts in Vietnam continue." No action was taken by the Committee on Ways and Means to implement this proposal.

Seven months later, on August 3, 1967, President Johnson submitted a new tax program to Congress. The principal feature of the new plan was a temporary 10-percent surtax which "should be placed on corporate income tax liabilities, effective July 1, 1967" and "on individual income tax liabilities, effective October 1, 1967."

Commencing August 14, 1967, 11 public hearings were held by the Committee on Ways and Means. Testimony was presented by 54 witnesses. Once again no surtax bill emerged from this committee for House consideration.

On February 29, 1968, however, the House of Representatives did pass H.R. 15414, which, in response to the President's recommendations, extended telephone and automobile excise taxes and accelerated corporate income tax payments. In considering this measure several months later, the Senate amended it by including a 10-percent surtax on corporate and personal incomes, effective January 1, 1968, and April 1, 1968, respectively. Further, the Senate provided that Federal outlays be reduced \$5 billion from the \$186.1 billion budget estimate submitted to Congress by the administration.

On June 10, 1968, House and Senate conferees reached agreement on H.R. 15414, substantially adopting the Senate version. The conference report was approved by the House of Representatives on June 20, 1968 by a 268 to 150 vote and by the Senate on June 21, 1968, by a 64 to 16 margin. The President affixed his signature to this legislation—designated as the Revenue and Expenditure Control Act of 1968—on June 28, 1968, Public Law 90-364.

##### B. MY VOTE ON THE REVENUE AND EXPENDITURE CONTROL ACT OF 1968

I was among those 150 House Members who voted against the H.R. 15414 conference report. Several factors prompted this decision. Foremost was the fear of an "economic overkill" which could result as a consequence of combining a \$25 billion fiscal "about face" with tightened monetary policy and the \$2.8 billion social security tax increase scheduled for January 1, 1969. This view, which was shared by many other economists, perhaps was best expressed by columnist Joseph Slevin in the May 31, 1968, issue of the Washington Post:

They (top government economists) see the threat of a slow-down when they look ahead. . . . The prime culprit will be the anti-inflationary tax boost and spending cut package the Congress is debating. . . . "That's a pretty grim package", an official warned. "It's going to be a case of delayed overkill. You have to worry about it".

There now are signs that the economy is beginning to "cool" slightly in response to passage of the Revenue and Expenditure Control Act of 1968. For example, at the end of the first quarter, 1969, six "leading" indicators were pointing downward. However, as I will indicate statistically in a subsequent paragraph, it is obvious that the fears of any serious economic slowdown have not materialized.

The 1969 recession projections were not borne out for two reasons.

First, monetary authorities, too, believed a downturn would result from the 1968 tax-hike-spending cut. Therefore, the Federal Reserve Board of Governors, in the last half of 1968, pursued an "easy money" policy which controverted Congress' tightened fiscal controls. While the Nation's money stock—currency and demand deposits—increased by an average of only 2.9 percent yearly between 1957 and 1968, money stock during the last 6 months of 1968 grew at an annual rate of 7.0 percent.

Second, consumers "did not get Congress' message." Whereas saving as a percentage of disposable income was 7.1 percent and 7.5 percent, respectively, in the first two quarters of 1968, the savings ratio dipped to 6.3 percent and 6.8 percent in the third and fourth quarters, respectively, of last year, and to 5.8 percent in the first 3 months of 1969. Thus, buying habits did not adjust to the reduced take-home pay occasioned by the 1968 tax increase. Instead, the consumer simply saved less.

#### C. PRESIDENT NIXON AND THE SURTAX

The Revenue and Expenditure Control Act of 1968, with its 10-percent surcharge, expires on June 30, 1969. On March 26, 1969, President Richard Nixon in a message to the Congress, advocated the retention of the surtax. He stated:

I am convinced that the path of responsibility requires that the income tax surcharge, which is expected to yield \$9.5 billion, be extended for another year.

The President also asked that the scheduled reduction in the telephone and passenger car excise taxes be postponed, and user charges equal in revenue yield to those now in the budget be enacted.

On April 21, 1969, the President modified his March 26, 1969, statement by proposing that the surcharge be reduced from 10 percent to 5 percent during the last 6 months of fiscal year 1970—January 1, 1970, to June 30, 1970. The resultant revenue loss, according to the President, would be recovered by the proposed elimination of the 7 percent investment tax credit—see section III for discussion of this issue.

#### D. THE ISSUE

Congress must decide prior to June 30, 1969, what to do about the surtax. The issue, as usually stated, is: "Should the

10 percent surcharge be extended?" However, a more appropriate delineation of the issue is: "Should Federal corporate and personal income taxes be reduced by 10 percent?" This, in effect, is what will occur if Congress fails to extend the surtax. Thus, the following analysis will be predicated on the effects of a tax reduction.

#### E. DOES THE ECONOMY NEED A STIMULANT?

As mentioned in section 1(e) (2), a reduction in tax rates is considered when the economy requires a stimulant. Thus, whether Congress should maintain present rates, by continuing the surtax, or lower them, by allowing it to expire, can only be decided after examining economic indices. Key current indicators for the month ending April 30, 1969, show the following:

First, total civilian employment in April was 77,605,000, an alltime high, 2,462,000 greater than the same month in 1968.

Second, the unemployment rate, as a percentage of the total civilian labor force, was 3.5 percent at the end of last month. This is the same level that existed in April 1968, although 0.2 percent higher than February 1969.

Third, average hours worked per week by non-agricultural employees in April was 37.8, the same as in the previous month and 0.5 hours more than in April 1968.

Fourth, average hourly earnings—adjusted to current prices—for non-agricultural workers was \$2.99 last month. This is 1 cent more than March 1969, and a 19-cent jump since April 1968.

Fifth, total personal income in April 1969, moved to a \$730.5 billion annual rate, an increase of \$2.8 billion over the preceding month.

Sixth, total industrial production continued to climb in April. Last month's index stood at 171.5 percent of the 1957-59 average, seasonally adjusted, whereas in March it was 171.0 percent. A year earlier—April 1968—the industrial production index registered 162.5 percent of the 1957-59 base.

Seventh, March 1969—latest statistics available—saw continued expansion in new construction totals when expenditures reached an annual rate of \$91.1 billion, compared to \$90.9 billion in February and \$85.3 billion in April 1968.

Eighth, the sales-to-inventory relationship remained favorable in March 1969. At that time the sales-inventory ratio was 1.54, the same as it was 12 months earlier.

From the foregoing, it is evident that the economy is in many respects more buoyant than it was in April 1968. A stimulant, therefore, in the form of a tax rate decrease most certainly would not be fiscally prudent at this time.

#### F. OTHER CONSIDERATIONS

There are three other factors which argue against a tax decrease now.

First, surtax removal, and thus a tax rate decrease, can be a productive countercyclical weapon when the economy shows softness, either as a result of cessation of Vietnam hostilities or from

other causes. Thus, a tax cut should be saved until such time when it can be utilized more effectively.

Second, when there is a clear evidence supporting the need for an economic "hypodermic," the surtax can be quickly repealed. The present surcharge is designated as a "temporary" tax and, therefore, Congress can, and will, respond expeditiously to a call by the President for its elimination. The speed with which Congress can act in response to a tax cut request, as contrasted with a tax increase proposal, was demonstrated in March 1967, when only 7 days elapsed between the time President Johnson asked for a restoration of the investment tax credit and the time it took the House to pass enabling legislation.

Third, removal of the surtax at the end of next month would entail a deficit of \$3.7 billion for fiscal year 1970. This amount then would have to be borrowed by the Federal Government at a time when the money market is severely overstrained—with the 7½ percent prime interest rate the highest since 1929. Continuation of the surtax, consequently, would relieve further pressure on monetary policy.

#### F. CONCLUSION

In the 12 months since the Revenue and Expenditure Control Act of 1968, the economic boon has showed few signs of abating. Thus, discontinuance of the surcharge at this time would not only provide an unneeded shot-in-the-arm to the economy but also would waste an antidepressant weapon which could be launched more effectively at some later date.

### III. THE 7 PERCENT INVESTMENT TAX CREDIT

#### A. BACKGROUND

##### 1. ORIGINAL PASSAGE 1962

In 1962 Congress, upon the recommendation of President Kennedy, enacted a measure designed to encourage business firms to modernize and expand their production facilities by investing in new machinery and equipment. The new law provided that a businessman could subtract from his annual tax bill 7 percent of eligible investment up to a maximum subtraction of \$25,000 plus 25 percent of tax liabilities above \$25,000. Any unclaimed credit in a given year could be used over the following 5 years.

According to President Nixon in his April 21, 1969, message:

Since that time America has invested close to \$400 billion in new plant and equipment, bringing the American economy to new levels of productivity and efficiency.

##### 2. REPEAL, 1966

On November 8, 1966, President Johnson signed into law H.R. 17607, Public Law 89-800. He had proposed this measure on September 8, 1966, as an essential element in his antiinflationary program. At that time it became apparent to the President that, despite the Federal Reserve's restrictive monetary policy, 1966 business investment would increase by approximately 17 percent over 1965.

H.R. 17607 suspended for a 15-month

period—October 10, 1966 through December 31, 1967—both the 7 percent tax credit on the purchase of machinery and equipment and certain allowable accelerated depreciation of industrial and commercial buildings.

### 3. RESTORATION, 1967

During the first quarter of 1967 there occurred in our country what economists now term a "mini-recession" during which real gross national product actually declined. Apparently in response to this economic downturn, President Johnson, on March 9, 1967, asked Congress, effective that date, to reinstate the 7 percent investment tax credit and the accelerated depreciation of certain industrial and commercial buildings. The President's stated reason, however, was:

Although the demand for capital goods continues to be strong and at record levels, my Council of Economic Advisers informs me that it no longer threatens to strain our growing ability to produce.

H.R. 6950, which embodied Mr. Johnson's recommendations, passed the House of Representatives on March 16, 1967 by a 386 to 2 margin. After a 5-week non-germane discussion—on campaign contributions—the Senate, on May 9, 1967, approved H.R. 6950 by a vote of 93 to 1. Both Chambers, by voice votes, adopted a conference report on May 25, 1967, and the bill was signed into law—Public Law 90-26—19 days later by President Johnson.

### 4. PROPOSED REPEAL, 1969

In his aforementioned April 21, 1969, message to Congress, President Nixon urged repeal of the 7 percent investment tax credit. The President stated in his message of March 26, 1969:

While a vigorous pace of capital formation will certainly continue to be needed, national priorities now require that we give attention to the need for general tax relief. Repeal of the investment tax credit will permit relief to every taxpayer through relaxation of the surcharge earlier than I had contemplated.

### B. THE ISSUE

Congress now must make two fiscal decisions: First, the feasibility of extending, or allowing to expire, a revenue-yielding statute—the surtax; second, the desirability of repealing, or continuing, a revenue-loser—the 7-percent investment tax credit.

The primary surtax consideration is the probable economic effect of its termination. The investment credit presents two relevant issues: the economic impact of its removal and national priority considerations in the form of tax relief.

### C. ANALYSIS OF ARGUMENTS

The case for repeal of the 7-percent investment tax credit is somewhat less persuasive than that for the surtax extension. In fact, there existed considerable division among administration economists prior to the President's April 21, 1969, investment tax credit decision.

Two principal arguments have been advanced in opposition to termination of the 7-percent investment credit.

First, there is the question of timing. Rescinding Public Law 90-26 will have no immediate effect upon inflation. After

their receipt by the producer, capital goods orders require anywhere from 6 to 24 months to process. Consequently, any purchases placed within the last year are now "in the mill," with their resultant impact upon the economy. Obviously, production of these items will not cease merely with the repeal of the investment tax credit. Only future investment plans will be affected.

Furthermore, this delayed result ultimately may be felt at a time when the economy needs a fiscal stimulant rather than a depressant. As noted previously, this, in fact, occurred in March 1967, only 4 months following congressional revocation of the 1962 investment tax credit law.

Second, an important tool in the fight against inflation is increased worker productivity. As John O'Riley recently stated in the Wall Street Journal:

Over the long pull, no force on earth has done more to hold down the prices of things people buy than has capital spending.

It is contended, therefore, that in the long run repeal of the investment tax credit will further, rather than diminish, inflationary pressures.

Those urging rescission of the 7 percent investment tax credit offer the following reasons.

First, aggregate demand has expanded, in large part, as a consequence of unexpected capital expenditure increases. In a letter to me dated March 6, 1969, Ralph D. Creasman, president, Lionel D. Edie & Co., states:

You will note that the present survey ("Industrial Developments", February 28, 1969 issue) calls for an increase in manufacturing spending of 12 percent in 1969 over 1969. Our survey last September showed an intended increase of 8 percent.

Rinfret Boston Associates, Inc. in a bulletin dated February 25, 1969, point out that their "resurvey indicates that private industry now intends to spend about 13.6 percent more for plant and equipment in 1969 than it spent in 1968."

An increase in investment expenditures creates what economists call a "multiplier effect." This means that every dollar spent for capital equipment will be respent several times for consumer items. In order to dampen total demand, therefore, corrective measures should be directed toward the primary "agitator"—in this instance, capital spending.

Second, as mentioned earlier, only 84.1 percent of total plant capacity was being used by business firms at the end of March 1969. This strongly suggests that a portion of the 12-14 percent advance in investment spending is speculative, stemming from an inflationary psychosis—"if we don't buy it now, it will cost us more later." Curbing this speculative fever through revocation of the investment tax credit may, in the long run, rescue many businessmen from their own excesses.

Third, last year all taxpayers, corporations and individuals alike, were required to add 10 percent to their total tax bill. Yet for the last 6 years business firms have received relief in the form of a tax credit on their capital goods pur-

chases. According to Congressional Quarterly, April 25, 1969, issue this subsidy "has cost the Treasury an estimated \$14 billion in revenue from 1962, when it went into effect, through calendar 1968."

It is difficult to justify to many Americans, especially those in low and middle income brackets, why they now must accept a greater tax burden while, at the same time, businesses are accorded special tax treatment. Equity, consequently, would seem to dictate the removal, at least until the surtax can be eliminated, of the investment tax credit.

### D. CONCLUSION—INVESTMENT TAX CREDIT

The weight of the evidence, in my opinion, calls for elimination of the 7 percent investment tax credit. Aggregate demand, and thus, inflationary pressures, will not diminish immediately upon termination of Public Law 90-26. Nevertheless, speculative investment, borne of a "buy it now" philosophy, should subside, thus avoiding needless, and perhaps damaging, plant expansion. More significant, however, is the greater fairness which repeal of the investment credit would bring to our tax structure.

### IV. OTHER ISSUES

The foregoing analysis has been concerned solely with the economic consequences of actions involving the surcharge and the investment tax credit. However, when these two issues are discussed, two other topics—Vietnam and tax reform—often are interjected. Thus, I shall address myself briefly to these two questions as they relate to the surtax and the investment tax credit.

#### 1. THE VIETNAM WAR

Some argue that voting for the surtax in 1968, and its extension in 1969, is an endorsement of our military involvement in Vietnam. True, the need for additional revenues stems, in part, from the expansion of the Vietnam conflict. While voting against the surtax may have some value as a "protest", two facts must be remembered. First, a negative vote will not end the war. Second, failure to extend the surtax will stimulate an already over-heated economy. Therefore, one problem, the war, would still exist and another, inflation, would be further aggravated.

#### 2. TAX REFORM

In 1968 some of my colleagues stated that institution of tax reform would produce enough additional funds to make enactment of a 10-percent surtax unnecessary. The objective of tax reform, however, is not additional revenues. Rather, its goal is a more equitable distribution of the tax burden. It is probable, therefore, that the extra money derived from sealing "loopholes" will be more than offset by the extension of tax relief to low and middle-income families. Thus, true "tax reform" may result in fewer, rather than more, dollars to the Treasury.

Still others claim, with considerable validity, that it is inappropriate to mount a new tax on an already inequitable foundation. These persons conclude, therefore, that the surcharge should not be continued until meaningful reforms have been adopted.

Hopefully, the forthcoming surtax-investment-tax-credit package will include some structural adjustments. However, time militates against formulation of a complete reform program prior to the June 30, 1969, surcharge deadline.

Those, such as myself, who are interested in a major overhaul of our tax statutes, then will be confronted with a dilemma. Should we support the extension of the surtax, hoping that later in the summer a more extensive reform measure will emerge from the Committee on Ways and Means? Or, should we allow the surtax to expire as our price for Congressional failure to bring meaningful reform legislation to the floor?

I prefer the former course for two reasons.

