pressed with the goodwill toward America which this project has generated.

As Americans we can be justly proud of an institution which excels any other of its type not only in Poland but in all of Central and Eastern Europe. Its achievements in research and its success in treatment have given it a reputation of the highest order. Both the professionals and the lay public feel that the staff of the American children's hospital are "curing the incurables and rehabilitating the hopeless."

I witnessed an appendicitis operation performed by skilled surgeons with every modern hospital facility at hand. I visited countless sick rooms and talked with ill children and their grateful parents. I visited the classrooms maintained for children who are patients able to study. I worshipped in the chapel available for supplying the spiritual therapy needed by the sick.

I was informed of the emergency cases brought to this hospital to benefit from the exceptionally fine facilities and professional skills.

Mr. Speaker, without a doubt the American Children's Research Hospital represents one of the most satisfactory projects launched anywhere in the world with American money. It represents the epitome of a cooperative arrangement between two governments. I hope that many of my colleagues will have an opportunity to visit this institution.

Subsequent to my visit to the project, I was asked to make a public statement as to my reactions. Mr. Speaker, I submit the text of this statement for inclusion in the RECORD at this point:

I have always been impressed with the cordial reception granted to me and to those who accompany me when I have visited the American Children's Research Hospital here in Krakow. The generous hospitality which you extend to us is a source of deep gratification.

This much needed medical center is the fulfillment of a dream some of us had for putting to good use some of the excess zlotys which had accrued to the credit of the U.S. government. Little did any of us begin to realize the magnificence of the structure which we viewed on the drawing board and in the early stages of construction, such as I saw on my last visit.

Those of us in the United States Congress who have major responsibility for the utilization of federal funds derived from the tax payments of our citizens are always gratified when we see those funds being spent economically and wisely. This is particularly true with respect to the very heavy expenditures being made throughout the world for the benefit of other nations.

What I have seen today assures me that my fellow Americans can be justly proud of what has been accomplished with their help. We are well aware of the fact that our foreign aid projects are seldom complete in themselves. All of them require a form of matching in one manner or other and all of them assure a continuing operating expense on the part of the receiving government. This is as it should be for too frequently a contribution toward operating costs entails some measure of control on the part of the donor. This is a form of interference which the United States has consistently sought to avoid.

We are satisfied that this medical institution was established in accordance with our mutually agreed upon plans to meet the needs of Polish children. The type of benefits and treatment extended to them is the full and complete responsibility of the Polish Government just as is the selection of those who are to be admitted for diagnosis and treatment.

This institution here in Krakow is a dramatic argument that the ethnic bonds and the ties of kinship are capable of reestablishing the lines of communication which often become temporarily jammed or severed in times of international stress and political unrest. It is my hope that this project and other projects like it may help all of us to achieve greater understanding of one another's motives and a deeper bond of friendship sufficient to allow the sharing of our assets, our talents and our culture with each other.

No one could deny that America is richer because of the great contributions which have been made to generations by the people of Poland to our economy, our cultural achievements and to our religious and social well-being. May the sharing of these great gifts continue with the help of the great God in Heaven.

HOUSE OF REPRESENTATIVES—*Thursday, September 25, 1969*

The House met at 12 o'clock noon.

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

See that none render evil for evil unto any man; but ever follow that which is good, both among yourselves, and to all men.—I Thessalonians 5: 15.

God of grace and God of glory, in the midst of the troubles of this time we would find in the living water of prayer the spirit which can restore our souls, renew our bodies, and make us ready for the tasks of this new day.

We are disturbed by the divisions in our world and in our Nation, weighed down by many worries, tempted to lose hope, and to give up because peace and justice seem so long in coming. We confess that we do so little when there is so much to be done.

We pray for our country and for ourselves, the leaders of our people. May we not increase our divisions by any ill will but take advantage of every opportunity to spread good will so that our influence shall always be for the good of all.

Give us courage to carry on, knowing Thou art always with us and believing that with Thee we cannot fail.

In the spirit of Him whose truth is marching on, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday 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, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.;

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.;

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.;

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark.;

S. 2226. An act to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination;

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act; and

S. 2547. An act to amend the Food Stamp Act of 1964.

The message also announced that the Vice President, pursuant to title 16, United States Code, section 715a, appointed Mr. TYDINGS to the Migratory Bird Conservation Commission in lieu of Mr. METCALF, resigned.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT UNTIL NOON, SATURDAY, SEPTEMBER 27

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until noon on Saturday, September 27, to file a report on the Office of Economic Opportunity.

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

There was no objection.

DEFAMING OUR PRESIDENT DOES HONOR TO NO ONE

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

Mr. HUNT. Mr. Speaker, last week the chairman of the Democratic National Committee accused the President of "the wildest kind of improvisation" in attempting to solve the problems of Vietnam and inflation.

Almost at the same time one of our liberal columnists, writing about the same problems, used almost the same terms saying the President was "wildly improvising."

Now, Mr. Speaker, most of us do not commonly, in everyday talk, use such terminology, especially when it has no

basis in fact. And it is more than coincidence, I think, when two biased presidential critics use the same unusual terminology only a day or two apart.

The question naturally arises: Is the Democratic national chairman the puppet of the liberal columnist or is the liberal columnist being used by the Democratic national chairman?

Regardless, a working agreement between a member of the liberal press and the Democratic chairman for the purpose of defaming the President does honor to neither.

END QUOTA ON IMPORTED OIL NOW

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

Mr. CONTE. Mr. Speaker, thanks to the diligence of the press, there is good news today for all of us who, for years, have been fighting the inequitable mandatory oil import control program.

Last night, Secretary Hickel ordered the release of a study by the Department's Bureau of Mines predicting that the cost of the quota system to consumers could reach more than $7 billion a year by 1975 and over $8 billion by 1980.

More importantly, the study confirms the view of other experts that we could assure a 12-month supply of crude oil by the stockpiling of oil in underground salt domes at a cost far less than the consumer must bear today.

The study also indicates that an end to the quota system could drop the price of crude oil from $3.30 to $2 a barrel, which would be directly translated into similar reductions in gasoline and other products.

This tends to confirm recent testimony before the Senate Antitrust and Monopoly Subcommittee that abolition of the quotas would reduce gasoline prices by 5 cents a gallon and home heating fuel prices by nearly 4 cents a gallon.

Mr. Speaker, I am sure that all 53 cosponsors of my bill to eliminate the oil quota system are as encouraged as I am by this recent survey. This should fortify our position with the Ways and Means Committee to hold early hearings.

Finally, as I said only recently on this floor, we in the Northeast face a serious shortage in home heating oil this coming winter. I have written Secretary Hickel urging him to immediately assign unused Department of Defense quotas to alleviate this shortage. But, even if this urgently needed action is taken, again averting the near emergency that we faced in 1968, this is only a temporary solution.

The only satisfactory solution, Mr. Speaker, is to end this quota program, and to end it now.

PERSONAL EXPLANATION

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

Mr. FISH. Mr. Speaker, yesterday, Wednesday, September 24, I was absent from the floor at the time of rollcall No. 183 on the bill (S. 574) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

Mr. Speaker, had I been present I would have voted in the affirmative.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON MILITARY PROCUREMENT BILL, UNTIL MIDNIGHT, FRIDAY, SEPTEMBER 26

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight, Friday, September 26, to file a report on the military procurement bill for fiscal year 1970.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the gentleman from Michigan, there remains on the calendar to be taken up this week only one bill, which is H.R. 12884, to assure confidentiality of census information. That bill will be taken up presently.

The program for next week is as follows:

On Monday:

H.R. 13369, extending authority to set interest rates on mortgages to veterans, under an open rule with 1 hour of debate;

House Resolution 538, to grant additional travel authority to the Committee on Public Works, with 1 hour of debate; and

H.R. 4314, joint labor-management trust funds for scholarships and child care centers, which will come under an open rule with 1 hour of debate.

On Tuesday:

H.R. 13300, amendments to the Railroad Retirement Act and the Railroad Retirement Tax Act, which will come up under an open rule with 1 hour of debate; and

H.R. 8449, Hours of Service Act Amendments, to come up under an open rule with 1 hour of debate.

For Wednesday and the balance of the week, the military procurement authorization for fiscal year 1970, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program may be announced later.

PERMISSION FOR SUBCOMMITTEE NO. 3, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 3 of the Committee on the Judiciary may sit during general debate today.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 184]

Alexander	Goldwater	Passman
Baring	Gray	Pelly
Bell, Calif.	Griffiths	Pepper
Bolling	Grover	Pike
Brown, Calif.	Gubser	Podell
Burton, Utah	Hagan	Powell
Cahill	Hanna	Quillen
Carey	Hansen, Wash.	Reifel
Celler	Hays	Rooney, Pa.
Chappell	Hébert	Rosenthal
Clark	Heckler, Mass.	Sandman
Corman	Hosmer	Scheuer
Cowger	Jones, Tenn.	Shipley
Daddario	Kirwan	Slack
Dawson	Lipscomb	Snyder
Denney	Long, La.	Staggers
Dent	McCloskey	Stubblefield
Edwards, Ala.	McClure	Teague, Calif.
Edwards, Calif.	McDonald, Mich.	Teague, Tex.
Edwards, La.		Utt
Esch	McKneally	Watson
Fascell	Mailliard	Whalley
Flood	May	Whitten
Ford, William D.	Mills	Wiggins
	Morse	Wilson, Bob
Frelinghuysen	O'Hara	Wright
Gilbert	O'Konski	Wyatt

The SPEAKER. On this rollcall 351 Members have answered to their names, a quorum.

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

PERMISSION FOR SELECT SUBCOMMITTEE ON LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that

the select subcommittee on labor may sit this afternoon during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFIDENTIALITY OF CENSUS INFORMATION

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 545, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 545

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, and all points of order against lines 4 through 9 on page 5 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume, and at the conclusion of my remarks I will yield to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 545 provides an open rule with 2 hours of general debate for consideration of H.R. 12884 to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes. The resolution also provides that all points of order are waived against lines 4 through 9 on page 5 of the bill. The waiver of points of order was granted due to the transfer of funds.

The major purposes of H.R. 12884 are:

To provide the committees of Congress having legislative jurisdiction over the Bureau of the Census the final authority for the approval, rejection, or revision of the content of the decennial census questionnaires;

To further strengthen those provisions of title 13, United States Code, which guarantee the confidentiality of the individual information obtained by the Bureau of the Census; and

To eliminate the jail sentence penalty provisions of title 13, United States Code, currently applicable to both individuals and organizations, for either refusal to answer census questionnaires or willful falsification of the information being provided.

There are a number of statutes which require the use of census data for the administration of programs or as a basis for the allocation of funds. The legislation is designed to enable the Bureau to more responsibly meet the needs of government and society for the statistical information required for intelligent decisionmaking, while at the same time strengthening the guarantees protecting the rights and privacy of the individuals responding to the questionnaires.

The legislation is sponsored by each member of, and was reported by unanimous vote of, the Subcommittee on Census and Statistics of the Post Office and Civil Service Committee.

Mr. Speaker, I urge the adoption of House Resolution 545 in order that H.R. 12884 may be considered.

Mr. Speaker, I yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Massachusetts, House Resolution 545 does provide an open rule with 2 hours of debate for consideration of H.R. 12884, to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires. All points of order are waived against lines 4 through 9 on page 5 of the bill because there is a transfer of funds.

The purposes of the bill are: to broaden the permissible scope of questions of a decennial census; to insure that congressional committees have jurisdiction over any changes in census questionnaires; to strengthen the guarantee of the confidentiality of the information obtained by the Bureau of the Census; and to eliminate the jail sentence provisions of current law applicable to those who either refuse to answer census questions or knowingly give false answers.

The need for a complete and accurate decennial census is clear. Many Federal programs substantially base their fund distribution on formulas which use census data as their fundamental factor. Additionally, many private agencies, as well as State and local governments, use this same data for their own purposes. These private agencies range from labor unions to universities.

Current law restricts questions which may be asked on a census questionnaire to those concerning population, unemployment, and housing, including utilities and equipment. The bill broadens this by striking the phrase "unemployment and housing" and adding in lieu thereof "and is authorized to obtain such other census information as necessary." This is done to insure that all additional information deemed necessary in future years can be secured.

At the same time the bill seeks to insure that American citizens will not be subjected to any harassment or undue prying by the Federal census agents. To insure this, the bill provides that the Secretary of Commerce must submit, 3 years before the next census, "the questions proposed to be included in the decennial census." The proposed questionnaire must be submitted to the two Post Office and Civil Service Committees of the Congress, which are required "not less than 2 years before the said census date to notify the Secretary of their approval, rejection, or revision of the proposed questions."

Further, current provisions of law are strengthened to insure that the confidentiality of individual responses are guaranteed. The current penalty for any Bureau of the Census employee who reveals such information is increased from a $1,000 fine or 2 years' imprisonment, or both, to a fine of $5,000 or imprisonment for 5 years, or both. Presently the Secretary of Commerce, by written approval, may permit disclosure; this provision is repealed.

With these protective guarantees, the bill also continues the requirement of mandatory answering of questions by the individual citizen. The committee believes that, at the present time, this is the only way to insure that all citizens answer all questions and so insure the necessary data for the Federal Government. The committee does urge the Bureau of the Census in its report to continue its current efforts into studies of voluntary surveys to see if a voluntary census questionnaire could be developed. At the same time, the bill repeals current law providing a jail sentence for those who do not accurately answer the census questionnaire. It has never been used and serves no purpose.

Passage of the bill will not require any additional funding.

The Department of Commerce opposes passage of the bill in its present form. It particularly objects to congressional approval of the questionnaire. It believes this violates the separation of powers doctrine of the Constitution. The Bureau of the Budget supports this position.

There are no minority views.

So far as I am personally concerned, Mr. Speaker, I think this is as good a bill as the committee can bring out. Obviously, it is not going to satisfy all the businesses and the agencies that want to get all the information they can possibly get about every citizen to help them in connection with how many items of various sorts they can sell to them. By the same token, it will not satisfy all the people who believe that the questions should be confined to six questions, and that they have a right to privacy as to all other questions. I think the committee has done a good job. I urge adoption of the rule and the adoption of this resolution. I reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in

response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The SPEAKER. The Chair designates as Chairman of the Committee of the Whole the gentleman from Alabama, Mr. ANDREWS, and the Chair requests that the gentleman from New York, Mr. STRATTON, temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12884, with the Chairman pro tempore (Mr. STRATTON) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New York (Mr. DULSKI) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. CORBETT) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, H.R. 12884 is an excellent bill which responds most effectively to the general public interest in assuring the confidentiality of answers to census questions and inquiries.