First, tax reduction, by failure to act on the surtax, would kindle the fires of inflation. Thus, those who we wish to help through tax reform actually would be damaged more by continued erosion of the dollar.

Second, based on its conscientious efforts of the past 3 months, I am convinced that the Committee on Ways and Means is serious in its stated intentions to bring a substantive tax reform bill to the House floor later this year. Since changes in tax statutes, as opposed to tax rates, will be permanent, the committee should be given sufficient time to complete its reform study.

#### V. SUMMARY

One might reasonably ask: "How can you justify your recommendation that the surcharge be extended in the light of your vote against it last year?"

If one accepts the principle of compensatory fiscal policy, as I do, timing becomes a decisive factor in the decision-making process. The fiscal issue confronting Congress now differs substantially from that with which we were concerned last summer. In 1968 we had to decide whether to increase taxes. This involved not only a consideration of the then existent economic conditions but, more important, required long-range projections into which a tax increase was programed.

In 1969 the question is whether to reduce taxes. In this instance, the immediate effects are of more concern than the long-run implications.

It is on this premise, therefore, that I base the following conclusions.

First, the tax reduction occasioned by a failure to extend the surtax would escalate inflationary pressures. The 10-percent surcharge should be renewed, therefore.

Second, while not contributing significantly to the current struggle against inflation, removal of the 7-percent investment tax credit will reduce speculative capital goods purchases and, concurrently, attain a more favorable balance between business and individual tax burdens.

Third, as indicated above, this position statement contains no long-range economic predictions. However, signs of a "slowdown" are emerging. It is probable that the massive fiscal and monetary retaliatory efforts against inflation,

not to mention the reaction of the marketplace, in time will achieve a perceptible economic downturn. Such signals are easily and promptly discerned. At that time, not only could a tax cut be quickly produced, it also would be more beneficial in its implementation.

Fourth, the Committee on Ways and Means should continue to assign first priority to tax reform. It is inadvisable, however, to incorporate ill-considered statutory changes in surtax-extension legislation merely for the appearance of "tax reform." By the same token, allowing the surcharge to lapse until a comprehensive reform measure is forthcoming would impose on low- and middle-income families an economic hardship greater than the benefits accruing from statutory revision.

Fifth, the administration must intensify its efforts to bring an early end to our Vietnam involvement. When this is accomplished, tax cuts not only will be feasible but economically desirable. Too, funds then can be redirected to programs designed to cope with our more pressing domestic needs.

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

Mr. WHALEN. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would certainly like to commend the gentleman from Ohio for his excellent statement on the surtax and the investment tax credit.

In regard to the extension of the surtax, I was wondering if the gentleman from Ohio could comment on the question of whether this extension would yield the best results if it were linked with certain cuts in spending by Congress? I know this had been a subject of considerable comment and might well be something to be debated on the House floor in the near future.

Mr. WHALEN. I thank the gentleman for that question. I think it is a very pertinent one. As you know, in 1968 we did not only increase taxes by 10 percent but we also limited expenditures. Certainly, expenditures are a component of fiscal policy. Therefore, I would hope that we do place some kind of limitation on expenditures.

However, what concerned me last year was the fact that we did not list these limitations specifically but rather allowing the Bureau of the Budget and thus the President himself to make the final determination. I would hope, therefore, that if we have any expenditure limitation for the fiscal year 1970 that the Congress will specifically state what areas should be cut. I think to do otherwise would be a derogation of our responsibility.

Mr. GUDE. I assume, then, that the gentleman would prefer specific areas as possibilities for cuts in the budget, rather than the more problematic across-the-board cuts.

Mr. WHALEN. I would prefer to see specific cuts rather than across-the-board cuts, as I indicated.

At this time, however, I do not have any specific cuts to recommend. I certainly would make a very strong attempt to accommodate the gentleman, however,

later on when I get in this specific area with more detailed study.

Mr. GUDE. I thank the gentleman.

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

Mr. WHALEN. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I join in the accolade that has already been extended to the gentleman for talking to us on this very important question that is before the Congress. I have some ideas on this myself, and from time to time I have been speaking on them.

I am particularly interested in doing something about plugging loopholes which I think can do much to control the forces that cause inflation.

I commend the gentleman for his very fine statement, and I hope many of our colleagues will read his statement in the RECORD and hopefully respond to it.

#### JOHN CARDINAL WRIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania, Mr. SAYLOR, is recognized for 5 minutes.

Mr. SAYLOR. Mr. Speaker, not long ago, I talked with a youngster whose father had just come home on leave after more than a year in Vietnam. "Is it not great to have your dad back home?" I asked. "Yes," the youngster said, "but he will have to leave next month and I do not know when I will see him again."

Today, the people of the Diocese of Pittsburgh are suffering a similar conflict of sentiment. John Cardinal Wright came home again after his elevation to the Sacred College of Cardinals in Rome, but next month he must leave to take up his new duties in the Vatican curia.

From the time that he was installed as bishop of Pittsburgh, there was no doubt that he was destined for an even more important mission, and the area has been fortunate to have enjoyed, for more than a decade, the presence of this man of brilliance, humility, piety, and of concern for his fellow human beings.

It was my own pleasure to have been associated with Bishop Wright, if only briefly, when we were recipients of honorary doctorates at St. Francis College in Loretto, Pa. I cherish this experience and consider it a double honor to have shared the occasion with Bishop Wright.

The Pittsburgh Catholic of May 9 devoted a large portion of its pages to the accomplishments of John Cardinal Wright. The RECORD should at least include this paragraph from a biographical sketch of the new cardinal.

What everyone does not know is that there is also a private, unpublicized involvement—one that makes Bishop Wright available almost any hour of any day for any type of good work. He concerns himself about abandoned babies, unwed mothers, the disturbed and the distressed; he frequently visits the wake of strangers beset by tragedy, and his pocketbook opens generously to people in need.

Another column, "A Protestant View," in Sunday's Pittsburgh Catholic, is a report by the Rev. W. Lee Hicks, executive

director, Council of Churches of the Greater Pittsburgh Area. This portion, too, must be preserved in the RECORD, for it comes from one of the ecumenical guests on Cardinal Wright's consistory trip to Rome:

"We are here to witness one of the most significant moments in the life of a sister Church. In it all, we have come to recognize and appreciate meanings that are foreign to us, yet so real to Catholic brethren. We sense a spirit, an attitude and an openness that makes us wonder "why all the misunderstanding over the years?" We can see plainly the differences, but we can also see in the ceremony and the quiet moving of the Spirit of God the real unity that is ours in the deeper things of importance. We do serve the same Lord. We call all men to the same Christ. We look to the same Holy Spirit to lead us. And we see in the Church the movement and working of God. And we see in one another Christian brethren serving the same God in a little different way.

Mr. Speaker, the Pittsburgh Diocese and far beyond will deeply miss John Cardinal Wright, but all the world will benefit from his elevation to a position of universal influence. May God continue to guide him and care for him.

#### SCANDAL AT SBA—VI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, if you had spent more than 2 years seeking a loan from the Small Business Administration, and if at last that loan came through, would you fail to pick up your check? You might if you had never needed the loan in the first place, but then if you had never needed the money you would not have campaigned for it so long and hard. You might fail to pick up your check if you thought that you might get more money by waiting.

If you had just received a study showing that you could have a much bigger company, would you complain? You might if you wanted nothing more, and had all you needed. You might also complain if you thought somebody was trying to steal you blind.

Mr. Speaker, a loan applicant at SBA did campaign for a loan for better than 2 years before he got it, and he did fail to collect his loan, not because he did not need the money, but because he thought he could get more by waiting. This applicant also complained when he received an SBA study showing that he could do great things, for the plain and simple reason that he believed his supposed benefactors were trying to steal him blind. Mr. Speaker, the special assistant to the Administrator of the Small Business Administration has publicly called me a liar. I am not in the habit of lying, and his scandalous conduct is beneath contempt; and if he can disprove what I am about to say to the House, then let him do it. I am ready to hear the facts.

Let him answer the questions, if he can. Let him produce the results of investigations. But let us have done with threats and bluster; let us have done

with smokescreens and eyewash; let us have answers.

This functionary knows that I can be challenged in court, if he likes, because I have made my charges in public, not on the floor of the House; I made my charges in a press conference before I presented them on the floor of this House, precisely because I do not hide behind my immunity, and precisely because I am confident in my facts, and in my case. Let him sue, but let him answer the case I now offer.

Let us see who is lying. This factotum says that the Civil Service Commission investigated his background thoroughly before he took his job as special assistant to the Administrator. The fact is that no investigation on this man was even requested for a month after he was on the job, and indeed no investigation report was available until well after he was under a cloud of suspicion. It is not possible that this man was investigated before he took his job, unless the record submitted by the Civil Service Commission is false, and I do not think it is. If I am a liar with regard to this point, then the fault lies not on my shoulders, but on those of the Chairman of the Civil Service Commission, who wrote me as follows:

U.S. CIVIL SERVICE COMMISSION,  
Washington, D.C., May 9, 1969.

Hon. HENRY B. GONZALEZ,  
House of Representatives,  
Washington, D.C.

DEAR Mr. GONZALEZ: Reference is made to your letter of April 30, 1969, requesting information concerning Mr. Albert Fuentes, Special Assistant to the Director, Small Business Administration.

On March 3, 1969, the Small Business Administration gave Mr. Fuentes a temporary appointment for 30 days. On April 3, 1969, this appointment was converted to a Schedule C appointment, GS-15, Step 1, under the authority of Sec. 213.3332(b) of the Commission's regulations. An appointment of this type does not require prior approval of the Civil Service Commission.

The Small Business Administration requested the Civil Service Commission to conduct a full field investigation on April 4, 1969. The results of our investigation were forwarded to Small Business Administration on May 7, 1969 noting that there is a current investigation being conducted by the FBI.

Sincerely yours,

ROBERT E. HAMPTON,  
Chairman.

Fuentes accuses me of embarrassing the President, the SBA and Congress, he even accuses me of embarrassing the chairman of the Banking and Currency Committee, the distinguished WRIGHT PATMAN. I am not the man causing embarrassment; it is Fuentes, because it is he, not I, who is entangled in a web of intrigue. If the Administrator of the SBA is embarrassed, it may be that it is because he was asked on April 26 to investigate the Fuentes matter, and although Fuentes claims the investigation is complete, I have never talked to any investigator. More curiously still the Administrator says that his files have all been turned over to the Department of Justice—not to the committee chairman who requested the study in the first place. If Fuentes is innocent, why should

this information be denied to the chairman of the Committee on Banking and Currency? It is not I, and not the distinguished chairman, who is playing cat and mouse or hide and seek—it is the SBA. And if such games are embarrassing, let the players be embarrassed—not those who like myself are seeking only the facts.

These facts are not in dispute:

First, that Albert Fuentes set up two corporate names on February 28, 1969, and that 3 days later he assumed his post as assistant to the Administrator of the Small Business Administration.

Second, that Emmanuel Salaiz had an approved SBA loan in the amount of \$10,000, which he did not collect and has not to this day collected.

Third, that Albert Fuentes caused a special study to be made of Salaiz' company, the E. & S. Sales Co. This study was performed by W. J. Garvin, a high ranking professional at SBA. Such a study as this—a complete economic outlook survey—has never to my knowledge ever been performed for a single loan applicant. What is more extraordinary is that a study would be made of a company whose loan was already approved and ready for disbursement.

Fourth, that the Garvin study was transmitted to Albert Fuentes on March 20.

Fifth, that Albert Fuentes and others met in the offices that Fuentes uses for a business address, and then and there demanded 49 percent of the applicant's business in return for a larger loan.

Sixth, that the applicant related all of this to the Federal Bureau of Investigation on April 22, and again to a notary public on April 24.

Seventh, that Albert Fuentes was seen frequently in the company of one Eddie Montez, who admits to having what he deems to be influence to sell—for a price.

Eighth, that Albert Fuentes beyond any shadow of a doubt was in the meeting, and that it was in an office address he claims for himself, with people he is known to associate with, with extraordinary documents he claimed to have by sheer coincidence, and witnessed the loan applicant being asked for 49 percent of his company in exchange for an SBA loan. Is it not strange that the special assistant to the Administrator of SBA can calmly witness one man brutally shaking another down, and then flying off with him into the blue later that night, never asking a question or having a second thought. How could he have done this unless he were amoral, insensitive, or expected to gain personally from it, or all three? But this is no more unusual than the fact that this man can gratuitously insult me, and then claim that he must refrain from politics because he is covered by the Hatch Act. Nor is it any more unusual than the fact that Fuentes claims to have filed four statements in his defense with the Committee on Banking and Currency—statements which the chief counsel of the committee informs me have not reached him as yet, if indeed they exist at all. Neither is it any more unusual

than the game of cat and mouse being played with the facts discovered by various investigations into this affair.

Fuentes claims that he was trying to help develop minority business enterprise. It has long been said that the last refuge of a scoundrel is patriotism. This man is now defending his actions on the ground that he was helping what he calls "la raza"; he is appealing to his loyalty to "la raza." Mr. Speaker, that is his right and his privilege, but it is no defense; one does not help people by taking their livelihood away from them. One does not help a friend by delivering him to vultures, or by being a vulture.

Mr. Speaker, this entire affair is rife with scandal. I believe that every effort must be exerted at once to clear the air and determine the truth. And in the meanwhile I think that this man Fuentes should be suspended from the further conduct of his duty. Let the Administrator show his concern for the good name of his agency by acting at once, and let Fuentes show his good faith by producing more facts and less fiction, more integrity and less bluster, and more forthrightness and less malevolence.

#### OMNIBUS SOCIAL SECURITY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TUNNEY), is recognized for 10 minutes.

Mr. TUNNEY. Mr. Speaker, I have introduced legislation to amend the social security act to bring the program more in line with the immediate needs of our senior citizens.

My bill would do the following:

First. Increase social security benefits immediately by 15 percent and raise the minimum monthly benefit to \$75.

Second. Provide automatic increases in social security benefits in order to reflect cost of living increases.

Third. Increase benefits for certain individuals age 72.

Fourth. Increase from \$1,680 to \$3,600, the amount of annual outside earnings permitted without loss of social security benefits.

Fifth. Extend medicare benefits to individuals aged 62 and to the disabled.

Sixth. Provide medicare coverage for prescribed drugs.

Seventh. Allow all medical expenses for the elderly to be tax deductible.

It is important that the social security program be continually updated. Increasing numbers of our population join the ranks of the senior citizens each year. An American born in 1900 could expect to reach his 40th birthday, while an American born today can expect to reach his 70th. There are now about 22 million Americans who are 65 or over, comprising 10 percent of our population, and exceeding the combined population of 20 States.

By the year 2000 the United States will have over 28 million senior citizens, a 40 percent increase. The State of California alone will have over 2½ million senior citizens by 1985—an increase of 1 million.

Yet, too many older Americans are forced to live at or below the level of poverty because of inadequate social security. Eighty-five percent of the elderly have annual incomes of less than \$2,500 and 66 percent receive less than \$1,500 a year. More than 5 million senior citizens live below the poverty level and 10 percent or over 2 million, are teetering on the brink of poverty.

It is estimated that an immediate 15 percent increase in social security benefits along with a \$75 monthly minimum would help to move 1 million senior citizens out of poverty.

The time for putting social security benefits on a more realistic basis is long past due. The cost of living has increased 25 percent since 1954, and those on fixed incomes have taken the hardest pounding from this increase.

I believe that automatic social security increases tied to the rising cost of living will help to insure that senior citizens can maintain their living standards commensurate with the rest of the Nation. However, I want to make it clear that this provision should not preclude necessary periodic increases in benefits.

The increase in the amount of allowable outside earnings would help senior citizens continue to remain active. This provision would make meaningful current efforts to utilize senior citizens in community activities. I have introduced legislation to establish under the Older Americans Act of 1965, a national senior service corps to assist in such efforts. From experience I know that many senior citizens can and want to make meaningful contributions to their local communities.

Although medicare has provided considerable protection, senior citizens still suffer from ever spiraling health and drug costs. The elderly spend three times more for drugs than those under 65. Those 65 and older spend over \$600 million for prescribed drugs and millions more for nonprescribed drugs. Over 4 million elderly each spend more than \$100 a year for medicine, while 600,000 elderly spend in excess of \$250 annually. An estimated 80 percent suffer from an illness or disability of some kind. Modern medical care can alleviate or control most of their illnesses but only at a heavy price. For those age 65 or older, per capita expenditure for personal health care rose 15 percent, from \$423 in fiscal year 1966 to \$486 in fiscal year 1967. Since World War II, prices for medical services have risen 129 percent.