The bill effects long needed and effective modernization of laws, regulations, and administrative policies under which our massive decennial census responsibilities are carried out. It warrants the overwhelming support of the House.

This important legislation is a special tribute to the gentleman from California, the chairman of our Subcommittee on Census and Statistics, and the entire membership of the subcommittee. Their diligence, perseverance, and patience in working out solutions to the many difficult and complex problems they faced is in the highest tradition of the Committee on Post Office and Civil Service.

I urge all Members to vote for H.R. 12884 as reported by the committee.

I yield such time as he may require to the chairman of the subcommittee, the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Chairman, in the 180 years since its inception in 1790, the decennial census has become an indispensable service to the American people, providing the kinds of information which an advanced technological society must have if it is to remain vigorous, dynamic, and free.

The Congress, in its concern for insuring the continued greatness and growth of the United States, has consistently recognized the need for accurate information and has demanded that the decisions of Government be based on facts. For example, every major legislative measure enacted by the Congress during the past decade that involved the disbursement of funds to municipal, State, and other local governments for housing, urban renewal, transportation, health, education, and welfare programs, requires that the local agency submit to the Federal regulating agency a complex and detailed evaluation and justification of needs, backed up by the best possible statistical information.

The list of statutes which require the use of census data for the administration of programs or as a basis for the allocation of funds includes—

The Adult Education Act of 1966 as amended;

The Elementary and Secondary Education Act of 1965 as amended;

The Economic Opportunity Act of 1964 as amended;

The Appalachian Regional Development Act of 1965 as amended;

The Manpower Development and Training Act of 1962 as amended;

The National School Lunch Act as amended;

The Public Health Service Act as amended; and

The Vocational Education Act as amended.

In addition, data on population and housing characteristics are used in the administration of programs under—

The Civil Rights Act of 1964;

The Voting Rights Act of 1965;

The Fair Labor Standards Act of 1958 as amended;

The Federal-Aid Highways Act;

The National Housing Acts—subsidized homeownership and rent programs; low-rent public housing program;

The Demonstration Cities and Metropolitan Development Act of 1966;

The Housing and Urban Development Acts of 1965 and 1968;

The Military Construction Authorization Acts; and

Executive Orders 10997 to 11005 assigning emergency preparedness functions to various departments and agencies.

There is no question but that much of the billions of dollars in funds, goods, and services which the Federal Government distributes each year to State and local governments is allocated according to data provided by the census.

Equally important are the uses made of census data by the private sector of the economy—whether by business for market research purposes; by labor unions to establish bases from which to negotiate for improvements in the economic and social well-being of their members; by voluntary organizations and professional, trade, educational, and charitable associations in order to carry out the mandates of their charters; by equal rights groups in measuring the condition and progress of minority groups and substandard neighborhoods; or by universities, scholars, or research institutions for analyses of current events and forecasts of future probabilities.

Nevertheless, the census remains a little understood or appreciated institution—probably because the products of the census are like the oxygen in the air. They are consumed so widely that they are accepted as a matter of course and their use as the base for most other statistics goes unrecognized.

Every decennial census, therefore, has raised some protests, and the 1970 census has proven no exception to the rule. Quite the contrary. With today's concerns over invasion of privacy and computer data banks, Government requests for further information are automatically resented and looked upon with suspicion. I wish to acknowledge the contribution made by the gentleman from Ohio (Mr. BETTS) for his recognition of the problem. He deserves much, if not all of the credit for bringing the 1970 census to the special attention of the Congress.

Impressed with the importance of the issue, the Subcommittee on Census and Statistics—which I have the honor to chair—undertook an immediate investigation and on April 1, 1969, held the first of an extensive series of hearings covering a nationwide cross-section of opinion and interest. Beginning with the Director of the Bureau of the Census, and including the Secretary of Commerce, the Under Secretary of the Department of Housing and Urban Development, and other high-level Government officials, testimony was received from more than 50 knowledgeable and qualified witnesses. In addition, more than 3,000 letters and statements were received from State and local governments, scientific and professional organizations, and the business community, as well as individual citizens, expressing either support or criticism of the 1970 census program.

Further, as a direct result of the subcommittee's activity, the Secretary of Commerce reduced, by some 10,000,000, the number of individuals who would receive the long-form census questionnaire, provided for more representation from the general public on Census Advisory Committees, and announced the future appointment of a blue-ribbon commission to examine census procedures.

H.R. 12884, the bill now before the House, incorporates the conclusions of the subcommittee. It mirrors the fact that many who criticized as well as all who supported the census testified to the vital need for accurate, up-to-date census data.

The subcommittee met the elements of the census controversy head on. It eliminated or adjusted those features that have most disturbed our citizens without adversely affecting the census. It eliminated the jail sentence penalties which have been a justifiable source of concern to our citizens. It tightened the confidentiality provisions of census law to further guarantee the protection of our citizens. It placed final approval of the proposed questions in the hands of Congress so that the people can be assured that no questions will be asked which will compromise their privacy. And finally, it eliminated the overemphasis in the census on housing equipment and utilities.

The Subcommittee on Census and Statistics directed special attention to the need for continuation of the mandatory reporting requirements of census law. Opposing arguments were based largely on the success of voluntary questionnaires as used by survey and market research organizations and the expressed opinion that voluntary response would bring as good, if not better, coopera-

tion from the public than mandatory response.

However, the importance of census data and the need for census statistics for very small geographic areas, plus the committee's recognition that some individuals may neglect their responsibilities to fill out the census questionnaires unless they are required by law to do so, convinced the committee that a voluntary census would not be in the public interest.

In summary, the subcommittee has developed legislation which will guarantee the rights and privacy of our citizens, but will not deny to Government and society the information needed to make the intelligent and responsible decisions required in these difficult times.

H.R. 12884 was ordered reported, without an adverse vote, by the full Post Office and Civil Service Committee—many of whose members had previously supported strongly restrictive census legislation.

Many of the features of H.R. 12884 are highly technical in nature. Those provisions of the bill I will not discuss at this time, though I will be pleased to answer questions relating to any feature of this legislation. The sections of the bill which bear directly on the controversial issues raised by the 1970 census are these:

Section 4 provides two of the several new protections for individual privacy which are afforded by the bill.

The first such new protection consists of the elimination in its entirety of the present subsection (a) of section 8 of title 13, which now authorizes the furnishing of individual data, upon request, to Governors of States and territories and courts of record for genealogical purposes. The present language would allow a Governor of a State or territory to gain from the Bureau of the Census information of a personal nature about any of the citizens of his respective State or territory. While there is no evidence that this has ever happened, we felt it incumbent to remove this danger.

The second such new protection consists of strengthening the confidentiality provisions of subsection (b) of section 8 of title 13, which authorizes the furnishing of tables and other census records to, and the making of special statistical compilations and surveys for, State or local officials, private concerns, or individuals. This new section continues to allow the Secretary of Commerce to furnish copies of tabulations and other statistical materials to other Federal agencies, local governments, private organizations and individuals, but prevents the Secretary from disclosing the personal information reported to the Government by any individual.

Section 5 of H.R. 12884 amends section 9 of title 13 to establish new and improved policies and practices for guaranteeing the confidentiality of individual information obtained by the Bureau of the Census. The amendment incorporates into the new section 9 the various administrative procedures already in effect within the Bureau of the Census to insure confidentiality. This new section incorporates into law and amplifies the scope of present administration procedures. It prevents the Secretary of Commerce or any other employees of the Department of Commerce from—

Using, for any purpose other than general statistical purposes any information furnished by individuals;

Publishing personal information collected from individuals;

Producing any publication which will permit systematic disclosure, by statistical inference, of data furnished by any individual;

Transferring to computer tapes the names of individuals so that such names could be collated with individual information;

Disclosing the names and addresses of individuals to outside interests; and

Permitting anyone, other than authorized personnel, from examining the report of any individual.

Section 6 of the bill amends section 141(a) of title 13, United States Code, to provide specifically for a census of population only by omitting "unemployment, and housing, including utilities and equipment" and adding in its place authority for obtaining "such other census information as necessary."

The omission of "unemployment, and housing, including utilities and equipment" is not intended to deny the Secretary the authority to ask questions on these subjects in the decennial censuses. It is intended, first, to permit the Secretary greater discretion in the determination of the extent to which questions on unemployment and housing are to be included; and, second, by authorizing such other census information as necessary, to permit the inclusion of questions relating to health, quality of education, quality of available employment, et cetera, as may be required to meet the needs of the times.

Section 6 of the bill also adds a new subsection (c) to section 141 of title 13. The new subsection provides that the census questions be submitted, for review and approval, of the committees of Congress having legislative jurisdiction over the Census Bureau—that is, the Post Office and Civil Service Committees of the House and the Senate—3 years in advance of the decennial census date. Subsequently, Congress is to notify the Secretary not less than 2 years before the said census date of its approval, rejection or revision of the proposed questions.

The new subsection (c) further provides that the Secretary may, during the remaining period before the census date, submit additions or changes to Congress for acceptance, rejection, or revision, if he finds that new or different circumstances warrant it.

Section 9 of the bill amends section 214 of title 13, United States Code, to increase the penalties for wrongful disclosure by Census employees from $1,000 fine or 2 years' imprisonment, or both, to $5,000 fine or 5 years' imprisonment, or both.

Section 10 of the bill strikes out the imprisonment penalty now imposed by section 221(a) and 221(b) of title 13, United States Code, for refusal or neglect to answer questions or giving false answers.

Section 11 of the bill strikes out the imprisonment penalty now imposed by section 224 of title 13 for failure to answer, or giving false answers to, census questions by "companies, businesses, religious bodies and other organizations."

Section 14 of the bill is a "separability" provision, maintaining the effect of those parts of the bill that are valid in the event that any part thereof shall be determined to be invalid.

The administration has submitted an adverse report concerning several features of H.R. 12884, in particular:

The elimination of the jail sentence penalties of present census law, on the grounds that fines alone are not sufficient to secure compliance;

The new requirement that the Secretary submit proposed decennial census questions to the Post Office and Civil Service Committees of Congress for their "approval, rejection or revision" on the grounds that this is clearly violative of the doctrine of separation of powers; and

The elimination of the phrase "unemployment and housing, including equipment and utilities" on the grounds that this could lead to elimination of important and needed information in these areas.

The Post Office and Civil Service Committee believes the administrative objections to be without merit.

As I stated earlier, H.R. 12884 was ordered reported without an adverse vote. On the merits of the bill and because of the demonstrable need for remedial legislation in this area, I ask for your support for passage of this legislation without amendment.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to point out that the gentleman from Illinois (Mr. DERWINSKI), the ranking member of the subcommittee, will handle this bill from here on.

Mr. Chairman, I rise to express my confidence in the judgment of our subcommittee members whose efforts have produced H.R. 12884, a bill to revise the census laws. This legislation responds to public demand for a change in our census-taking policy and at the same time meets the test of good government in the public interest.

I will, Mr. Chairman, leave the technical explanation of the bill to those who have written it and will take a few minutes to comment on the policy of the legislation in general.

As we all know from the mail we have received, the citizens of our country urged congressional attention to the preparation of the questionnaire to be used in the upcoming 1970 census. Their concern was directed toward three areas—the proliferation of privacy-invading questions, the onerous threat of legal action resulting in a prison sentence or fine for failure or refusal to answer questions, and the possibility of damaging use of private facts acquired through a census.

The Subcommittee on Census and Statistics recognized the validity of the many questions being asked by the general public about the census and pro-

ceeded with diligent public hearings on the subject both in Washington and around the country.

The subcommittee heard citizens who objected to the personal nature of questions asked by census takers. They heard from various spokesmen of the economic and academic world who expressed a need for the type of statistical material which only the Bureau of the Census could compile. And they heard from Federal agency heads who testified to their reliance on the census information in order to carry out the many programs enacted by Congress. Our subcommittee also kept in mind, I am sure, the basic constitutional reason for the decennial census, and that is to provide an accurate population count for the purposes of congressional apportionment.

The resulting legislation, which is in the form of H.R. 12884, responds to these many demands. It repeals the onerous prison sentence for individuals who refuse to answer questions or who may falsify their answers to a census questionnaire. It strengthens the confidentiality of the gathered census information by increasing the fine from $1,000 to $5,000 and the prison sentence from 2 to 5 years for any employee of the Census Bureau who wrongfully discloses census information.

And to maintain control of the type and number of questions which may be asked on a census form, the bill requires that the Census Bureau submit its proposed questions to the appropriate committees of Congress for approval, rejection, or revision 3 years before each decennial census.

I think it is significant to point out that the 1970 census will be conducted mainly through the mails—on a mail-out, mail-back procedure. This will be the first decennial census so conducted and is a result of legislation which I sponsored during the 88th Congress. In the 1970 census 65 percent of the coverage will be by mail, including all the major metropolitan areas. This procedure will permit citizens to answer the questions privately in their homes. Coupled with the removal of the threat of a prison sentence and the added insurance of stricter confidentiality, this procedure, I believe, will encourage responses which will result in a more complete and accurate census.

Mr. Chairman, I believe that this legislation, H.R. 12884, is a reasonable compromise and is deserving of approval by the House.

Mr. DERWINSKI. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut (Mr. MESKILL).

Mr. MESKILL. Mr. Chairman, the basic issue, as I observed it, during the conduct of public hearings by our Subcommittee on Census and Statistics is that of the right of individual privacy and just how far we should permit our Government to go toward an invasion of that privacy.

The pending bill, H.R. 12884, takes some significant steps toward meeting that issue and because it takes steps in this direction, I believe it deserves approval by the House. I support this bill as it is written, but I hope that our committee and the Congress will not regard it as a cure-all to the public indignation which has arisen over the conduct of the census and that we will continue to exercise legislative oversight.

Mr. Chairman, there is a difference, in my opinion, between the right of privacy and confidentiality. I think the right of privacy is the right of an individual to keep a fact about himself to himself, not to tell anyone. When you are concerned with whether or not this right should or should not be invaded for the public good, you are concerned with this one fact: that he can keep this to himself or that he cannot keep it to himself.