I, therefore, feel that it is necessary to bring all costs of prescription drugs under medicare, and allow all medical expenses to be tax deductible for our senior citizens.

Medicare coverage would also be extended to the disabled. Since their earning power is greatly diminished they must be provided proper medical care. My bill also lowers the eligibility age for medicare to 62.

The enactment of an omnibus social security bill is vital. Our senior citizens have made great contributions to our Nation's progress, yet many are now re-

ceiving little thanks and even less benefit for their efforts.

We must rededicate ourselves to make it possible for them to enjoy more fully the results of their most productive years. It is estimated that fiscal year 1969 will show a gross national product of \$921 billion compared to \$789.7 billion in 1967. This omnibus social security bill must be promptly enacted to enable our Nation's elderly to benefit from our growing economy.

#### TUFTS PROFESSOR WHO SAW RED TAKEOVER IN CUBA HAS WARNING FOR AMERICANS

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, in my extension of remarks I inclose a letter written by Ernesto E. Blanco, associate professor, Department of Engineering and Graphics and Design, Tufts University, Medford, Mass., which appeared in the Boston Herald-Traveler of May 5, 1969.

Professor Blanco pointedly states in his letter the type of conditions that happened in Germany and Cuba. I include the informative letter of Professor Blanco in my remarks because what he stated therein is so applicable to some of the conditions of today and in relation to organized minority actions in some colleges and universities:

THE HERALD TRAVELER'S READER: TUFTS PROFESSOR WHO SAW RED TAKEOVER IN CUBA HAS A WARNING FOR AMERICANS

To the HERALD TRAVELER EDITOR:

I have been at that distinguished university frequently and had several friends on its faculty, but that day's visit produced an unforgettable impression in my mind. The once quiet intellectual atmosphere was gone. The austere buildings had been desecrated, covered with signs and slogans. The large crowds milling around the main yard, shouting Marxist slogans, threats, and demands, were quite different from those of previous times. They were an unkempt rabble, boisterous, filthy, and foul-mouthed. Their group leaders wore red armbands and continuously issued orders. At intervals they coached their followers to shout demands, and chant cliches, sometimes working them up to a frenzy. A group was busy tearing up a flag brought down from one of the buildings to fashion armbands. All around rioters frequently raised their clenched fists in the familiar Marxist sign of victory.

I made my way toward a dazzled, frightened gentleman whom I recognized as a professor of social science who also taught at our institution nearby. He was half-leaning against a column holding his right arm. Looking at me without seeing me he kept mumbling, why, why, why? He was bewildered and obviously injured. After a while, he recognized me and advised me to get out. He explained that moments before a crowd had evicted him from his office, physically beaten him, and shoved him down the entrance steps where he had tripped and fallen. He said that in the group that attacked him were many that were not students.

By that time the revolutionaries had seized some buildings and were shouting through loudspeakers the familiar Marxist rhetoric: "Freedom now"; "Let the fascist

pigs come out, we will take care of them"; "Lenin won, Mao won, Castro won and we shall overcome." The clenched fists were again raised and more similar slogan shouted.

Berkeley? Columbia? Harvard? No. The place was Havana University in mid-February 1959.

Rioting had erupted several days before, caused by students' demands of dismissal against members of the faculty and administration known for anti-Communist views. Public trials for treason were demanded and obtained. Several professors were imprisoned under accusations of treason followed by kangaroo trials. Others like my friend had found it impossible to believe the magnitude of the perversion.

Most of the top revolutionary leaders were faculty members of long standing Marxist-Leninist militancy who, protected by their academic immunity, had always operated freely within the university and were tolerated as nothing but "odd balls." Others had carefully concealed their real views until the takeover took place. Personal vendettas and abuses followed in an orgy of purges, vilification, and frequent physical attacks. Through such "cultural revolution" the complete "restructuration of the university" was accomplished along Marxist-Leninist lines. The essential first step in the establishment of totalitarianism had been successfully taken and academic freedom ruthlessly stamped out. The situation was identical to the elimination of the Jewish intellectual class in Nazi Germany.

In the meantime, our University of Villanova was militarily occupied and closed down. All degrees issued were invalidated as "punishment" for having remained open during Batista's regime.

With the elimination of anti-Communist faculty members through underhanded tactics, intimidation, terrorism, and overt persecution the country was deprived of intellectual balance and democratic leadership. The way was thus opened for the destruction of the productive middle classes and the subjugation of the masses.

Looking back to that nightmare I shudder to see the ominous similarities with events occurring at American universities today. The red clenched fists in posters displayed at Harvard, the same vicious Marxist rhetoric and slogans; the red armbands worn by many who do not fathom their hidden original meaning; the cries of "We shall overcome," initially heard in Spanish as "Venceremos" in the Havana of 1959; the extensive use of loaded words like "power elite," "fascist pigs," "establishment," "American imperialism," "the movement," "class struggle," most of which have now become staple words used by many ignorants who do not know Marxist-Leninist standard semantics. All are symptoms which when taken in isolation mean very little but when put together reveal clearly the Marxist syndrome.

Tufts has been so far spared the violence suffered by other institutions, but the ferment is all too visible. SDS is the vanguard of the "movement." Its close ties with the Progressive Labor Party, a Maoist organization, have been abundantly exposed. Recently Gus Hall, secretary general of the Communist Party of the United States, was quoted as having said that his campus goals were being achieved through SDS. Every goal of SDS coincides with the orientation laid down for the party in its paper, the "Daily World," which can be purchased at Harvard Square for a few cents.

I will be vilified beyond recognition by some of my colleagues for writing this, but I'll be damned if I am going to sit idle and silent while all this is going on around me. I have seen too many ignorant or cowardly people receive a bullet in the neck with their

hands tied at the back because they did not want to "get involved" at the right time.

It is absolutely shameful that a foreigner has to take up the defense of this country's integrity and ideals while so many well qualified Americans feel neutralized into impotence by the fear of becoming unpopular while their nation so clearly goes down the road to chaos, destruction, and eventual totalitarianism.

ERNESTO E. BLANCO,

Associate Professor, Department of Engineering Graphics and Design, Tufts University.

MEDFORD.

#### HELPFUL POLICEMAN

To the HERALD TRAVELER EDITOR:

In these days when very few people have a good word for the police, I was agreeably surprised to meet Patrolman Whalen of the State Police, Norwell Barracks.

I had a breakdown on the Southeast Expressway at Weymouth at night, and without his assistance I would have been lost. With the help he gave me I was back on the road again in one-half hour.

He got me out of a very dangerous situation in a very short time; and, less important, saved me a great deal of expense. He was extremely courteous and helpful to me, and I think his actions reflect the attitude of most of the State Police that I have met.

JOHN J. BROUGHTON.

MARSHFIELD.

#### EXEMPTION FROM LIMITATION

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of a bill I have introduced today to exempt the Railroad Retirement Board from the limitations imposed by Public Law 90-364.

The railroad retirement system is fully funded by the taxes paid by the employees and the carriers in the railroad industry. No part of the administrative cost of the system, including staff salaries, is borne by the Federal Treasury.

The Railroad Retirement Board, along with all other executive branch agencies of the Federal Government, is subject to the provisions of the Revenue and Expenditure Control Act of 1968, Public Law 90-364. Under this statute, the Director of the Bureau of the Budget is authorized to reassign vacancies among the agencies to achieve an overall reduction of Government positions in an amount equal to the appointment of not more than 75 percent of the permanent positions becoming vacant after June 30, 1968. This restriction is to apply until the employment total is reduced to the level of June 1966.

Since September 1968, the Railroad Retirement Board has been instructed to fill not more than 70 percent of the positions becoming vacant. By September 1969, unless this restriction is lifted, the Railroad Retirement Board staff will reach the June 1966 level of 1,661 employees.

This restriction in hiring works a special hardship on the Railroad Retirement Board and necessitates a most inefficient and costly operation of a system which is financed completely by private funds.

First. The June 1966 employment by the Railroad Retirement Board represents the low point in the Board's employment history. After a long series of staff contractions, permanent employees were reduced from 2,397 as of June 30, 1958, to 1,661 as of June 30, 1966.

Second. Following this voluntary reduction in staff, the Board has been required to handle substantial new work loads arising from the passage of a series of amendments to the Social Security and Railroad Retirement Acts.

Compliance with the recruitment restrictions applied by Public Law 90-364 has forced the Railroad Retirement Board into highly inefficient practices aside from the diseconomies of the present operation. The Board is falling further and further behind in processing the claims for benefits to which the employees and members of their families are entitled by law. Despite continuing and regular overtime employment, which has long since reached the point of diminishing returns in productive work, the backlog of unprocessed claims continues to grow and the dissatisfaction of those entitled to receive prompt attention on their claims becomes greater.

The Railroad Retirement Board, closely watched by railroad management and railroad labor in its enviable administrative performance, now experiences a 400-percent increase in the delay of handling initial retirement and survival claims pending more than 60 days from filing. There is a 1,100-percent increase in the number of claims pending more than 120 days. Unless the restrictions of Public Law 90-364 are lifted, this situation will continue to worsen.

Mr. Speaker, for the reasons which I have outlined I urge early consideration of this vitally needed piece of legislation which will cost the taxpayers nothing. I hope all of my colleagues will join me in supporting this badly needed exemption.

#### CONGRESSMAN FRANK ANNUNZIO SUPPORTS H.R. 6808 AND S. 408—BILLS TO IMPROVE THE VETERANS' BENEFIT LAWS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, over the years this country has established a system of veterans' benefits which is both comprehensive and well-designed. The two veterans' bills before the House today, H.R. 6808 and S. 408, do not make dramatic innovations in that system; they do, however, make a number of highly significant changes in present programs.

One of the reasons why our veterans' benefit system has been so successful is the continuing attention which the Committee on Veterans Affairs under the able leadership of its distinguished chairman, Hon. OLIN E. TEAGUE, of Texas, has paid to each of our veterans' programs so as constantly to improve and update them. H.R. 6808 and S. 408 are good examples of that continuing

attention; I am very pleased to support both of these bills.

H.R. 6808 amends some of the provisions relating to the educational assistance available to veterans under the GI bill. One of the main sections of H.R. 6808 is concerned with the prohibition in the law against duplicate Federal payments. Under present law, an individual is not permitted to get an educational allowance from the Veterans' Administration at the same time he is receiving similar assistance under any other Federal program. In view of the increasing Federal role in this area, the restriction as it now stands has proved to be too broadly drawn. For example, it means that a veteran who wants to participate in a retraining program under the Manpower Development and Training Act must do so without getting the veterans' benefits to which he would otherwise be entitled even though the total allowances from both sources can hardly be called lavish. H.R. 6808 would correct this type of situation by removing the general restriction against any sort of dual benefits and replacing it with a limitation aimed only at certain clearly unwarranted duplications of payment involving veterans who are also full-time employees of the Federal Government.

H.R. 6808 also makes a number of other changes in the law governing educational assistance for veterans and their dependents. Without going into the fine details of all the provisions, it can be said in general that they are designed to make the GI bill a sharper and better law. For example, some of these provisions clarify and establish a greater degree of uniformity in those sections of the law which attempt to make sure that a valid educational or vocational objective is served by the allowances paid.

The other veterans' bill before the House today is S. 408. This bill deals with a number of the provisions designed to assist veterans and obtaining adequate housing.

One of these provisions authorizes the Veterans' Administration to make grants to certain severely disabled veterans who require specially adapted housing. Since this program was started in 1948, about 10,000 veterans have received such grants. At present, however, the maximum amount that may be paid under this provision is \$10,000. S. 408 would raise this limit by 50 percent to \$15,000. In addition, the bill would expand the coverage of the program to permit these grants to be made to certain veterans who are presently ineligible even though their disabilities are so severe as to make it impossible to get around without resorting to a wheelchair.

Other sections of S. 408 update the direct loan and loan guaranty provisions of the law. At present, there is a general limit of \$17,500 on the amount that the Veterans' Administration may loan a veteran who is unable to obtain a VA loan from a private lending institution. S. 408 increases this limit to the more realistic figure of \$25,000. The bill also revises part of the law governing VA loan insurance so as to make it possible for veterans to purchase homes in some

of the new types of housing developments.

Veterans' programs, like many other things, are affected by the passage of time in two ways. In one respect, time sees the circumstances surrounding the programs change; prices, for example, tend to go up and in so doing may make unrealistic the dollar limitations originally enacted. The passage of time also gives increased experience in the operation of programs and brings to light areas that require change even apart from any consideration of new circumstances. Both of these factors have operated to disclose problem areas where improvement is needed in our programs of educational assistance and housing assistance for veterans.

H.R. 6808 and S. 408 represent prompt and effective answers to those problems, and deserve the bipartisan support of the Congress. I, therefore, urge the early enactment of this legislation.

#### CHARLES SIRAGUSA DEVOTES LIFETIME OF SERVICE TO THE PUBLIC INTEREST

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, it gives me great pleasure today to call to the attention of my colleagues a speech given by Mr. Charles Siragusa on his retirement as executive director of the Illinois Crime Commission, in which capacity he served for over 4 years.

Prior to his service with the Illinois Crime Commission, Charles Siragusa was Deputy Commissioner of the U.S. Bureau of Narcotics. He served for 28 years with that Bureau and with the Immigration and Naturalization Service.

He is a recipient of the U.S. Treasury Department's highest award, the Exceptional Civilian Service Honor Gold Medal, and also the Secretary of the Treasury's Special Award for Distinguished Service Against Organized Crime, the Colombo Award of 1960 as the Italian-American of the year, and he has been knighted by the Italian Government and included in "Who's Who" since 1963.

Mr. Siragusa also was a charter member of Governor of Illinois Otto Kerner's Committee on Criminal Justice, was a member of Governor of Illinois Richard Ogilvie's Illinois Law Enforcement Commission, and from May to August 1951 served as chief investigator of the Senate Subcommittee to Investigate Crime in Interstate Commerce.

Mr. Siragusa holds a bachelor of science degree in education from New York University, and during his many years of public service, has dedicated himself completely to the cause of law enforcement.

On February 29, 1969, Mr. Siragusa left his position as executive director of the Illinois Crime Commission. He has now taken on a new assignment, as vice president in charge of customer relations with the Gunthorp-Warren Printing Co., located at 123 North Wacker Drive,

Chicago, Ill., in my own 7th Congressional District.

I would like to extend my best wishes to Mr. Siragusa for abundant good health and continuing success in his career, and to include at this point in the CONGRESSIONAL RECORD the text of the speech he gave on the occasion of his retirement from the Illinois Crime Commission. The speech appeared in the April 1969 issue of the "Illinois Police Association Official Journal," and appears here in its entirety, as follows:

SIRAGUSA BIDS FAREWELL: "I RELISHED EVERY MINUTE"

(By Charles Siragusa)

(EDITOR'S NOTE.—The following farewell address was delivered by Charles Siragusa at a dinner honoring him for his exceptional work as the Executive Director of the Illinois Crime Commission. Present were the various leaders of the Legislature, State Officials, and civic leaders of the City of Chicago, as well as representatives of the law enforcement field.)

Mr. chairman, reverend clergy, honored guests, distinguished ladies and gentlemen, friends.

Thanks very much for the beautiful plaque and for this memorable occasion.

Tonight I come to the end of one road and the beginning of another. The old road was bumpy in spots. I still have a few lumps to show for it, but I relished every minute of it.

I can only hope my new association with the Gunthorp-Warren Printing Company will be just as rewarding.

I commend the members of the program committee, my Commission co-chairman Senator Ev Laughlin and Jack Cassidy; my dear friends Mrs. Niehoff, Al Gallo, Bob Walker and Ed McElroy.

I wish to express my appreciation to the members, past and present, of the Illinois Crime Investigating Commission for their splendid support these past five years, and to voice my highest esteem and admiration for those gentlemen.

I am especially indebted to the loyal, dedicated and courageous efforts of our staff. My sincerest best wishes to my successor Bob Walker.

For the outstanding cooperation of the Chicago Police Department and the Illinois Department of Public Safety—who assigned some of their finest police officers to work full time for the Commission—I shall always be grateful.

I also wish to acknowledge my thanks for the support of Governor Richard B. Ogilvie, former Governors Samuel H. Shapiro and Otto Kerner—my gratitude for the assistance of Attorney General Scott and former Attorney General Clark—for the support of the Illinois legislature, and to the majority and minority leaders of both houses.

To all the public officials and employees in city, county governments within the State of Illinois, with whom we enjoyed excellent relations, I also extend warm thanks.

To the news media I express appreciation for their fair and accurate reporting of our activities. I would particularly salute the dynamic Chicago news media for their penetrating coverage of organized crime, and their investigative reporting, which in my judgment reflect public service of inestimable value.

Finally, but perhaps of greatest importance to me, my warm thanks to the people of this great state. They have been most generous in their encouragement of our activities.

My views concerning organized crime are rather well known. Consequently, I will not dwell on that topic.

When I was approached by Commissioner Dave Bradshaw in the fall of 1963 to consider the position of Executive Director, I

received all kinds of gratuitous advice. I was told that I would not last more than six months.

I was told by my eastern friends that the Hollywood image of Al Capone still prevailed—Chicago was still the land of the St. Valentine's Day Massacre.

Once again the "image makers" ran true to form. They were dead wrong. What I found in Chicago was a home. I found my kind of people, the squares.

The squares who do not fit neatly into groups of angle players and corner cutters. People with old fashioned ideas of honesty, loyalty, courage and thrift.

I found people who gave overwhelming support to the Mayor for his courage and resolve during the Democratic National Convention. I would like to talk to that point, if I may.

Our cities, universities and our nation are at this very moment, engaged in a war for survival. A struggle for men's minds and souls. A war more definite and terminal than any war ever fought with guns, bullets and bombs.

The penalty for defeat is the destruction of the American way of life.

The disorders that plague our college campuses and our cities must be stopped.

This was the stand taken in August 1968 by the city administration under the courageous leadership of Mayor Richard J. Daley, with the overwhelming support of the citizens of Chicago, and the State of Illinois.

We all know what followed. The shotgun blasts of snide criticism from all over the country compounded the false image.

The national wave of editorials, written and oral, calculated to create and foster that unjust image. All so incredibly untrue.

We were bombarded about the virtues of the new left—the so-called activist groups—the Students for a Democratic Society. What a travesty upon semantics! A Democratic society, my foot. Their members are political, social, economic and patriotic dropouts.

The problem in the universities too often lies in the absence of leadership within the school administrations. What in the world is wrong with them?

It is the primary duty and responsibility of leadership to provide and maintain order, not to be intimidated by militants who conspire to disintegrate respect for law and to deny equal justice for all.

A growing number of university administrators and public officials understand these elementary truths, as evidenced by the recent notice issued at Notre Dame by Father Theodore M. Hesburgh: "Any student or professor who seizes a building will be given 15 minutes of meditation to cease and desist. Those who pursue their criminal course will then be suspended, expelled or arrested. Thereafter, the law will deal with them."

President Nixon's recent endorsement of Father Hesburgh's forthright ultimatum reflects the gravity of the problem and the country's demand to put a stop to this nonsense on the street and campuses alike. The country is fed up with it.

The laws are already on the books. Enforcement is the key. Eldridge Cleaver is in self-imposed exile. Tom Hayden was convicted. Jerry Rubin was convicted. Huey Newton is in prison. The list is growing. The squares are winning, slowly but surely.

It now becomes crystal clear. Too many months already have been wasted in trying to reason with unreason. Nothing more can be gained by excess of demands which parallel extortion and blackmail.

The line is clear. Everyone comprehends the difference between peaceable protest and lawless anarchy. One is the antithesis of the other. It is as simple as that.

Today Chicago is the most progressive city in America, and indeed the world. It has earned, and will retain, that distinction be-

cause of its great leadership, but more particularly because of its people. Political partisanship has not divided our unanimity against those who would rip up our streets and our campuses, in abject disregard for the rights of the majority.

We are people who are for participation and against sitting life out. For simplicity and against the sophistication which would excuse, condone and legitimize unlawful conduct—for laughter and against snickering and obscenity—for the direct and against the devious.

We favor education and are against the pretense of learning—for building up and against tearing down—for peaceful change—for America and against her enemies.

#### JUSTICE DEMANDED OF SUPREME COURT

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, if the whitewashers think that disposing of Abe Fortas will suffice to appease the American people, they are mistaken. Financial involvement and influence spheres continue to unfold implicating additional Federal judges. Justice Abe Fortas was but the king-bolt to the judicial marketplace.

Chief Justice Earl Warren, this Sunday, May 18th, accepted a stone appreciation plaque from a special interest group here in Washington. For what and when earned? Warren, deeply ridden with feelings of guilt, exposed his awareness of impropriety when he commented:

When I agreed to come here I thought I would be in retirement and not need to be so strict about such things.

The question immediately arises: Just what did the Chief Justice do, and who did he show partiality to in order to gain such special recognition? As Chief Justice of the Court he and his work belonged to all the people, that is, if he followed the law with solemn impartiality. It is, of course, merely coincidental that May 17 marked the 15th anniversary of the infamous Brown against Topeka Board of Education case—but it suggests reward for biased judicial decisions on prejudged facts—unmitigated whether retired or not.

Justice Douglas is now revealed as the recipient of \$72,000 for services or prestige rendered the Parvin Foundation which is linked to gambling dens in Las Vegas.

The Fortas case is not yet swept under the carpet. Even the Washington Post carried a Sunday lead editorial entitled, "The Fortas Case Cannot be Closed."

The confidence of the American people in the Federal judiciary cannot be restored until Abe Fortas' resignation is followed by a like departure of Earl Warren, William Douglas, and William Brennan.

Mr. Speaker, various news clippings follow my remarks:

[From the Washington (D.C.), Daily News, May 19, 1969]

DOUGLAS PAID \$72,000 BY PARVIN FOUNDATION Between 1962 and 1968, Supreme Court Justice William O. Douglas was paid \$72,000

for his advice on how to spend about \$450,000 in charitable contributions made by the Parvin Foundation, a tax-exempt institution partially financed by an interest in a Las Vegas gambling hotel.

Justice Douglas' association with the foundation, which ignited a flurry of controversy when first revealed two years ago, has come under renewed public and congressional attack in the wake of the resignation from the Supreme Court of his fellow associate Justice and protege, Abe Fortas.

In Congress the question is being asked whether Mr. Fortas' acceptance, but later return, of a \$20,000 fee from the family foundation of jailed financier Louis E. Wolfson is much different from the \$12,000 a year Justice Douglas earns as president of another foundation created by a man once named by the government as an alleged co-conspirator with Wolfson in a stock manipulation case.

That man is Albert Parvin, former president of the Parvin-Dohrmann Co., a firm that originally supplied equipment for hospitals and other businesses but later acquired interests on the Las Vegas gambling strip. Mr. Parvin set up the foundation—principally supported by an interest in the Flamingo Hotel in Las Vegas—in 1960 after reading a book by Justice Douglas.

#### NAMED PRESIDENT

He asked Justice Douglas to serve as president and director and Justice Douglas, according to another director, ex-newspaper editor Harry S. Ashmore, named a board to guide the foundation's activities.

Most of the activity over the last six years has centered on Justice Douglas' own pet project of stimulating the understanding of Western culture in Latin America's underdeveloped nations thru granting fellowships to promising young scholars from "emerging nations."

Besides the original Flamingo Hotel interest, the foundation owns shares in Parvin-Dohrmann which, in turn, owns the Aladdin, Fremont and Stardust hotels' casinos in Las Vegas.

#### BAKER LINKS

In 1965 when the Fremont casino was purchased by Parvin-Dohrmann the agreement stipulated that Edward Levinson, then an officer of the Fremont casino, was to be paid \$100,000-a-year for five years. Mr. Levinson invoked the Fifth Amendment against possible self-incrimination when called before a Senate Committee investigating the dealings of Robert G. (Bobby) Baker, former secretary of the Senate who later was convicted on several criminal counts.

Mr. Levinson was a co-stockholder with Baker in the Serv-U Corp., a vending machine firm from which some of Baker's troubles stemmed. The firm's counsel during part of the Serv-U case was Mr. Fortas.

The Parvin Foundation, it was learned, also hired Mr. Fortas' wife, attorney Carolyn Agger, in 1966 to look at its tax situation at a time when the IRS had begun an investigation of the foundation.

Mr. Ashmore said Mrs. Fortas employed the services of an independent auditing firm which proved nothing was wrong in the foundation's tax returns. Mr. Ashmore said he believes the IRS was satisfied because no action against the foundation ever was taken.

He said the difficulties with IRS apparently stemmed from the foundation's stock portfolio, which was being managed by a finance committee headed by Mr. Parvin. It was about this time that the foundation, in its 1966 returns, finally reported to IRS a transaction which took place in 1961.

In the 1961 deal, Mr. Parvin sold the foundation 95,000 shares of Webb and Knapp, Inc., a real estate and construction firm now in receivership, at market value.

Mr. Ashmore said he believes this transaction and the general management of the

portfolio had caused IRS concern. Since then the foundation's stock inventory has been managed by an independent brokerage firm, he said.

Mr. Parvin himself was named by a Federal grand jury in a bill of particulars as an alleged co-conspirator with Wolfson in the Merritt-Chapman Scott stock manipulation case. Mr. Parvin never was indicted.

[From the Washington (D.C.) Post, May 19, 1969]

**TWO TRIBUTES: WARREN, MEMORY OF MASADA HONORED**  
(By Louise Durbin)

Chief Justice of the United States Earl Warren broke a long-standing precedent of his own making Saturday night when he accepted an award from the Jewish Community Foundation at ceremonies marking the opening of the Masada exhibit in the Smithsonian Institution's Museum of Natural History. It was the first award that the Chief Justice has accepted during the 15 years he has led the Court.

"When I agreed to come here I thought I would be in retirement and not need to be so strict about such things," the Chief Justice told the crowd clustered in the rotunda after the award was presented to him by Charles E. Smith, president of the Jewish Community Foundation.

The award, a stone plaque, bears the inscription: "In appreciation of his enormous contributions to the cause of human freedom, human rights and human opportunities, particularly during his term as Chief Justice of the United States, the Jewish Community Foundation presents this award to Earl Warren of California, at the opening of an exhibit depicting a struggle for freedom in 73 CE when heroic Jews at the fortress Masada died by their own hands to escape enslavement."

"I want to accept it for the Court and not myself alone because I've always felt a Justice needs no reward except a satisfied conscience—and that he must have," because, Warren said, "every time you make a decision you help someone, and you hurt someone."

Speaking of the heritage left by the defenders at Masada, Chief Justice Warren added: "I know that as I see this exhibit I will be more grateful than ever that I live in a free country." He then viewed the exhibit with Dr. Gus Van Beek, the Smithsonian's curator of Old World anthropology, as his tour guide.

Displays ranged from fragments of scrolls in special glass cases where the humidity is controlled to preserve the precious documents to a display of excavating equipment: a wheelbarrow, yellow hard tin hat, rope ladder and pick axes.

The Warrens arrived at the Museum of Natural History on a chartered sightseeing bus that whisked the guests from a black tie buffet supper honoring the Warrens at the Robert H. Smith home in Bethesda to the gala Smithsonian opening.

The wife of the Israeli ambassador, Mrs. Yitzhok Rabin, recalled her first trip to Masada more than 20 years ago. By foot they crossed the desert, camping for two nights, then scaled the cliff to the top of the unexcavated rock. The fortress of Masada, built by King Herod in 40 B.C. to be his winter palace, was still completely buried.

"There was nothing—nothing but the rock," Mrs. Rabin said, adding that their imaginations filled in the details of the story. Here 960 men, women and children held out against 10,000 Romans for three years after Jerusalem was sacked in 70 A.D. and her people taken to Rome and paraded through the streets in slaves' chains.

To escape the same fate, the defenders of

Masada elected to kill one another when resistance was no longer possible. Only a few women and children hid and lived to tell the Roman conquerors of their empty victory.

Sheldon Cohen was chairman of the Masada exhibit, which is co-sponsored in Washington by the Jewish Community Foundation and the Smithsonian Institution. The exhibition is the first of a trio of dedicatory events for the Foundation's \$8 million, 22-acre complex on Montrose road in Rockville, which will be the new headquarters for the Jewish Community Center, the Hebrew Home for the Aged and the Jewish Social Service Agency.

Official dedication ceremonies will be held on June 15 preceded the evening before by a ball at the Washington Hilton Hotel, David Lloyd Kreeger is chairman of the dedication ceremonies. Mrs. Joseph B. Gildenhorn is chairman of the dedication ball.

[From the Washington (D.C.) Post, May 18, 1969]

**THE FORTAS CASE CANNOT BE CLOSED**

The reputation of the Supreme Court has suffered grievously in the last two weeks and its recovery would proceed more rapidly, no doubt, if the story of Mr. Fortas were quickly forgotten. Unfortunately, there are too many unanswered questions, too many public doubts for the books yet to be closed.

The public has been presented with two versions which conflict to such an extent that one or the other must be wrong. Mr. Fortas says simply that he agreed to work with the Wolfson Foundation in its charitable undertakings in exchange for \$20,000 a year for life, that he canceled the contract when he saw he would not have enough time to do the job and when Mr. Wolfson's case took a serious turn, and that he returned the first \$20,000 payment after Mr. Wolfson was indicted. This is the only on-the-record account of the facts now available. Conflicting with this, are the implications to be drawn from two public statements by the Department of Justice and from some of the information provided to newsmen by officials of that Department on a background basis during the past week.

The Justice Department has said formally that Mr. Wolfson told his side of the story after he was subpoenaed to appear before a grand jury and warned he would be compelled to testify through a grant of immunity from prosecution.

This must mean that prior to Mr. Wolfson's conversation with the FBI, the Department of Justice had sufficient information to merit a criminal investigation into the affairs of Mr. Fortas. How else could it justify the use of a grand jury and a grant of immunity, particularly when such grants are not given frivolously? Is not this implication reinforced by the report that the day before Mr. Wolfson talked on May 8, Attorney General Mitchell laid "certain information" about the Fortas case before Chief Justice Warren?

Two other ingredients have to be added to this mixture. One is the insistence by officials of the Justice Department, to this newspaper and presumably to others, that the information it had would seriously damage the Court if it were made public and that the Attorney General should be praised, not criticized, for keeping it secret. The other is the report in the *Los Angeles Times* Thursday morning that Government officials (presumably in the Department of Justice) were interpreting Mr. Wolfson's statements and documents in their hands to mean that Mr. Fortas had agreed to intercede on Mr. Wolfson's behalf before the Securities and Exchange Commission.

So what are we to conclude? If Mr. Fortas' version is accurate and complete, he committed no crime or impeachable offense, only

a gross impropriety, and he has been viciously maligned in the whispers that have run through Washington this week. But if the implications that can be drawn reasonably from the statements and actions of the Justice Department are correct, far more than a gross impropriety was involved. An intercession by Mr. Fortas before the SEC would have been a crime. Information that would seriously increase the damage to the Court, if made public, would have to consist of much more devastating material than has surfaced so far.

If the Justice Department has evidence sufficient to justify a presentation before a grand jury, it ought to get on with it and seek an indictment. If it does not, it ought to explain what happened to its case and what led it to use the criminal process in the first place.

If the implications that are being drawn from what the Justice Department has said are unfair, Mr. Fortas and the Supreme Court are suffering the worst kind of damage—that which arises from rumors that can never be successfully denied. If the implications have some merit, however, it would be far better for the integrity of the Court in the long run to have the matter faced fully and honestly now.

This, of course, is at the heart of the criticism being made of the way in which the Department of Justice has handled this entire affair. That criticism has not been directed at the actions of the Attorney General in seeking to get to the bottom of the matter or in taking his findings to the Chief Justice. Rather, it has been directed at cryptic innuendoes or unsubstantial generalities, made in public or private, by him or his associates, which have fed the rumor factories. The manner in which leaks from governmental sources at vital times fed the investigation into Mr. Fortas' affairs—an investigation that was primarily a journalistic one—heightened the suspicion that partisan politics, as well as a desire for judicial purity, had something to do with the way the Justice Department behaved. The danger of course, is that a precedent has now been established for raising questions about a Justice's actions without answering or documenting them, a technique that can be used by unscrupulous officials as well as by scrupulous ones.

This danger cannot be erased nor can the murkiness that surrounds the entire situation be lifted by closing the Fortas case now.

[From the Chicago (Ill.) Daily Calumet, May 17, 1969]

**FIND FORTAS AFFAIR IS ONLY THE OPENER**  
(By Bob Seltzer)

Ever hear of the Albert Parvin Foundation? It's been in the news lately as a side-light to the Abe Fortas affair. Carolyn Agger, the wife of just-resigned Associate Justice Fortas, is an attorney for the foundation.

The Albert Parvin Foundation is the brainchild of millionaire Albert Parvin, the former Chicagoan who broadened his fortune in the hotel and night club furnishings business. The foundation was set up to provide scholarships to young people from underdeveloped countries to Princeton and UCLA.