Confidentiality, on the other hand, is one step removed. It comes into play once a person has disclosed a fact about himself, or once he is forced by law to disclose a fact about himself.

Therefore, I am pleased that this legislation tightens the confidentiality provisions of census law to further guarantee the protection of those facts which citizens must divulge. I am also pleased that the legislation removes the penalty of a prison sentence for refusal to answer census questions. This provision of law appears to serve no purpose and has never been applied and, therefore, is only an irritation to each citizen.

While I support the bill and urge its approval, I must, Mr. Chairman, divorce myself from that portion of the committee reports on this legislation which states that "a voluntary census would not be in the public interest." I am not so convinced, and I continue to oppose a compulsory census. The testimony presented to the subcommittee did not demonstrate, to my satisfaction, that a voluntary census would not be feasible. I note that the committee report urges the Bureau of the Census "to conduct tests which will unequivocally demonstrate either the necessity for a fully mandatory census or the viability of a fully or partially voluntary census." I hope that the Bureau will observe this request.

The bill correctly places with Congress the power to approve, reject, or revise proposed questions for the decennial census. The year's time which is needed to prepare for a census does not permit the application of this provision until the 1980 census, but it nevertheless is an important change in law. Therefore, Mr. Chairman, I support H.R. 12884 and recommend its approval.

Mr. Chairman, I would like to pay particular tribute to the gentleman from Ohio (Mr. BETTS). He is the gentleman who stirred up a hornets' nest with his bill which was cosponsored by many other Members of this body, including myself. I am also a cosponsor of H.R. 12884. After listening to all the testimony in the various hearings held here in our committee rooms, and also around the country I would not want to let the report of the subcommittee be written into the legislative history of this bill unchallenged.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, would the gentleman agree that perhaps we could obtain better information from reading the bill rather than the report, because I see the first thing it says is:

> The major purposes of this legislation are to broaden the scope.

In all of the testimony we heard I heard no testimony to broaden the scope of the census.

Mr. Chairman, I am fully in support of this bill, but not because it broadens the scope of the census questionnaire. If I felt it did broaden the scope of the census questionnaire, I would vote and speak against the bill.

I do not think that was the intent of our subcommittee, to broaden the scope of the census questionnaire. Would the gentleman agree with me?

Mr. MESKILL. I agree with the gentleman. That certainly is not the primary purpose. I think it is one of the purposes. However it resulted from some excellent questioning by Mr. WALDIE during one of the hearings. Mr. WALDIE asked why there were not more questions concerned with education, and why the questionnaire seems to be weighted so heavily in favor of housing.

Broadening the scope of the census is certainly one of the purposes of the bill but its appearing first in list of purposes in the committee report might give the members of this committee the idea that this was the No. 1 purpose. It certainly is not.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. I am happy to yield to the gentleman.

Mr. LATTA. I think there is a little bit of disagreement here between what the gentleman just said in answer to the inquiry of the gentleman from Virginia and what was stated before the Committee on Rules when this matter was before that committee for a rule.

If you will turn to page 8 of this bill, line 2, it says:

> The Secretary shall, in the year 1980 and every ten years thereafter, take a decennial census of population as of the first day of April, which date shall be known as the census date, including the use of sampling procedures, and special surveys, and is authorized—

And I emphasize this—

> to obtain such other census information as necessary.

As I pointed out there, and I am certain the gentleman from California (Mr. WILSON) will agree, this is more or less a blank check. This opens up the door. The only way to close that door is the provision you propose in the bill to submit these questions on any subject, as I pointed out in the language just read, to the Congress.

Then we run into this problem and I am sure the gentleman is aware of this—the administration opposes this provision—and rightly so, because the administration should not be submitting questions back to the Congress. We should give them a proper and sound law to administer not go into little details in this census or any census.

The administration should not have to submit them to the Congress. This is a

question of execution privilege which has been before this Congress many, many times. The administration has already stated it does not agree with it. If this legislation becomes law, I am certain this provision of submitting it back to the Congress is not going to be in it. So it leaves us right back to putting in an open door provision which gives the Bureau of the Census the power to ask for any information—not only counting noses so to speak but other census information as they deem necessary. I think you have broadened it and I do not think there is any way you can escape that conclusion. Would the gentleman like to comment on that?

Mr. MESKILL. I would be happy to comment on it.

I agree with the gentleman's statement about the administration's position on this. I do not agree completely with the gentleman from Virginia. As I said, this is one of the purposes but it was not the main purpose. I would say the reason for the change in scope was that formerly the word "housing" was in the bill and it was felt when you include a particular category, you thereby exclude questions which do not come within that category.

The feeling of the committee was that education is as important, and perhaps more important, than housing, and questions on education should be included. The Bureau of the Census should not be able to rely on the word "housing" to exclude questions on education.

Mr. LATTA. I quite agree with the gentleman's statement.

This is not left to the Bureau, but as this bill came out of the committee I agree 100 percent with the report. It says "to broaden the scope" and it certainly does. This will permit the Bureau of the Census in 1980 and thereafter, unless it is changed by the Congress, to ask any questions that they deem necessary in conducting the census.

So they can go into a person's home and say, "Well, how much are you in debt?" Because they want to find out how much the personal liability in the country is, and things of this nature could be asked. If you think that on this census coming up we have had trouble on some of these questions, you just wait until 1979.

I certainly hope if this legislation is passed in its present form and is sent to the other body that they will make some corrections and limit the scope of these questions.

Mr. MESKILL. I thank the gentleman for his contribution.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. MESKILL. Before yielding, I would like to make another statement before my time runs out.

Mr. FLYNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 185]

Baring	Frelinghuysen	O'Hara
Bell, Calif.	Fulton, Tenn.	O'Konski
Blackburn	Gaydos	Passman
Bolling	Gilbert	Pepper
Brown, Calif.	Goldwater	Philbin
Buchanan	Green, Oreg.	Podell
Burton, Utah	Griffiths	Powell
Cahill	Grover	Quillen
Carey	Hanna	Railsback
Celler	Hansen, Wash.	Reid, N.Y.
Chappell	Hathaway	Reifel
Clark	Hays	Sandman
Clay	Hébert	Slack
Collins	Heckler, Mass.	Smith, Calif.
Corbett	Horton	Snyder
Cowger	Hosmer	Staggers
Daddario	Karth	Steed
Daniels, N.J.	Kirwan	Stubblefield
Dawson	Leggett	Teague, Calif.
Denney	Lipscomb	Teague, Tex.
Dent	Long, Md.	Thompson, N.J.
Diggs	McCloskey	Utt
Edwards, Ala.	McDonald, Mich.	Watson
Esch	McKneally	Whalley
Fascell	Mailliard	Widnall
Flood	Mills	Wiggins
Ford, William D.	Morse	Wilson, Bob
Fountain	Nix	Wright
		Wyatt

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SISK) having assumed the chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12884, and finding itself without a quorum, he had directed the roll to be called, when 345 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Connecticut (Mr. MESKILL) is recognized for 5 minutes.

Mr. MESKILL. Mr. Chairman, as I said earlier, I would not want to have this report go into the legislative record without some objection, or clarification, particularly concerning the statement on page 4, the last part of which says—referring to certain things which took place—and I quote, "convinced the committee that a voluntary census would not be in the public interest."