The United States Internal Revenue Service has indicated it no longer believes this to be the foundation's purpose; that in fact the Albert Parvin Foundation might possibly be a screen for vast money-manipulation and influence-peddling in the high places.

The Albert Parvin Foundation, it has been learned, derives its primary income through a first mortgage in trust with the Bank of America, holding the Flamingo Hotel and gambling casino in Las Vegas. Another income source is the Fremont Hotel, also in Vegas.

Though Parvin now lives in Beverly Hills,

California, and the Fortas family in the East, there are strong connections in Chicago. Chicago city treasurer Marshall Korshak (also Democratic Party committeeman of the 5th Ward), and his attorney brother, Sidney R. Korshak, own a total of 11,000 shares in Parvin-Dohrmann Company, one of the three Parvin hotel and night club furnishings firms. Chief Judge William J. Campbell, of the U.S. District Court for northern Illinois, has been a director of the Parvin Foundation since its formation in 1960—though he recently claimed that he has resigned. There has been no official announcement by the foundation of this resignation.

Also involved with the Parvin Foundation is Associate Supreme Court Justice William O. Douglas, who has served as the foundation's President, receiving \$12,000 annually.

Tied in with the Albert Parvin Foundation, are the following firms in addition to the Parvin Dohrmann Company: The Dohrmann Company, which supplies restaurants, hotels, motels, and institutions with commercial food-serving and preparation equipment, headquarters at Brisbane, Calif.; and Albert Parvin and Company (Illinois), of Chicago. The Parvin Dohrmann Company operates the Fremont Hotel and gambling casino, acquired June 30, 1966.

In a suit filed with the U.S. Supreme Court yesterday by a student of the law in Chicago, Sherman Skolnick, it is alleged that one man in particular—in addition to the Parvin family—ties all the Parvin operations together. He is alleged to be Harry A. Goldman of Los Angeles, described in the suit as a "gangster." Goldman is president of the Albert Parvin and Company (Illinois), was executive vice president of the Parvin Dohrmann Company and is now chairman, and is a director of the Dohrmann Company.

Skolnick, a paraplegic invalid who lives with his family on Chicago's southeast side, is Chicago and Illinois' layman petitioner of the courts, seeking to correct malapportioned political districts. They range from congressional and general assembly districts to city wards and county government. In recent years he has repeatedly confronted Judge Campbell in the federal court over these and other taxpayer suits. In January of 1967, long before Abe Fortas gained national prominence, Skolnick demanded Judge Campbell's removal from his cases because of the Judge's Parvin connections.

In his suit Skolnick declared, "It is unconscionable for respondent Campbell to proceed any further in (this) case. His connection with the Albert Parvin Foundation has brought, and is bringing, the judicial proceedings in said case into suspicion and disrepute."

When Judge Campbell said he was no longer connected with the foundation, Skolnick retorted in his suit: "Campbell's published and circulated disclaimers and denials about himself and his relation to the Albert Parvin Foundation exceed the credibility gap. On the one hand, he says that he did not consider himself a director of the Parvin Foundation after the initial meeting. On the other hand, he says he resigned as a director purportedly in October, 1966. If he was not a director, why did he resign?"

Skolnick continued: "... Campbell, as chief judge of the Northern District of Illinois, knows, or should know, that a director of a corporation remains liable for his wrongful acts, up to the statute of limitations..."

One must consider that the date of this particular suit is two and one-half years ago. Skolnick received some local press for his efforts, but when it was over Judge Campbell was successful in quashing the matter, both in the press and in the courts. After all, he was both the chief judge and presiding judge in his own case. How far ahead of the national scene Skolnick was, is well illustrated in the following excerpt from the January 1967 suit: "According to the published

figures, Campbell as a director (of Parvin) has allowed, permitted, and condoned that a fellow judge, Justice William O. Douglas, as president of the Parvin Foundation, be paid \$12,000 per year, which appears to be an exorbitant amount in comparison to the charitable disbursements of the Parvin Foundation. Approximately \$80,000 per year is disbursed for charitable purposes, leaving what appears to be overhead expenses, or an unexplained gap, of approximately \$57,000. Gross income of the foundation in 1963 (while Judge Campbell was still a director) was reported to total \$137,257 (See U.S. News & World Report, Oct. 31, 1966)."

Skolnick in the suit then spotlighted the current Fortas scandal, noting: "Whether federal judges can also be 'moonlighters' such as corporation officers or bank officers, is a grave national question."

While Judge Campbell was explaining through "press releases" to Chicago newspapers that he had attended only one meeting of the Parvin Foundation, and had never even seen a foundation statement through the seven years he was a director, Skolnick in his suit charged, "Campbell had a duty as a director to be informed, and his published and circulated statements that he has not seen a financial sheet or investment sheet for the Parvin Foundation, and did not know what they own, exceeds credibility. Notices of directors' meetings and other data are sent out as a matter of course."

Skolnick in his suit demanded: "Did director-judge Campbell ever communicate with Foundation President Justice Douglas? It would appear logical to suppose that they would have been in touch with one another."

Skolnick in his suit described Albert Parvin as an "unsavory" character, who had what Skolnick described as a "criminal record" in Chicago. He documented four cases involving Parvin and members of the Parvin family ranging from 1925 through 1959, in which Albert, Jack and Bernard Parvin were charged with being receivers of stolen property—Albert Parvin on two occasions. They were never convicted.

Skolnick alleged and detailed that Judge Campbell in 1959, "rendered... a questionable judgment to the benefit of a relative of Albert Parvin."

Skolnick in his suit filed yesterday alleged of the Albert Parvin Foundation, that "it is further a matter of undisputed court record that the said Albert Parvin Foundation is a hoodlum front organization."

He listed "among the hoodlums connected with the... foundation":

(1) Marcus Lipsky, a "gangster and specialist in multiple murders. He masterminded the Capone mob's post-war invasion of the \$18 million dollar-a-year Dallas, Texas rackets."

(2) Edward Levinson, "who has a contract with Parvin Dohrmann Company, interlocked company connected with Parvin Foundation, and who is connected with (3) John (Jack) Pullman, crime syndicate 'banker'."

And, (4) Harry A. Goldman, noted earlier.

The extent of Korshak's involvement with Parvin was revealed in the New York Times of May 9. The information was part of a Times report of the Securities and Exchange Commission permitting trading to resume in the shares of the Parvin Dohrmann Company on the American Stock Exchange. Trading had been halted for the second time within a few months because "of what they (the SEC) called inadequate information concerning a change in control of the company last October, the company's acquisition program and other factors."

The Times' story said, "Parvin Dohrmann operates three casinos in Las Vegas and is headed by Delbert W. Coleman, former president of the Seeburg Corporation. He purchased control of Parvin Dohrmann last October and now is the concern's chairman."

Then yesterday, in the midst of steadily

increasing publicity concerning all aspects of the Parvin operations, the Times reported that National General Corporation was discussing "the feasibility" of acquiring Parvin Dohrmann.

The Times reported: "The company's stock (Parvin-Dohrmann) has been one of the most spectacular performers on the American Stock Exchange in that period, moving from a 1968 low of 14 and one-quarter to a close yesterday at 119, down a point."

Korshak, regarded as probably the second most powerful Democratic Party official in Chicago behind Mayor Daley, was a state senator from Hyde Park before appointment by then Governor Otto Kerner as state revenue director. In 1966 Korshak was slated by the Democrats to run for Cook County treasurer, a race in which he was opposed by Edmund Kucharski, the undersheriff under then sheriff Richard Ogilvie—now the governor, succeeding Kerner.

A week before the election in November, Kucharski, after two attempts to get Korshak on areawide television to debate, issued a statement in which he alleged that Korshak was the "fixer" in the New York liquor license bribery scandal involving a new Playboy Club there.

Not only did Korshak refuse to confront Kucharski on television in the closing days of the campaign, but following The (Chicago) Daily Calumet's exclusive reporting on the Kucharski charges on Nov. 4, 1966, Korshak (The Daily Calumet, Nov. 7, 1966) would reply only that the Kucharski charges were "mischievous, irresponsible libel." That brief statement was issued through Korshak's office.

Kucharski charged, "Is it not a fact that it was Marshall Korshak who was contacted initially by Playboy to arrange for taking care of the New York liquor license?"

He continued: "Did he (Korshak) or did he not list as an employee a top syndicate gangster when this hoodlum made application for rental of an exclusive Lake Shore Drive apartment?"

Kucharski based his charges on a May 6, 1966 by-lined story by reporter Charles Grutzner in the New York Times, which declared: "In testifying about his own dealings with the Playboy group, Berger (Ralph Berger, 66, of Chicago, sentenced to prison for conspiracy to bribe) said they first agreed to pay him \$5,000 for making the contact with (Martin) Epstein (New York state liquor authority chairman). After they delayed giving him any money, he said, he went to see a friend, Marshall Korshak, who called someone in the Playboy organization, and he soon received \$5,000."

The Playboy club in New York finally opened, however and it has since been learned that one of Parvin's hotel and night club furnishings companies received the lucrative contract to furnish the establishment.

In Chicago, Korshak's control of top city patronage jobs is regarded as absolute. The stories of his influence in a broad range of matters, from banking and investments, to land development and real estate, are legend.

The city-wide group of plain, every-day citizens which works with Skolnick in his seemingly never-ending drive to call attention to what he believes are the questionable activities of, particularly, federal-level judges, has given no indication it is running out of gas. Skolnick began his project a half dozen years ago, and has centered on his drive for apportionment of Illinois Congressional and General Assembly districts and Chicago ward boundaries, among others. It has become the man's life's work, and he seldom deviates from it through 80-hour weeks.

He had researched and opened up on the Parvin Foundation long before it and the Louis Wolfson Foundation became common household words. He said yesterday that he is "astounded" to think that judges in two of

the three most powerful courts in the United States—U.S. Supreme Court, and the federal court for Northern Illinois, second only in importance to the federal court for southern New York—are deeply involved and linked together with outside interests through questionable operations such as the Parvin Foundation and the Wolfson Foundation.

And, Skolnick observed, "From what we have learned by our studies and investigations all these years, we have only scratched the surface of judicial influence-peddling and special interest decisions."

Skolnick has been one of many, including *The Daily Calumet*, which has continued to urge publication of the Johnson Administration-banned Blakey Report, the document which its author C. Robert Blakey, under hire of the government, has acknowledged cites at least six high ranking judges in Chicago for extreme conflict of interest involvements, and in several cases crime syndicates ties.

To these people, the Fortas scandal is not shocking, but only the first public indication of a situation which they call a national tragedy of unmatched proportions.

[From the Washington (D.C.) Post,  
May 18, 1969]

"THOU SHALT NOTS" FOR THE COURT  
(By Alan Barth)

When Abe Fortas delivered a lecture this month at Northeastern University at Boston, his office let it be known that he would accept no remuneration, although a \$2000 fee had been arranged; he would receive only \$625 to cover the costs of his trip and the normal commission of his booking agent.

What was an Associate Justice of the Supreme Court doing with a "booking agent?" Should a Justice be in the lecture business? Should he be doing enough lecturing, in any case, to make it worth while for a booking agent to "handle" him?

It ought to be said at once that lecturing by a Justice involves no violation of law and no violation of judicial canon. Neither is there anything novel about it. Other Justices have given lectures and received fees for doing so; and some, perhaps, have had booking agents to spare them the grubby business of arranging terms.

The American Bar Association's Canon of Judicial Ethics declare that a judge "may properly act as arbitrator or lecture upon or instruct in law, or write upon the subject, and accept compensation therefor, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law."

This leaves a great deal of leeway for individual judgment. It would be impossible to say what practice has been pursued by all the Justices of the Supreme Court and perhaps invidious to cite individual instances. It is well known, however, that Chief Justice Charles Evans Hughes, for example, never accepted any remuneration for a speech while he was on the bench or off it; and Chief Justice Earl Warren acknowledged with pride just recently that he, too, had always forgone fees for public appearances of any kind.

The standards governing the conduct of judges have grown more lax in recent years, however. And this has come about, it seems, more through the acceptance of extrajudicial assignments than through the acceptance of money for the discharge of those assignments. Very early in the history of the United States, the issue arose through the appointments of Justice John Jay and Justice Oliver Ellsworth as foreign ministers. John Marshall's brother-in-law, Joseph Hamilton Davess, said of the Jay appointment in the Senate: "You ought to insulate and cut off a judge from all extraneous inducements and expectations; . . . for no influence is more powerful in the human mind than hope—it will in time cause some judges to lay them-

selves out for presidential favor, and when questions of state occur, this will greatly affect the public confidence in them, and sometimes deservedly."

In recent years, Presidents have not hesitated to raid the Supreme Court for judicial talent in the handling of special tasks.

President Franklin D. Roosevelt persuaded Justice Owen Roberts to take on the chairmanship of a commission created to investigate the disaster at Pearl Harbor. He tapped Justice James Brynes to help him with the excessive burdens of executive leadership in wartime.

President Truman designated Justice Robert H. Jackson to take on the extremely unjudicial role of American prosecutor of the Nuremberg Trials.

President Kennedy turned to Justice Arthur Goldberg for aid in dealing with some troublesome labor-management disputes. And President Johnson subsequently induced Justice Goldberg to leave the Court entirely for the relatively trivial post of Ambassador to the United Nations.

Even Chief Justice Earl Warren, at a time of national emergency, yielded to the importunities of President Johnson and rendered service as head of a commission that reported on the assassination of President Kennedy.

A few Justices from time to time have evinced political ambitions while on the bench, the most notable among them, of course, being Justice Charles Evans Hughes, who left the Court to run for the Presidency and subsequently returned to the Court as Chief Justice.

Chief Justice Harlan Stone felt very strongly that "it is highly undesirable for a judge to engage actively in public or private undertakings other than the performance of his judicial functions." And when, in 1942, President Franklin Roosevelt asked him to head up a commission to study rubber production—then a touchy political problem—he took the occasion to turn the opportunity down with a resounding explanation:

"A judge, and especially the Chief Justice, cannot engage in political debate or make public defense of his acts. When his action is judicial, he may always rely upon the support of the defined record upon which his action is based and of the opinion in which he and his associates unite as stating the ground of decision. But when he participates in the action of the executive or legislative departments of government, he is without those supports. He exposes himself to attack and indeed invites it, which, because of his peculiar situation, inevitably impairs his value as a judge and the appropriate influence of his office."

And Stone summed up his feeling in more homely terms later on when he said bluntly that "the integrity of the Supreme Court is in serious danger when it is turned into a 'fishing pond' for political appointments."

SELF-IMPOSED RESTRAINTS

There is another consideration arguing even more cogently against using Supreme Court Justices for political troubleshooting: it demeans the Court and diminishes its dignity.

When a Justice relinquishes life tenure on the Court to become an ambassador at the pleasure of the President, he says, in effect, that the work of the Court is not really of very great importance. When he takes time off from judicial duties to sit on a commission, he conveys an impression that Justices are not really very busy and have time hanging on their hands.

It may be that the current scandal revolving around the Court will lead its members to develop for themselves a new canon of ethics applicable peculiarly to their own unique office. Such self-imposed restraints would be far preferable to congressional action of the sort that has been threatened,

aimed at requiring Justices to disclose their finances. And it would be timely now for two reasons.

First is the consideration that Congress has recently raised the salaries of Justices to \$60,000 a year. An astute man may make more, to be sure, in the private practice of the law or in manufacturing airplane parts; nevertheless, it is an appreciable salary, allowing those who earn it to enjoy the amenities of life. Clergymen, scholars, scientists often make less—and manage to lead rich lives.

It seems probable that Congress fixed this sum for the salary of Supreme Court Justices with the thought that it would satisfy men to whom honor, public service and the pursuit of a high calling mean more than money. The work of a Justice is exacting and consuming. It can never be done quite well enough; it can never be completed. Endless research and reflection are its ingredients; and these leave no time for outside and extraneous pursuits save, of course for relaxation and recreation.

The second consideration which makes imperative an acceptance by the Justices of new standards is the desperate need today to preserve the Court's prestige. For the Court has an uncomfortable function to fulfill. Its function is to check popular impetuosity. And so it must tell the American people from time to time that the Constitution forbids them to do things which they deem desirable and expedient and in the national interest. This obligation of the Court to thwart the public on occasion is an obligation that can be discharged only by a Court whose members command complete respect in terms of devotion and detachment.

TWO COMMANDMENTS

Is it not time, then for the Justices of the Supreme Court to lay down for themselves a new canon of conduct—a hard and uniform and unequivocal canon recognizing the extraordinary caliber and character of their office? Should it not embody two commandments?