The subcommittee devoted, I would say, the majority of its time to questions and answers concerning this very point. So far as this Member is concerned, I reached no such conclusion. I did not reach the conclusion that I was certain a voluntary census would be effective or that it was absolutely necessary to be mandatory.

I think it was the unanimous feeling of the subcommittee that the census was so important that we would take a moderate approach and leave it on a mandatory basis, but reduce the penalty for failure to answer questions or for failure to answer them accurately. We devoted a great deal of time to the individual questions on the questionnaire to the need for these questions and to the wording of the questions. This was one of the reasons why, while we extend the scope of the census questionnaire, as we do in this legislation, we also request and I think and hope we will demand legislative oversight. If as the gentleman from Ohio (Mr. LATTA), the distinguished member of the Committee on Rules states, the administration will never buy this legislative oversight, I certainly hope this body will not agree to the expansion of the scope of this census. I think there is a definite legislative "quid pro quo" here.

I would like to state, on the matter of reduction of penalties, we had an interesting series of questions by the distinguished gentleman from California (Mr. WALDIE) concerning the purpose of the penalty.

He asked Dr. Bowman from the Bureau of the Budget, and I will quote:

> Why do you have penalties? If you are going to assess the penalty of either the fine or imprisonment, you must bring out in court the fact that they have been dishonest or the fact that they have lied, and that betrays the confidentiality of the information that they have provided you.

Then Dr. Bowman said:

> Mr. Waldie, I think I have to disagree with this view.

And listen to this, Mr. Chairman:

> The compulsory nature of the response is one way by which the Government considers the need to answer to the question to have a very high priority.

Then the gentleman from California (Mr. WALDIE) went on to press the question of whether or not the purpose of the penalty was to get an answer, and a return of the questionnaire, more than to get an accurate answer. Then Dr. Bowman deferred to Dr. Eskler, Director of the Census, and Dr. Eckler finally said:

> A consistent and generally widespread response, that is the primary purpose of this, Mr. Waldie. I believe that it removes from us the danger that the results could be subject to a great deal of possible manipulation by organized groups. It could work both ways.

We were left with the impression that in view of the fact that no prosecutions had taken place for false answers or for failure to answer, the principal purpose of the penalty was to get a return of the questionnaire, and that while the Bureau wants accurate answers, accuracy is not the primary purpose of the penalty.

I think that one of the most effective testimony in favor of a mandatory census, so far as I am concerned, was a letter from Mr. Nielsen, who conducts the Nielsen ratings, in which he explained something which I did not previously understand. I quote from his letter:

> Those research companies stating that they do not have any trouble getting cooperation, on query by me, admit to using quota samples. This is an important point because the quotas used by these companies are made up from the known population and housing characteristics obtained by the Census Bureau.

These population and housing characteristics are obtained from a mandatory census. Continuing to read:

> Without the solid benchmark statistics supplied by the Census, these market research companies would not know how to construct a proper quota sample.

This carried great weight with me and led me to believe that perhaps there was some merit in the mandatory requirements. So I would say that while I am not completely satisfied, I feel that this legislation is a step in the right direction. I intend to support it. Once again I

wish to pay tribute to the gentleman from Ohio (Mr. BETTS) who really got the ball rolling on this important issue. He has performed a great service to his country.

Mr. CHARLES H. WILSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CORMAN).

DEATH OF SALLY BELL, WIFE OF CONGRESSMAN ALPHONZO BELL

(By unanimous consent, Mr. CORMAN was permitted to speak out of order.)

Mr. CORMAN. Mr. Chairman, I take this time to perform a very sad duty, and to report to you that Sally Bell, the wife of our colleague, ALPHONZO BELL, died this morning after a brief illness.

Sally had been hospitalized in Washington since September 17, following a cerebral stroke. With her at the time of her death were her husband and her sons, John and Donald Ellis. Also surviving are three other sons, Mathew, Robert, and Anthony Bell, who were in California at the time of her death; her mother, Mrs. Charles R. Austin, of Los Angeles; and her sister, Mrs. Louis Willoughby, of Des Moines, Iowa.

The funeral will be held at 11 a.m., Saturday, September 27, in the Chapel Wee Kirk o' the Heather, Forest Lawn Memorial Park, Glendale, Calif.

Mr. Chairman, I cannot begin to express the depth of my sadness at the death of Sally Bell. Nor can I find any words that would offer real comfort to my dear friend, AL BELL, and his family. Time, the only healer, will eventually work its way. But those of us who knew her will understand that time will never erase, neither from her family nor her friends, the memory of this wonderful person.

I know that the thoughts and prayers of the Members of the House are with AL BELL today, with the hope that our heartfelt sympathy will bring him some measure of comfort.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I join the gentleman from California in expressing my sorrow and the sorrow of all Members of the House to our fine and beloved colleague, the gentleman from California (Mr. BELL) over the loss of his dear wife. Mrs. Albert and I extend to him and his family our deepest sympathy in this heavy hour of grief.

Mr. TALCOTT. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to my colleague from California.

Mr. TALCOTT. I thank the gentleman for yielding. This is indeed a sad announcement. We all, of course, share the bereavement of the gentleman from California (Mr. BELL). Sally was beloved by our entire delegation, especially by our wives. We cannot help but regret that she died so young. We can only extend our condolences to AL and his family.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to my colleague from California (Mr. MILLER).

Mr. MILLER of California. I am shocked to hear of Sally Bell's passing. I knew her very well. She was a wonderful girl. The world is going to be a poorer place because of her loss. I am certain that all our sympathies go out to AL.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding. I, too, am saddened by the announcement of the gentleman in the well. Our colleague, the gentleman from California (Mr. CORMAN), has brought to the attention of the House, the passing of Sally Bell, the wife of our colleague, Congressman AL BELL. Sally Bell certainly will be remembered, by those of us who knew her well as a very vivacious person. Her sparkling personality and love for people made her stand out among her peers. She was truly Congressman BELL's life partner, always supplementing and complementing his best efforts, as he served his district. It could be said that Sally gave her life to and for AL BELL. She shared in many of the successes of his political and business career.

We will all miss her but we are equally thankful for the privilege of knowing her.

Mr. CHARLES H. WILSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I wish only to address myself to two provisions in the bill. One is the amendment to the existing census form that would remove from the title several words and would leave the title just a population census. The purpose of that was not, as may be implied in the report, to broaden the authority of the census but to make it clear to those who receive census information and census inquiries that the primary interest of the Government of the United States did not happen to be only with housing and unemployment.

So we changed the title just to read "Population"—again not for purposes of defining the extent of the census inquiry but for purposes of making it more flexible.

The other question on which I wish to address myself very briefly is the subject mentioned by the gentleman from Connecticut (Mr. MESKILL) and covered much more adequately by him than I intend to do, but I wish to emphasize it. I join with the gentleman in extending my congratulations and credit to the gentleman from Ohio (Mr. BETTS) for having brought the subject to the attention of the Nation with the force which he has done, but I think the amendment which the gentleman proposes today is not in the best interests of the Committee to adopt.