One commandment might be: Thou shalt receive no remuneration from any other employer than the United States.

It may be desirable from time to time for Justices to speak in public, at appropriate places, or to write for publication, in appropriate media, about matters which are not covered in their official opinions. They may very validly promote understanding of the Court's work in this way, or in other respects serve public interests. But let them do it without compensation—for the simple satisfaction of doing it. Nobody should be able to hire a Supreme Court Justice save the American people, who have recruited him for life in their service.

And the second commandment might be: Thou shalt not be eligible for election or appointment to any office under the United States once thou hast taken the oath of office of an Associate Justice of the Supreme Court.

When a Justice chooses to leave the court, he should be free, of course, to engage in any professional or scholarly or other private activity he likes. But he should be out of politics. Only by such self-denial can he wholly free himself and his judicial work from the imputation of self-interest.

Is all this too much to ask of Supreme Court Justices? Theirs is the highest office of a noble calling. Theirs is a role so vital to a self-governing society that it demands a kind of commitment close to priesthood. Only men so committed are genuinely qualified.

And perhaps some such men will say with Mr. Justice Holmes: "If a man has the soul of Sancho Panza, the world to him will be Sancho Panza's world; but if he has the soul of an idealist, he will make—I do not say find—his world ideal. Of course, the law is not the place for the artist or the poet. The

law is the calling of thinkers. But to those who believe with me that not the least godlike of men's activities is the large survey of causes, that to know is not less than to feel, I say—and I say no longer with any doubt—that a man may live greatly in the law as well as elsewhere; that there as well as elsewhere his thought may find its unity in an infinite perspective; that there as well as elsewhere he may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable."

#### WORLD TRADE WEEK

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIZE. Mr. Speaker, President Nixon has proclaimed this week of May 18 as World Trade Week. In issuing this proclamation he calls upon business, labor, agricultural, educational, and civic groups, as well as all of our people generally, to observe this week in appropriate ways to promote the importance of world trade to our economy and our relations with other nations.

As the President has pointed out, additional markets are needed for the products of our industrial and agricultural might. The value of increasing trade with the other nations is spelled out in this paragraph from his proclamation:

Enlarged markets for our goods and services speed the pace of our economic progress and advance the well-being of all our people. New markets abroad create new jobs at home; new avenues of world trade run parallel to new roads to world peace.

Mr. Speaker, I have the honor to serve as chairman of the task force on international trade for the House Republican conference. On this task force with me are 14 of my colleagues, all of whom have the background and knowledge to make a significant contribution to the development of a program of increased world trade.

We are examining all aspects of our trade policy and practices and expect to come up with some recommendations to the administration and Congress in the months ahead. We will be conducting in-depth analysis of East-West trade, protectionism at home and abroad, the balance of payments, the gold flow and the elimination of trade barriers.

We see the observance of World Trade Week as an appropriate kickoff to our own work on the task force. We commend the President on the substance of his proclamation and we will coordinate our effort with the administration's in the development of effective trade policies.

#### IDAHO POWER CO. MOVES TO PROTECT SALMON AND STEELHEADS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the problem of preserving the salmon and steelhead runs in the great rivers of the Pacific Northwest has been of concern to conservationists for some time. In fact, 2 years ago this problem was cited as one of the major reasons for the U.S. Supreme Court returning the proposed

High Mountain Sheep hydro-electric power project to the FPC for further study.

In this Supreme Court decision, prepared by Mr. Justice William O. Douglas, it was stated:

The importance of salmon and steelheads in our outdoor life as well as in commerce is so important that there certainly comes a time when their destruction might necessitate a halt in so-called "improvement" or "development" of waterways. The destruction of anadromous fish in our western waters is so notorious that we cannot believe that Congress through the present Act authorized their ultimate demise.

One of the major electric power companies in the Pacific Northwest—Idaho Power Co.—is doing a truly marvelous job of perpetuating, and even increasing, the runs of salmon and steelhead in connection with their three dam developments at Oxbow, Brownlee, and Hells Canyon.

This program of fish protection has been experimental from the start. There were no guidelines by which the State and Federal fish agencies could assure completely successful results. Some of the company's early experiments proved costly and unworkable, but the company persisted in its efforts.

Idaho Power Co. has now completed its ambitious program to establish new fish habitats to increase propagation. This undertaking—which represents a capital investment of approximately \$15 million and annual overall operating costs of close to \$2.5 million—is probably unique from the standpoint of distances involved in transporting the eggs to hatchery facilities and the small fish to the point of release on a different watershed.

These are important developments because of the role which fish and fishing play in our recreation lives. I think Izaak Walton realized this fact when he wrote:

I have laid aside business, and gone a fishing . . . Doubt not but angling will prove to be so pleasant that it will prove to be, like virtue, a reward to itself. You will find angling to be like the virtue of humility, which has a calmness of spirit and a world of other blessings attending upon it.

The report of Idaho Power Co.'s contribution in this area is so significant I think my colleagues will be interested in reading about it. Therefore, without objection, I will insert at this point in my remarks an article from the Idaho Power Co. bulletin for January 1969, on this subject:

#### IDAHO POWER HAS BUILT HATCHERIES AND OTHER FACILITIES TOWARD BETTER FISHING—THIS AS PART OF ITS LICENSE TO GENERATE POWER IN HELLS CANYON

Fishing for the excitement it provides has become a multi-million dollar pastime in the state, and Idaho Power Company is contributing substantially toward augmenting the runs of salmon and steelhead, the big scrappy migrants that prompt successful fishermen to recount the joys of working a stream. Company developments also contribute to the enjoyment of fishermen who go for trout, crappie and bass, all of this as a part of Idaho Power's performance as a service utility.

The Idaho Fish and Game department estimates that hunting and fishing in Idaho enhances the state's economy by \$60 million or more annually. The estimate does not in-

clude income from licenses totaling nearly \$3 million. In a year's time, more than 663,000 hunting and fishing licenses are issued, including 158,000 licenses to fishermen from out of state.

Idaho Power's largest contribution to the growth of fishing has come with its three large dams and power plants in upper Hells Canyon, a development which since completion has been dedicated to T. E. Roach, chairman of the board and chief executive officer.

The Federal Power Commission's license to the Company to develop the hydroelectric sites on this 100-mile stretch of river requires a conservation program for the relatively small salmon and steelhead runs which continue up the Snake River beyond its confluence with the Salmon River. The latter takes most of the migrating adult salmon and steelhead that have made the long swim from the Pacific Ocean up the Columbia River, thence up part of the Snake River and its tributaries to spawning areas. The program has been experimental from the start. There were no guidelines by which the state and federal fish agencies could assure successful results.

The initial experiment involved trapping the anadromous fish at Brownlee, first of the Company's developments in Hells Canyon, and transporting them in tank trucks above the dam. A huge net was spread across the reservoir, and barges with pumps to create directional water current were built to attract the offspring. It was soon determined, however, that the young chinook salmon and steelhead trout were unable or unwilling to migrate seaward through the nearly motionless reservoir water to reach the devices designed to collect them for transport down river, so the project was abandoned.

#### THE COMPANY HAS FOUR HATCHERIES

Since then the Company has built a hatchery at Oxbow, another one on Rapid River, one at Niagara Springs, and finally holding, egg-taking and juvenile-release facilities on the Pahsimeroi River. It is an ambitious program to establish new fish habitats to increase propagation. The undertaking is probably unique from the standpoint of distances involved in transporting eyed eggs to the hatchery facilities and juveniles to the point of release on a different watershed.

While experienced personnel from the Idaho Fish and Game department operate these new facilities, they are completely financed by Idaho Power Company as part of the license agreement with the Federal Power Commission. They represent a capital investment of approximately \$15,000,000 and annual over-all operating costs of close to \$2,500,000.

The starting point for this extensive propagation program is the Hells Canyon dam, where the salmon and steelhead trout moving up stream to spawn are collected. By road, it is 150 miles from the Hells Canyon dam to the Circle C hatchery on Rapid River, which flows into the Little Salmon River near Riggins. It is about 250 miles from the Oxbow hatchery to the Niagara Springs hatchery in Hagerman Valley, and it is about 225 miles from Niagara Springs to the facilities on the Pahsimeroi, a tributary of the Salmon River.

Environmental factors have determined the location of the hatcheries. Idaho Power's fish biologist Wendell Smith explains that there are three races of migrants taken at the Hells Canyon dam. Fall run chinook salmon arrive in September and October. These fish have always spawned in the Snake River. Spring run chinook salmon arrive in May and June, and they were in the habit of seeking the cool headwaters of tributaries to spawn. Steelhead trout arrive both in the fall and the spring of the year, but all of them reach sexual maturity in April and May, during which they too moved into the cooler tributaries to spawn.

#### OXBOW SUPPLIES OTHER HATCHERIES

Idaho Power's Oxbow dam and power plant is between Brownlee, up river, and the Hells Canyon dam. The hatchery here, first of the four of these facilities, supplies the other hatcheries, and it provides capacity for raising five million juvenile fall chinook each year; but because of the small number of the fall chinooks coming up river to spawn, less than half of this potential has been attained.

The Oxbow hatchery, utilizing water pumped from the Snake River, has four concrete holding ponds, a hatchery building where the egg incubation process is completed, and raceways for the small fish, the offspring of the adult fall chinooks, which are fed and held until they are ready to be released for their swim down river to the ocean.

The spring chinooks taken from the trap at the Hells Canyon dam are held in the Oxbow ponds until they can be transported, a full tank load at a time, to the complete hatchery facilities on Rapid River. The tanks are equipped with aerating and water-circulating equipment to assure the fish safe passage.

Adult steelhead trout are held in the ponds at Oxbow until the eggs are taken and fertilized. When the eggs have been incubated to the eyed stage they are transported to the hatchery at Niagara Springs.

#### THE HATCHERY ON RAPID RIVER

The cool, clear water of Rapid River flowing in the snow packs of the towering Seven Devils mountains is ideal for the propagation of the spring chinooks, which must have cool water to survive. The first hatch from the eggs of 360 adult salmon, taken in 1964, became the fingerlings in the raceways of the Rapid River hatchery that were ready to start their long swim to the ocean in 1966. The return of many of these migrants last year indicates the wisdom of a hatchery at this location.

More than 3,400 hefty spring chinooks that had picked up 12 to 15 pounds in weight during their sojourn in salt water had by an amazing instinct made it back over a new route to a new home base. Not included in this total were about 1,000 precocious male "jack" salmon collected the previous year and the substantial number of salmon caught by fishermen. The fish biologists were jubilant. The hazards of the long journey, going and coming, are many, and no one had dared to predict the outcome.

"The returns to the hatchery so far are nearly 10 percent of the total spring chinook count over Ice Harbor dam, the lowermost structure on the Snake River, and this is truly astonishing," Biologist Wendell Smith exclaimed as the count at the hatchery mounted. Even so, he cautions that the success of the first run is not conclusive. More time, more runs are needed to determine the true extent of accomplishment.

#### THE HATCHERY AT NIAGARA SPRINGS

For those not familiar with Idaho's geography, Hells Canyon is on the western border of the state, and Hagerman Valley is in the southcentral part of the state. It is in this valley that the "Thousand Springs" flow from a tremendous underground lake. Niagara Springs is one of them. A hatchery and raceways were built here because of the dependable flow of spring water at a constant temperature of 58 degrees, a factor which promotes faster growth of young steelhead than water of the Salmon River drainage.

The automated hatchery facilities are said to be among the most advanced in existence. There are 14 raceways at this hatchery, each of them 300 feet long, for the rearing of an estimated 1,600,000 steelhead trout until they are about eight inches in length. The ideal temperature of the spring water shaves a

year from the growing time of the fish, which therefore head to sea a year sooner than they would under natural conditions.

Eggs taken from adult steelhead at Oxbow are transferred to the Niagara Springs facility about 10 days before they hatch in May or June. The young are fed at the hatchery until the following March and April when they are ready to be hauled in the Company-built 5,000-gallon, trailer-mounted tank to the Pahsimeroi release ponds. During this period, some 40,000 steelhead fingerlings make the trip every day until the task is finished. The truck with its tanker completes the trip from Niagara to Pahsimeroi and return, a distance of 450 miles, in about 12 hours.

#### THE PAHSIMEROI FACILITIES

The release ponds on the Pahsimeroi River give the fingerlings time to become acclimated to a change in environment before starting their swim to the ocean.

The effectiveness of the Oxbow-Niagara Springs-Pahsimeroi undertaking should become evident in the near future. In fact, the initial batch of 1.6 million juveniles released in the Pahsimeroi in 1967 should start showing up as returnees in the spring months of this year. To accommodate them, the company is completing hatchery facilities on the Pahsimeroi for the collection of eggs from the returning adults. Thus the eggs for Niagara Springs will in future years come from the Pahsimeroi instead of from Oxbow.

#### CONCLUSION

Time will tell how well the biologists have been able to plan to overcome the problems.

"We haven't been in the hatchery business long enough to know whether artificial propagation will solve them," Smith has said. "It should be well understood that these hatchery fish are subject to the same survival hurdles that naturally born salmon and steelhead from Idaho waters face. Man's advancing civilization has altered the original free-flowing stream to a series of slow-moving reservoirs, each of which increases the summer water temperature, increases production of predators, retards dissipation of pollutants, and most seriously, jeopardizes the timing of both the downstream and upstream movement of fish. (There are four dams on the Columbia River, one dam in operation and three more in various stages of completion on the lower end of the Snake River below Lewiston.) Added to this list of adversities, the fish are subjected to both a regulated commercial and ever-increasing sport fishery."

While the Company's biggest efforts have been toward perpetuating, even increasing, the runs of salmon and steelhead, it has meanwhile built facilities appealing to fishermen who seek the smaller species of trout crappie, bass and catfish. Company-built docks and ramps enable the launching and servicing of boats on the reservoirs. There are attractive parks with modern conveniences—rest rooms, shower bath facilities, electrical outlets, picnic benches, places for campers and travel trailers.

In a six-year period, the Company has planted an estimated 300,000 rainbow trout in the reservoirs and in tributary streams in upper Hells Canyon.

The popularity of these recreational attractions has been immediate. The parks are utilized from early spring through late fall, and the letters of appreciation from families who use them reflect the public acceptance.

#### THE U.S. CAPITOL BUILDING—WEST FRONT RESTORATION AND EXTENSION

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHWENGEL. Mr. Speaker, last Thursday, May 15, 1969, it was my privilege and honor to address a meeting in Montgomery County in the State of Maryland. Because of their understandable interest in the U.S. Capitol Building they asked me to talk on the west front, its condition, and the need for repairs and preservation. As president of the U.S. Historical Society my interest on this question is more than casual.

Since there have been many requests for copies of my paper, and because of great interest in this body and because of the urgency of the problem I am availing myself of this opportunity of sharing my findings and conclusions with my colleagues:

#### ON THE WEST FRONT RESTORATION AND EXTENSION

(By FRED SCHWENGEL)

The United States Capitol, gleaming under blue skies by day or brilliantly illuminated against the dark of night with its great white dome towering over the rest of monumental Washington, is the landmark of our democracy. It is, as Hawthorne wrote, "the center and heart of America," and "certainly, in its outer aspect, the world has not many statelier or more beautiful edifices."

It is also, as historian Allan Nevins has added, the "best loved and most revered building in America."

Unfortunately, however, the stately, best loved and most revered building in America, whose crumbling East front was rehabilitated with marble in 1961, is now sagging on its West front. This is the side of the Capitol that looms majestically over one end of the mall and is so familiar to us, from a slightly different approach, as the scenic backdrop of parades on Pennsylvania Avenue.

Built like most of the rest of the original structure, with sandstone blocks quarried near George Washington's home at Mount Vernon, the 148-year-old central portion of the West front is literally in danger of collapse. Great cracks crawling upward from the ground and extending to the full height of the building have been poorly concealed by having been spackled with cement and painted over many times. Large heavy stones have been forced outward from the vertical alignment of the building. There is a conspicuous bulge in one place a few feet above the ground.

Keystones in the arches above the basement floor have dropped so far in some instances that the wood frames of the windows have had to be cut out to accommodate them. A section of the cornice on the west front did fall out in the summer of 1966 and could have killed a passerby as it landed 15 feet from the base of the wall.

At that time Vice President Humphrey said: "I have gone outside and looked all over the west front. I am very worried. We need some decision immediately or otherwise there is going to be a tragedy."

Everyone who knows the situation shares the Vice President's concern. But a dispute has developed over the unanimous recommendation of a Congressional commission. That recommendation was to not only make the necessary permanent repairs but also to expand the building in order to obtain more space and facilities for Congress and the increasing visitors to the Capitol each year. This was the solution to the similar problem of the collapsing east front several years ago, but once again the "traditionalists" who were in opposition then have joined forces to obstruct the proposed rehabilitation of the west front.

Congress meanwhile has resorted to makeshift efforts to secure the Capitol's west wall. Three years ago it appropriated \$30,000 for wooden braces and other emergency meas-

ures. Last December, as the situation worsened, it appropriated another \$135,000 for additional timber supports. Now unsightly wooden props stand incongruously alongside the classic sandstone columns holding up the west portico.

They recall a proposal by Thomas Jefferson who, impatient with delays, suggested that the great columns planned for the House of Representatives be made of wood instead of marble in order to save time and money. Whereupon Benjamin Latrobe, the Capitol architect, retorted angrily: "The wooden column idea is one with which I never will have anything to do. I will give up my office sooner than build a temple of disgrace to myself and Mr. Jefferson."

What would Latrobe have said of the wooden props that "decorate" the west front today? For if these emergency repairs continue, the stately edifice that commands the landscape and gladdens every panoramic view of our nation's capital will indeed be a temple of disgrace laced with wooden braces.

Let us consider the problem, what is proposed, what the critics say and why those of us who are active in fostering the Capitol not only as an historical monument but as a living political forum fervently believe it must keep pace physically with the changing and growing requirements of its users and visitors.

The starting point is the fact that the West wall is crumbling. That is not surprising. It has been alleged that William Thornton, the Capitol's original architect, had wanted to use marble but President Washington turned him down. The marble would have had to be imported, and the young Government was as short of cash as it was long on ambition. So blocks of brown sandstone were quarried from an island on the Potomac, hauled by barge up the river and used for the first wing, on the Senate side. The sandstone was painted white. Thus started, the remainder of the original structure was built with sandstone.

Sandstone is porous and subject to corrosion, however, and there is some evidence that the talents of the workmen in the initial construction left much to be desired. Skilled building craftsmen and stonemasons were hard to find. By the time of Thomas Jefferson's Administration the floor beams were beginning to rot and the roof leaked badly.

The site on the highest point of the Federal city was ideal—"a pedestal waiting for a monument," Pierre l'Enfant had said—but the soil was soft. The area on its western fringe that became the mall was a marshland known as "the great Serbonian bog," after the mythical Egyptian swamp that swallowed entire armies. A few years ago, during the building of a new subway for the House wing, pile drivers went down 60 feet before reaching solid substance.

The Capitol, therefore, was built on foundations with a complex series of masonry arches—ingenious, yet subject to constant shifting. On a hot summer day, the Capitol's West walls expand from exposure to the afternoon sun. The sandstone facing on the West front expands 30 Per Cent more with the heat than the granite backup wall behind it. Water gets into the cracks and freezes in winter, causing bulges and spalls.

The huge 9-million-pound cast iron dome, the crowning glory of the Capitol, also contributes to this problem. The outer metal shell of the dome makes it extremely susceptible to the sun and its center rotates sways as a result of temperature variances. Vibrating experiments have shown it oscillates as much as three to four inches. The motion is south, southwest, then west, and as the setting sun declines and finally disappears, north, northeast and east, returning thus to original position.

The burning of the Capitol by the British in 1814, the fire in the west central wing in 1851, and a gas explosion in 1881 left perma-

nent structural damages that must finally be taken into account. The necessity of cutting through the numerous walls and arches for modern conveniences such as electric lighting, air conditioning, heating and plumbing have further weakened the structural supports.

No one disputes these facts. There is general agreement that something should be done. The proponents of extension feel that instead of merely repairing the wall again, rather than replacing it with a new, studier wall of marble, we should extend the facade as was done on the East front so successfully several years ago. (This would bolster the existing walls permanently.)

This would provide about 160,000 square feet of additional space—a little more than one-quarter as much space as the Capitol affords today. The West front would be brought out 44 feet in the center, 88 feet in the westerly courts and 56 feet at the connecting wings. The existing outer wall would remain as an inner wall. The new space would provide room for additional committee rooms, especially for the joint committees, offices, restaurants and sorely needed tourist facilities. The estimated cost is \$34 million.

Among the tourist facilities would be one or two auditoriums where visitors could view documentary and other educational films, obtain reading materials and be briefed by lecturers on the work and history of the Capitol. At least one of the public restaurants would open on the terrace overlooking the mall to the west. Visitors would enjoy there one of the most inspiring vistas in the capital city, with the Washington Monument and Lincoln Memorial in full view, and Arlington National Cemetery as a distant backdrop.

Incidentally, the outside steps of the new facade would hide a new service roadway. Trucks hauling in supplies and hauling out refuse would be out of view, thus eliminating an unseemly daily scene on the East front.

In opposition to this plan critics appeal to our sentiment and sense of history. They argue that the Capital West front should simply be repaired and preserved, regardless of the expense, because of tradition and aesthetics. They point out that the West wall is the last remaining outer wall of the original building. They feel that the Capitol is now architecturally complete, an untouchable masterpiece. They also have raised side issues with allegations that the selection of the architects was somehow unethical or undemocratic, or both. There has been a great deal written about a favored "club" of architects.

Let's take the side issues first, chiefly because the allegations are irrelevant and untrue. Among those who have given currency to them is The Times' architectural critic, Ada Louise Huxtable, who claimed in an article August 1, 1966, that the issue over the West front was "more than an aesthetic or patriotic matter" but "a question of the Congressional machinery." Mrs. Huxtable also complained that few of the Congressmen involved in the hearings were "expert in planning, architecture or structural matters."

The insinuation of hanky-panky in architectural assignments is irrelevant because it begs the question whether the West front extension would have the critics' approval if carried out by architects of their own choice. One must favor or oppose the proposal on its merits and not on the identity of the architects.

Nevertheless, for the record, it should be emphasized that the architects for the extension of the West front are men of distinction who were invited to do the West front precisely because of their earlier success with the East front. And the men ultimately responsible for the invitation are the members of a bipartisan Commission for the

Extension of the Capitol composed of Vice President Humphrey, House Speaker John W. McCormack, Senate Minority Leader Everett M. Dirksen, House Minority Leader Gerald R. Ford and the Capitol Architect, J. George Stewart.

The architects were originally selected in 1956 in the following manner: Mr. Stewart submitted to a panel of three architects, then members of the Fine Arts Commission, a list of architects who had expressed a desire to be considered for the assignment. The panel returned the list to Mr. Stewart with suggestions and recommendations and he, in turn, placed these before the commission for the Extension. The commission chose a group of three architectural firms headed by Roscoe DeWitt of Dallas, Jesse M. Shelton of Atlanta and Alfred Easton Poor of New York. These architects are all distinguished professionals with a laudable capacity for combining classic precedents with modern functional requirements.

The legislative history of the extension plan makes plain it was not rushed through Congress. In fact an architectural plan was submitted to Congress by a Joint commission in 1905, shortly after Congress had authorized a new bronze door for installation in a remodeled West front. The design of the transom was entitled "The Apotheosis of America," and the ensemble of doors, frame and transport until recently has been in storage at the Smithsonian Institution ever since, awaiting the extension of the West front for which it was prepared.

In 1964, a House-Senate conference report specifically authorized engineering surveys for the West front. A five-volume survey, specially prepared by an engineering company, was made available to the Commission for the Extension of the Capitol early in 1965. A transcript of the subsequent public hearings in June of that year was printed and furnished to every member of Congress. The engineering company's report was furnished to the Senate and House Appropriations Committees and other committees and members requesting it. It was also made available to the press.

After Congress, despite some opposition in the Senate, appropriated \$300,000 for the preparation of preliminary plans, the Commission directed Mr. Stewart to engage the architects who had done such an excellent job on the East front. One of their three alternative proposals was unanimously approved by the Commission. Speaker McCormack and Senator Dirksen then held a press conference to explain and advocate the Commission's decision.

Does the foregoing sound as though someone sneaked this project past unwitting legislators?

The Congressional members of the Commission are not architectural and engineering "experts," but they are not supposed to be. Professional expertise in any particular field is not and should not be a qualification for political office. The Commission members did become, however, by the time they were through with their studies and hearings, satisfactorily well-versed in their responsibility.

That is the way the Congressional machinery operates and while it may not always work to everyone's satisfaction, it does a pretty good job by and large in our democracy. It also permits a flexibility of attitude that would not be likely among "experts." It permits members of Congress not only to get facts but to change their minds, if necessary.

I cite my own case. The extension of the East front several years ago was opposed by many persons, including press critics and architects, who proclaimed their dismay over an alleged depredation of aesthetics and history. I was among the original critics, too, because of my deep feeling for the traditions

and history of the Capitol, feelings that led me to found the United States Capitol Historical Society. Instinctively opposing the East front extension project, I introduced a bill in 1956 to thwart it.

But I then studied the records of the Capitol Architects over the decades. I donned overalls and explored the old sections of the building from top to bottom and I can report that the passageways in those dank and gloomy arched basements look like something out of an Emile Zola novel. I reviewed the proposals for the extension and saw that they harmonized with the building, while providing additional space. Now, at long last, marble could be substituted for sandstone, just as Latrobe had wanted at the outset. I learned that Thomas U. Walter, the distinguished Capitol architect during Lincoln's time, had wanted to extend the East front in the same way that was being so rabidly opposed by modern traditionalists.

I went back to the House floor in 1958, two years after submitting my opposition bill, and announced that I had changed my mind. I not only supported the extension of the East front but that of the West front as well, and I have been proudly in the forefront of the effort to expand the majestic building in accordance with its aesthetic and functional requirements.

Now let us consider the arguments based on traditionalism and aesthetics. The traditionalists, incidentally, are not unanimous. Some are willing to accept marble as a substitute for sandstone. Others insist that even though the sandstone is crumbling and marble may be more suitable, "Washington's sandstone is part of our history, too." As Wolf Von Eckardt said in the Washington Post, "Who would dream of extending St. Peter's in Rome, Monticello, Mount Vernon or even the Houses of Parliament?" he added.

The American Institute of Architects, similarly, has expressed its outrage. "The AIA believes it would be a mistake to cover up the last remaining exterior portion of the original Capitol," its president, Charles M. Nes, said in a preface to a report calling for restoration of the wall.

But those who scream shrilly their demand to preserve the Capitol ignore the real history of the Capitol, its growth in increments over more than a century, and the many changes that were made partly for aesthetic reasons but also to cope with the increased needs for space as Congress grew in size and responsibility.

The tradition of our Capitol is change, not fixation. The building has grown as our nation has grown through the vicissitudes of incompleteness, when the wings were connected by a wooden passageway; changing architectural concepts and rivalries; burning and crowding. In fact, the growth of the Capitol has been considered symbolic of the growth of the nation.

The words of Abraham Lincoln, during the Civil War, when proposals were made to put off completion of the new Capitol dome, still have meaning for us today. "If people see the Capitol going on," he said, "it will be a sign to them that we intend the union shall go on."

This theme was set at the very beginning by George Washington. "It may be relied upon," Washington said, "it is the progress of that building that is to inspire or depress public confidence."

The Capitol was not built as an unchanging artistic monument, although a monument it became, but as a living parliament of democracy. The original design of the Capitol by William Thornton had a small dome, a modest eight-columned portico and a flush, ground-level portico entrance. Modesty and understatement were demanded by Washington and Jefferson, both of whom took a keen interest in the architecture of

the "Congress House." A design that featured a tall dome was rejected.

Under Benjamin Latrobe, the Capitol architect in 1800-1811, a number of minor changes were made in the Thornton design. Even after the British burned the Capitol in 1814, reconstruction still followed the existing design. But when Bulfinch undertook the central portico, he virtually abandoned Thornton. By 1840 the Capitol was somewhat different from Thornton's original.

The portico, for example, was doubled in size and given 16 columns. The central dome was changed somewhat, although it was kept simple and octagonal, made of wood and covered with copper; small domes were added to each side. Dramatic steps, not planned by Thornton, were added to give the building a monumental effect.

The most important change, however, came in the period preceding and including the Civil War. Thomas U. Walter, Capitol architect from 1851 to 1865, added the House and Senate wings to meet increasing space demands. These, however, completely overpowered the central dome. So the dome was replaced with the massive cast iron dome that gives the Capitol its present appearance.

Now, just as Walter saw that the old dome was incongruously small for the extended Capitol, he pointed out that the new soaring dome seemed too gigantic for the building. In fact, until the East front was improved in 1961, its iron "skirt" actually extended out over the portico roof, an architectural imbalance that was frequently noted. Some "traditionalists" sought to make a virtue of that flaw. But Walter himself did not regard it as such and recommended extension both of the East and West fronts, in 1874.

A critic of the extension plan claimed recently that Frederick Law Olmsted, designer of New York's Central Park, who designed the terraces on the West front, would be "horrified" by our proposal. This claim ignores the fact that Olmsted himself had proposed a similar extension of the building. His drawings not only are strikingly similar to the plans currently proposed, but one of them includes a pediment on the Western portico of the Capitol similar to the latest proposal. This pediment would give direction to the placement of the Walter dome as the central element of the Capitol.

"On the west," Olmsted wrote, "it is assumed that \* \* \* the present facade of the old Capitol will eventually be replaced by a wall of marble corresponding in dimension and architectural character to those of the wings \* \* \*"

Both Latrobe and Bulfinch, incidentally, also prepared drawings that contemplated a pediment for the West central front.

A crucial inconsistency on the part of some architects is also worth pointing out. When the American Institute of Architects opposed the extension on the East front, it advocated instead "developing a proposed scheme for expansion on the west front of the building." Architect Ralph Walker argued in the AIA Journal that "everything that would be obtained \* \* \* by moving the East front and also extending the wings could be accomplished much more pleasantly, aesthetically and efficiently by reconstruction of the West front which has no great historic significance." (Italics mine).

Similarly, testifying before a Senate subcommittee on Public Works, Douglas Haskell, editor of Architectural Forum, said that the claimed benefits of the controversial East front extension could be "better carried out on the western or terrace side, and with no architectural damage." (Italics mine).

Thus these critics have shown themselves to be oppositionists first and traditionalists and aestheticians only in support of that opposition.

As for Von Eckardt's challenge, "who would dream of extending St. Peter's in Rome, Monticello, Mount Vernon or even the Houses of Parliament," the answer is easy. Only one of these buildings houses a legislature. And the Select Committee on the House of Commons (Services) on July 28, 1967 proposed the construction of a new office building stretching out from the base of Big Ben, in order to provide space for members. The Houses of Parliament and the Capitol both must change with the times. (Actually, the east front of St. Peter's was extended 275 feet about 100 years after it was built.)

Along with the changes in its architecture, many other changes have altered the appearance of the Capitol over the years. There used to be an iron fence completely around it. It has been removed. Also removed have been the hitching posts that were no longer needed as the automotive era came on. Once the flag flew from the top of the Statue of Freedom on the dome. It created certain hazards, and it too was removed.

The Capitol has never been a static monument, a relic of history. It not only has served Congress (and the Library of Congress and the Supreme Court, before these were moved to their own quarters) but it has been put to unusual—"untraditional"—emergency use. During the early part of the Civil War, part of the Capitol was given over for security cells as a prison to hold war criminals, especially spies. Great sections were used as an arsenal to store ammunition. With inadequate hospital facilities in the Washington area, 1,500 beds were placed in the Capitol. A complete military kitchen was set up in the old House section. Huge ovens were installed and thousands of loaves of bread baked to feed the soldiers.

The debate in Congress over the change from gas to electricity makes droll reading today but it was fervent at the time. It took a serious explosion to rout the traditionalists. There has been a complete change in the heating system from that of heating by fireplaces, so loved by the traditionalists, to the present heating from a central plant. (We still, of course, have our snuff boxes.)

We all know that beauty is in the eye of the beholder. But I think it is important to emphasize that the proposed extension will not significantly alter the general appearance of the West front. The average citizen will hardly notice the difference. As evidence I recall that Senator Dirksen, who has served in the Capitol for 34 years, was impelled on the day of the press conference announcing the extension plan, to ask which of the two models before him incorporated the change.

Instead of preserving the Capitol as an historical artifact we should do all we can to enhance its appeal and utility to the public. Lecture halls, exhibition rooms and dining terraces would provide increased access for the public which has a right to expect a welcome from those who do the people's business. In addition, these facilities could also be used evenings and holidays, thus adding new life and vigor to the building during those off hours when the Capitol serves as little more than a "noble pile of masonry and marble." The concept of providing increased public usage of institutional buildings has received endorsements of modern sociologists not only on simple economic grounds but as a means of "relating" people to those institutions. The Capitol, of all buildings, should be foremost in that endeavor.