The reasons for this are fairly clear. Under our able chairman, the gentleman from California (Mr. CHARLES H. WILSON), at the time we started the hearings we considered whether we would advance into the compulsory-voluntary questions which were being considered due to the efforts of the gentleman from Ohio (Mr. BETTS). We considered that the factors then involved in changing from today's census to that type of census simply did not permit the adoption of a compulsory-voluntary census. Neither did it warrant the expense that would be necessary to gear up the entire census process, which takes about 3 years prior to the taking of the census. The cost of changing to that process did not warrant our going that route at this time.

But I call the attention of members of the Committee to page 4 of the report where there is a discussion of the committee's expression on this issue. When we consider the amendment proposed by the gentleman from Ohio (Mr. BETTS), it is well to consider also these views. The report says:

> This legislation, therefore, retains the mandatory reporting requirements of title 13, United States Code, for any of the decennial census questions, whether, they be 100 percent questions or sample questions. The committee, however, recommends that the Bureau of the Census continue its investigation into the use of voluntary surveys in the hope that techniques and procedures can be developed which will, in the future, lead to the elimination of the mandatory response requirement for the decennial census sample questions. The Bureau is urged to conduct tests which will unequivocally demonstrate either the necessity for a fully mandatory census or the viability of a fully or partially voluntary census.

That is a strong statement of the committee's belief, that I certainly share, that the issue of mandatory versus voluntary questions on the census questionnaire has not been up to this point disposed of, and the vote of Members on the bill will not thereby foreclose further consideration of that issue. The committee's reluctance to go into that issue was not because there was not on the committee itself substantial sentiment—myself included—for the approach of the gentleman from Ohio (Mr. BETTS) but the reluctance involved the difficulty manually of tooling up the census to go on a mandatory-voluntary basis, the expense of this decision were we to go that route.

There is every intention on the part of that committee—and I am certain our chairman will confirm this contention—that the proposal of the gentleman from Ohio (Mr. BETTS) for the mandatory-voluntary combination census will be considered by this committee for application in a future census, but the decision the gentleman is seeking to have the Members make on his amendment today is fraught with sensitive and complicated questions that simply should not be resolved without extensive consideration as to the mechanical difficulties and the costs of bringing about that approach.

Mr. DERWINSKI. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I note from the committee report, as has been previously mentioned, that one of the purposes of this legislation is to broaden the scope of the census. Our subcommittee, which heard testimony that too many questions were being asked, had no intention of broadening the scope of the

census. Certainly I was glad to hear the gentleman from California (Mr. WALDIE) comment in a similar manner a few minutes ago, and I feel this should be a part of the legislative history of the bill. Some members felt that questions relating to unemployment and housing were unnecessary; some felt that questions on education could well replace less important questions planned to be asked in 1970. All agreed on the constitutional requirement for a population count. We agreed that the Secretary of Commerce should be free to propose questions for review by legislative committees of the Congress but that the committees would have the right to approve, revise, or reject his recommendations. We are not asking this House to approve larger census questionnaires. The choice of words in the report is unfortunate, so I thought at the outset this should be clarified.

Congressional oversight should result in each proposed question being weighed to determine whether the statistical benefit to the Government is sufficient to warrant the inconvenience to the citizen. Frankly, I regret that this measure was not acted upon some years ago so that the limitations would have applied to the 1970 census but the measure we are considering appears to be the best legislation on the subject that can be enacted and approved this year.

The gentleman from California (Mr. CHARLES H. WILSON), the chairman of our subcommittee, was very fair in holding hearings and listening to all points of view. I especially appreciate the hearing within my own congressional district.

H.R. 12884 was jointly sponsored by all members of the Subcommittee on Census and Statistics and I urge its adoption.

Mr. Chairman, in all probability every Member of this body has received mail protesting the number and nature of census questions and objecting to the fact that these questions are required to be answered under penalty of law. It is obvious that there is great concern, for more than 80 bills have been introduced, some of them with a dozen or more cosponsors, which deal with limiting the categories of census questions that may be asked.

I was one of the sponsors of such legislation both in the 90th Congress and early this year, and while my original bills went much further toward restricting mandatory questions, I am satisfied that we have an effective piece of legislation in H.R. 12884.

My chief purpose was to provide congressional oversight of the number and nature of questions asked of our citizens in the decennial census. This purpose is carried out after 1970 in H.R. 12884. A headcount-type of census has been conducted since the inception of our Republic and we know that our Constitution provides for the apportionment of the House of Representatives on the basis of the decennial census. Certainly, we need population counts, even more frequently and I am hopeful that we can get the other body to join us in authorizing a mid-decade census of population.

Congress has permitted itself to lose control of what is asked of the people of the country in mandatory censuses, and the questions have, in my opinion, become repressive. Unless the Congress does determine what questions can be asked and what cannot be asked, our citizens will be harassed and pressure will be put upon the Bureau of the Census to continue to increase the scope of its inquiry until no privacy will remain from Government agencies.

We will hear the word "compromise" used in association with this bill and I suggest that it does represent a compromise in the best legislative sense.

While the bill retains the mandatory feature of the census, its principal achievement, I believe, is to place in the hands of Congress final authority for the approval, rejection, or revision of proposed decennial census questions. Members of this body, of necessity, remain in close touch with citizens we represent and, being directly responsible to them, we are more sensitive to their desires and needs than a remote bureaucratic agency.

The bill eliminates all jail sentence penalty provisions for individuals or organizations who refuse to answer census questionnaires or who willfully falsify them. However, as previously mentioned, the penalty of a fine for such action remains in the law. Our hearings disclosed that the threat of a jail sentence was a justifiable source of concern to many citizens.

Maintaining the confidentiality of information gathered through censuses also concerns citizens, and while our hearings did not disclose any breach of this confidence, we have, in response to public demands, written further safeguards into the bill. The measure incorporates into law present administrative procedures for guaranteeing confidentiality of census information and it increases the fine from $1,000 to $5,000 and the jail sentence from 2 to 5 years for any employee of the Census Bureau who wrongfully divulges census information.

In general, Mr. Chairman, this legislation deals with three areas of concern—the broad scope of census questions, the Dark Ages threat of a prison sentence for failure to respond, and the assurance that census information will remain confidential. I believe that it treats these matters responsibly and that its enactment will bring a marked improvement to our census-taking procedures. Perhaps the fact that the Census Bureau feels that it goes too far and many sincere concerned citizens believe it does not go far enough is a good test of the bill our subcommittee has drafted for your consideration.

Mr. BROTZMAN. Mr. Chairman, I urge the passage of H.R. 12884. In my opinion this legislation is important to the preservation of an endangered right of the American people—the right to a reasonable degree of privacy.

I recognize the necessity of an accurate census containing a generous measure of socioeconomic information. As a matter of fact, I have cosponsored the still-pending bill which would establish mid-decade "headcount" censuses.

However, I think there are definite signs that the census has, over the years, tended to become overinquisitive. It has begun to cover ground which more properly should be in the province of industrial market research. It has begun to pose questions which are of a highly personal nature.

A portion of H.R. 12884 was derived from a bill which I authored. It would provide penalties of up to $5,000 fine and 5 years in prison for illicit disclosure of census information by Bureau of the Census employees.