I cannot refrain from referring again to the battle that ensued in the late Fifties over the extension of the East front of the Capitol. Then, as now, there was an outcry against the expansion despite the recommendations of successive Capitol architects in whose name the protestors were demanding that no stone be touched in our treasured Capitol. Thank-

fully, the work on the East front was approved and completed in time for President Kennedy's inauguration. And many of its severest critics agree that the new facade has added beauty as well as much-needed working space.

Now those of us who favor the extension of the West front, in order to further enhance the beauty of the Capitol while improving its facilities, have another dream. We look to the day—hopefully in time for the Inauguration of 1972—when the President of the United States will take his oath of office, not in front of a parking lot on the East front, as is now the case, but facing westward toward the nation's capital, westward, toward all America.

If at least one citizen during Jefferson's Administration had had his way, Congress would not now be meeting in the Capitol—indeed, the building might not exist in its present form. Congress would be meeting in the White House. The President would have been transferred to more modest quarters.

A 162-year-old, eight-page anonymously published booklet in the rare books collection of the Library of Congress contains the proposal to move Congress from the uncompleted Capitol, consisting then of the unconnected House and Senate wings. The booklet, titled "For Consideration of Congress" and signed "a Citizen," was issued in Washington in 1806.

The author argued that the proposed shift would result in economies. But his main assertion was that the Capitol site was too remote. He said it was "out of the way of commercial pursuits" and that it was "impossible to find a single motive, unconnected with the residence of Government, to induce private families to locate themselves" in the vicinity of the Capitol.

The city of Washington would inevitably develop in the area near Georgetown, the author predicted with a fair degree of accuracy. Georgetown has since been enveloped by the capital city.

The writer proposed that the structure intended for Congress be used as a national institute of arts. Other possible uses he cited were as a home for the mint or as a site for the United States Military Academy.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TIERNAN (at the request of Mr. ASPINALL), for today, on account of official business.

To Mr. KEE (at the request of Mr. SLACK), for today and Tuesday, May 20, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. BEALL of Maryland) and to revise and extend their remarks and include extraneous matter:

Mr. BUSH, for 1 hour, on May 22.

Mr. WHALEN, for 30 minutes, today.

Mr. SAYLOR, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

The following Members (at the request of Mr. MIKVA) and to revise and extend their remarks and include extraneous matter:

Mr. GONZALEZ, for 10 minutes, today.

Mr. TUNNEY, for 10 minutes, today.

Mr. PODELL, for 60 minutes, on May 20.

Mr. MARSH, for 30 minutes, on May 20.

#### EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JONES of Alabama (at the request of Mr. ALBERT) in two instances.

Mr. PRICE of Illinois, during consideration of the Consent Calendar today.

Mr. BRAY, during consideration of the Consent Calendar today.

Mr. TEAGUE of Texas (at the request of Mr. PRICE of Illinois) prior to the passage of House Concurrent Resolution 207.

Mr. CLEVELAND, during consideration of the Consent Calendar today, on the bill H.R. 751.

Mr. STAFFORD, during consideration of the Consent Calendar today, on the bill H.R. 751.

Mr. THOMPSON of Georgia and to include extraneous matter.

(The following Members (at the request of Mr. BEALL of Maryland) and to include extraneous matter:)

Mr. QUIE in two instances.

Mr. CONTE in two instances.

Mr. FINDLEY.

Mr. DERWINSKI in two instances.

Mr. QUILLEN in four instances.

Mr. PELLY in two instances.

Mr. TEAGUE of California.

Mr. ZWACH.

Mr. BURKE of Florida.

Mr. HALL.

Mr. ASHBROOK.

Mr. BLACKBURN.

Mr. WYDLER.

Mrs. HECKLER of Massachusetts.

Mr. STEIGER of Arizona.

Mr. WYMAN in two instances.

Mr. SAYLOR.

(The following Members (at the request of Mr. MIKVA) and to include extraneous matter:)

Mr. BIAGGI in three instances.

Mr. CAREY.

Mr. JONES of Alabama in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. ASHLEY in three instances.

Mr. EDWARDS of California.

Mr. RARICK in four instances.

Mr. BOLAND in two instances.

Mr. ANDERSON of California in two instances.

Mr. BRASCO in two instances.

Mr. HAMILTON in two instances.

Mr. BROWN of California in two instances.

Mr. GILBERT in two instances.

Mr. EVINS of Tennessee in three instances.

Mr. MIKVA in two instances.

Mr. GONZALEZ in two instances.

Mr. DONOHUE in three instances.

Mr. TUNNEY.

Mr. VANIK in three instances.

Mr. JOHNSON of California.

Mr. BINGHAM in two instances.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama; to the Committee on Banking and Currency.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on May 16, 1969, present to the President, for his approval, bills of the House of the following titles:

H.R. 33. An act to provide for increased participation by the United States in the International Development Association, and for other purposes.

H.R. 8794. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes.

#### ADJOURNMENT

Mr. MIKVA, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 20, 1969, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

778. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period July 1 to December 31, 1968, pursuant to the provisions of section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

779. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of the location, nature, and estimated cost of an additional facilities project proposed to be undertaken for the Army Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

780. A letter from the Deputy Director, U.S. Information Agency, transmitting the 31st semiannual report of the Agency, covering the period July 1 to December 31, 1968, pursuant to the provisions of section 1008 of Public Law 402 (80th Cong.); to the Committee on Foreign Affairs.

781. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision of accommodations, facilities, and services for the public in Grand Teton National Park for the period January 1, 1969, through December 31, 1973, pursuant to the provisions of the act of July 31, 1953 (67 Stat. 271), as amended; to the Committee on Interior and Insular Affairs.

782. A letter from the Chairman, Federal Power Commission, transmitting copies of the publications, "All-Electric Homes, Annual Bills, 1968," and "Statistics of Publicly Owned Electric Utilities, 1967"; to the Committee on Interstate and Foreign Commerce.

783. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

784. A letter from the Secretary of the Treasury, transmitting a draft of proposed

legislation to authorize an adequate White House Police force, and for other purposes; to the Committee on Public Works.

785. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

786. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved by his Office, for the period January 1 to March 31, 1969, pursuant to the provisions of section 1120b of the Social Security Act; to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of May 14, 1969, the following House joint resolution was reported on May 16, 1969:

Mr. CELLER: Committee on the Judiciary. House Joint Resolution 681. Joint Resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, without amendment (Rept. No. 91-253). Referred to the House Calendar.

[Submitted May 19, 1969]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Search and rescue operations for U.S. citizens and craft in Foreign areas (sixth report) (Rept. No. 91-254). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Science and Astronautics. H.R. 11271. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 91-255). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on trafficking in broadcast station licenses and construction permits (Rept. No. 91-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on the fairness doctrine and related issues (Rept. No. 91-257). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 11401. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 11402. A bill to amend title 10 of the United States Code to prohibit the assign-

ment of a member of an armed force to combat area duty if certain relatives of such member died while serving in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 11403. A bill to amend the Federal Hazardous Substances Act to protect children from toys or other articles intended for use by children which present any electrical, mechanical, or thermal hazard; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE:

H.R. 11404. A bill to authorize the minting of coins in the denomination of \$1 bearing the likeness of Dwight David Eisenhower; to the Committee on Banking and Currency.

H.R. 11405. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CORBETT:

H.R. 11406. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. CORMAN:

H.R. 11407. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DANIELS of New Jersey:

H.R. 11408. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 11409. A bill to exempt employees of the Railroad Retirement Board from section 201 of the Revenue and Expenditure Control Act of 1968; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 11410. A bill to amend title 13, United States Code, to increase the penalties for wrongful disclosure of information by employees of the Bureau of the Census; to the Committee on Post Office and Civil Service.

By Mr. DULSKI (for himself and Mr. CORBETT):

H.R. 11411. A bill to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.R. 11412. A bill to establish in the Departments of the Interior and Agriculture Youth Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. FOLEY (for himself, Mr. FLYNT, Mrs. HANSEN of Washington, Mr. MCKNEALLY, Mr. McMILLAN, Mr. STUBBLEFIELD, Mr. ULLMAN, Mrs. MAY, Mr. REIFEL, Mr. TEAGUE of California, and Mr. O'NEAL of Georgia):

H.R. 11413. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes; to the Committee on Agriculture.

By Mr. FRASER:

H.R. 11414. A bill to improve the care of homeless children in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAMILTON:

H.R. 11415. A bill to provide that certain expenses incurred in the construction of a school in Jeffersonville, Ind., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. HORTON:

H.R. 11416. A bill, Federal-State Educa-

tion Act of 1969; to the Committee on Education and Labor.

By Mr. JOHNSON of California (for himself and Mr. DON H. CLAUSEN):

H.R. 11417. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes; to the Committee on Agriculture.

By Mr. MINISH:

H.R. 11418. A bill to promote higher standards of quality control in the manufacture of motor vehicles; to provide for the establishment by the Secretary of Commerce of standards for new motor vehicle warranties and for motor vehicle dealer franchise agreements; to prescribe effective remedies for breach of such warranties and agreements; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 11419. A bill relating to withholding for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 11420. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. REIFEL:

H.R. 11421. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. ST. ONGE:

H.R. 11422. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 11423. A bill to establish the Gates of the Arctic National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11424. A bill to provide for the addition of certain lands to the Mount McKinley National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11425. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHERLE (for himself, Mr. LUKENS, Mr. NICHOLS, Mr. HUNT, Mr. WHALLEY, Mr. POWELL, Mr. BUSE, Mr. BINGHAM, Mr. CAMP, Mr. SCHWENGLER, and Mr. FIRNIE):

H.R. 11426. A bill to amend section 204(a) of the Coinage Act of 1965 in order to authorize minting of all new quarter dollar pieces with a likeness of the late President Dwight David Eisenhower on one side; to the Committee on Banking and Currency.

By Mr. TEAGUE of Texas (by request):

H.R. 11427. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

H.R. 11428. A bill to amend section 401(c) of the Internal Revenue Code of 1954 with respect to certain service performed by physicians employed by the Veterans' Administration; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 11429. A bill to amend title II of the Social Security Act to increase the amount of the monthly benefits payable thereunder, to provide for cost-of-living increases in benefits, to increase the outside earnings

limitation, to extend medicare benefits to individuals aged 62 and to the disabled, to provide medicare coverage for prescribed drugs, to make medical expenses of aged persons fully deductible, and for other purposes; to the Committee on Ways and Means.

By Mr. WEICKER:

H.R. 11430. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 11431. A bill to amend title 28, United States Code, to limit the appellate jurisdiction of the Supreme Court in certain cases relating to the apportionment of population among districts from which Members of Congress are elected; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 723. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years; to the Committee on the Judiciary.

H.J. Res. 724. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. MIKVA:

H.J. Res. 725. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.J. Res. 726. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. WYMAN:

H.J. Res. 727. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ZWACH:

H.J. Res. 728. Joint resolution proposing an amendment to the Constitution of the United States relative to the equal rights for men and women; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself, Mr. ASHLEY, Mr. BRADENAS, Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. FARBSTEIN, Mr. HALPERN, Mr. HELSTOSKI, Mr. KOCH, Mr. MATSUNAGA, Mr. MIKVA, Mr. MOORHEAD, Mr. PODELL, Mr. REES, Mr. REID of New York, Mr. REUSS, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SCHEUER, and Mr. TIERNAN):

H. Con. Res. 259. Concurrent resolution on urgency of arms control negotiations; to the Committee on Foreign Affairs.

By Mr. MORSE:

H. Con. Res. 260. Concurrent resolution on urgency of arms control negotiations; to the Committee on Foreign Affairs.

By Mr. GARMATZ (for himself, Mr. PELLY, Mr. CLARK, Mr. SCHADEBERG, Mr. DINGELL, Mr. POLLOCK, Mr. LENNON, Mr. DOWNING, Mr. BRAY, Mr. ROGERS of Florida, Mr. STUBBLEFIELD, Mr. MURPHY of New York, Mr. LEGGETT, Mr. FEIGHAN, Mr. ANNUNZIO, Mr. BIAGGI, Mr. GOODLING, Mr. ST. ONGE, and Mr. BUTTON):

H. Con. Res. 261. Concurrent resolution expressing the sense of Congress that certain leases of vessels and equipment to Peru should be revoked; to the Committee on Armed Services.

By Mr. BRASCO (for himself, Mr. BLANTON, Mr. CELLER, Mr. FRIEDEL, Mr. MURPHY of New York, Mr. PATTEN, Mr. PODELL, Mr. STUCKEY, Mr. TIERNAN, and Mr. WOLFF):

H. Con. Res. 262. Concurrent resolution expressing the sense of the Congress with respect to the production and distribution in interstate and foreign commerce of motion pictures and television programs which degrade or demean racial, religious, or ethnic groups; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO (for himself, Mr. MURPHY of Illinois, Mr. MIKVA, Mr. KLUCZYNSKI, Mr. SHIPLEY, Mr. RONAN, Mr. PUCINSKI, and Mr. PRICE of Illinois):

H. Con. Res. 263. Concurrent resolution expressing the sense of the Congress with respect to the production and distribution in interstate and foreign commerce of motion pictures and television programs which degrade or demean racial, religious, or ethnic groups; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H. Con. Res. 264. Concurrent resolution expressing the sense of the Congress with respect to the production and distribution in interstate and foreign commerce of motion pictures and television programs which degrade or demean racial, religious, or ethnic groups; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H. Con. Res. 265. Concurrent resolution expressing the sense of the Congress with respect to the production and distribution in interstate and foreign commerce of motion pictures and television programs which degrade or demean racial, religious, or ethnic groups; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT:

H. Con. Res. 266. Concurrent resolution expressing the sense of the Congress with respect to the production and distribution in interstate and foreign commerce of motion pictures and television programs which degrade or demean racial, religious, or ethnic groups; to the Committee on Interstate and Foreign Commerce.

By Mr. JOELSON:

H. Res. 412. Resolution creating a select committee to study the need for benefit increases under the old-age, survivors, and disability insurance program and for other revisions in such program and the program of health insurance for the aged, and to report to the House a bill incorporating its recommendations; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

172. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to restoration of funds proposed to be cut from the Federal aid to schools in federally impacted areas program; to the Committee on Education and Labor.

173. Also, memorial of the Legislature of the State of Washington, relative to vocational youth organizations; to the Committee on Education and Labor.

174. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to repeal of the Hatch Act; to the Committee on House Administration.

175. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

176. Also, memorial of the Legislature of the State of Washington, relative to taxation of personal incomes of persons employed

by interstate carriers; to the Committee on the Judiciary.

177. Also, memorial of the Legislature of the State of Alaska, relative to the protection of fish and shellfish resources in waters over the Continental Shelf of the United States; to the Committee on Merchant Marine and Fisheries.

178. Also, memorial of the Legislature of the State of Washington, relative to the issuance of a postage stamp of series commemorating the 50th anniversary of airmail service; to the Committee on Post Office and Civil Service.

179. Also, memorial of the House of Representatives of the State of Washington, relative to flood control and protection facilities for the Vancouver Lake, Wash., area; to the Committee on Public Works.

180. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to providing a Veterans' Administration hospital in the north shore area of Essex County, Mass.; to the Committee on Veterans' Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 11432. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Charles Bernstein, of Washington, D.C.; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 11433. A bill to authorize Benjamin S. Persons to accept appointment as vice consul (honorary) of the Republic of El Salvador in Atlanta, Ga.; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H.R. 11434. A bill for the relief of Miss Vita Maria Narici; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 11435. A bill for the relief of Gloria Dela Cruz; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 11436. A bill for the relief of Domenica Alampo; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 11437. A bill for the relief of Francisca Ignacio; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 11438. A bill for the relief of Alice Faye King, Robert King, and Michael King; to the Committee on the Judiciary.

By Mr. STOKES:

H.R. 11439. A bill for the relief of Dr. Creena S. Verghese and her husband, Daniel Verghese; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H. Con. Res. 267. Concurrent resolution favoring the suspension of deportation of certain aliens; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

112. By the SPEAKER: Petition of Anthony J. Ribeiro, Jr., and others, Fort Devens, Mass., relative to pay television; to the Committee on Interstate and Foreign Commerce.

113. Also, petition of Gordon L. Dollar, Los Angeles, Calif., relative to redress of grievances; to the Committee on the Judiciary.

114. Also, petition of the Morris Township Committee, New Jersey, relative to the tax-exempt status of municipal bonds; to the Committee on Ways and Means.