The current sanctions against wrongful disclosure of this information are a maximum of $1,000 fine and 1 year in prison. When they were set in 1909 this probably was an adequate deterrent, but times have changed. In our society there is a proliferation of computerized data banks of personal information—many of which are quite ethical but some of which clearly constitute a threat to the right of a reasonable degree of privacy. It would be tragic for census interview information to find its way into the latter. I believe the increased penalties will make this highly unlikely.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I am glad to yield to our chairman.

Mr. CHARLES H. WILSON. I want to compliment the gentleman for his contributions on the subcommittee and to tell him, the gentleman from Illinois (Mr. DERWINSKI), and the other members of the subcommittee how much I personally appreciate the time and effort that they put in.

In connection with the hearings we held in the city of Vienna in your district, you may recall one of the local newspapers reported that we were going to hold a hearing in Vienna. My youngest son came home from school and said, "Daddy, the kids are kidding me because they think you are going on a junket." Well, I think it should be fairly reported that it was in Vienna, Va., we held this meeting rather than Vienna, Austria, where we had a successful meeting and accomplished considerable for the committee.

Mr. SCOTT. I thank the gentleman for his comments. I know the people in my district will be glad to know that I stayed within the congressional district rather than leaving the country.

Mr. CHARLES H. WILSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Chairman, I rise today to support H.R. 12884 for I believe that it is a reasonable and responsible reaction of the Congress to deficiencies which seem to exist in the liaison between the Congress and the Bureau of the Census. I do not believe that H.R. 12884 will provide the final answer to the problems raised by increasing information gathering by Census and other Federal agencies, but it is an intelligently conceived alternative to the situation which is in effect now.

Let me discuss the four main proposals of H.R. 12884. To begin with the future censuses will be broadened in scope by eliminating the restriction which limits them to only population, unemployment, and housing. While this may seem

to be an extremely dangerous provision I believe that the second major thrust of this legislation will effectively control the possible harmful effects. Let me explain why, if the first section of the bill is passed, the second must be also.

SOCIAL SECURITY NUMBER AND RELIGIOUS PREFERENCE ELIMINATED FOR 1970

I have long been a critic of questions asked in censuses. I recall many long hours spent with the former Director, H. Ross Eckler, and I always came away from our meetings with increased respect for his dedication and his competence. I brought severe objections to the proposal to request both the social security number and religious preferences on the 1970 census to Dr. Eckler and, in the company of other concerned groups, we were able to reach an agreement that these two areas of personal information would not be requested.

Mr. Chairman, this illustrates why it is absolutely essential that the concerned subcommittees must have the right to raise meaningful objections to questions on future censuses. While I was not a member of the House committee which had jurisdiction over the census, I had been drawn into the issue by my investigations with my Special Subcommittee on Invasion of Privacy. The Subcommittee on Census and Statistics has done a splendid job through the years and I believe that they will be extremely effective and extremely diligent in the future.

This legislation gives this subcommittee the "final authority for the approval, rejection, or revision of the content of decennial census questionnaires," as House Report No. 91–407, which accompanies H.R. 12884, phrases it. When I appeared before the subcommittee in 1966 and 1967 to offer testimony and to report on my own efforts, it was suggested that the Congress was not competent to pass upon the content of the census. Since this legislation has been drafted, it has been suggested that such control is unconstitutional. Let me deal briefly with both of those objections.

CONGRESSIONAL COMMITTEES COMPETENT AND CONTROL CONSTITUTIONAL

If the Congress is not competent to pass upon the content of census questions a Federal impact on every single one of our constituents, then we might as well formally admit that we are merely a supine confirming body for executive branch decisions. We might just as well turn the Government over to "experts" and content ourselves with the prestige of Congress with none of its power or prerogatives. It is our duty to make the voice of the people heard in the halls of government and this means raising our voices occasionally against the cool and calm statements so often advanced in the cause of efficiency and economy within Federal agencies.

Mr. Chairman, the simple fact that we are required to go to the people every 2 years makes us competent to evaluate the content of the decennial census. We have the duty to bring our own expertise in leading our people, as well as in reflecting their views, to the attention of those who stand for office every 4 years, and especially those who never run for office at all but who are appointed.

The balance of powers is what has allowed a balanced government to continue and we must not sacrifice that constitutional responsibility because some of us may feel the task is too big or that our educations may not be up to dealing with the blandishments of the steady influx of Ph. D.'s into the executive branch. I would remind those who have plucked the gaudy fruit in the groves of academe that each congressional campaign provides a separate, but equal, education.

Mr. Chairman, the contention that it may be unconstitutional for the concerned congressional committees to exercise control over the content of census questionnaires makes no sense to me. Every single day Congress prescribes specific rules for the executive branch to follow. For example, the fields of agriculture, foreign aid, grants-in-aid to States. The list is as lengthy as it is obvious.

I believe that the reason why some doubts may be raised about the constitutionality of this section of H.R. 12884 is that people do not regard information as a thing. Data are too amorphous, too ambiguous to have the status of potatoes; so the argument might go. I would respond that my special subcommittee's initiation of congressional consideration of the practices of the credit industry has shown that information can destroy lives, can alter futures, as well as permit a man to buy a color television set on time.

I would turn the constitutionality argument around and say that I would hope that the subcommittee which considers census questions will require a constitutional or, at the very least, a legislative mandate to be shown before the information can be requested from a citizen. I am confident in the Subcommittee on Census and Statistics and I know that they will exercise the responsibility which will be given to them with great care. I would expect that since constitutionality has been advanced as an argument against truly effective oversight, that they will apply the rigid standards of constitutional law to each question presented by the Bureau of the Census.

Mr. Chairman, this is how the objection to the first part of H.R. 12884 will be met. It is the nature of executive branch employees to feel they must have more and more information before they can recommend a program. It is to be expected that if H.R. 12884 is passed, they will employ the "broadening of scope" provisions to mean an open season, a hunting license to gather all information. They may focus on civil liberties; they may get human values in the crosshairs of the scope aiming the gun of executive branch power. The Congress can jam the gun and thus privacy, not administrative intrusiveness, will be the target.

CENSUS CONFIDENTIALITY RECORD UNIMPEACHABLE

The third part of the bill before us today is to strengthen the confidentiality provisions of the Census Act. I would regard this as unnecessary from one point of view but, perhaps, the most important point of this legislation from another.

I have long expressed my opinion, as a Congressman who has been very concerned with the invasion of privacy issue, that data in the hands of the Bureau of the Census is in the best hands in the Federal Establishment. When I was the sole Congressman to testify on the 1970 census before the Subcommittee on Census and Statistics in the 1966 hearings I said:

> The Census Bureau perhaps deserves the highest commendation for protecting those who supply them with information. On the aspect of confidentiality of the Census Bureau, it seems to me that it is unimpeachable.

On October 24, 1967, when the able Congressman JACKSON BETTS and I were the only two Members to appear before the subcommittee, I repeated those thoughts:

> I might point out that the Census Bureau has one of the finest records of protecting the information it receives.

And when I joined at least 47 other Members in presenting views to the subcommittee's 1969 hearings, I extended these statements by disclosing that the Bureau of the Census had resisted strong pressures to release the names of every Japanese-American citizen to other agencies of the Federal branch shortly after Pearl Harbor.

Mr. Chairman, no information has been brought to my attention which alters those views. It is extremely unfair to the dedicated people at Census to allow the very real concerns over invasion of privacy in the procedures of other Federal agencies, bureaus, departments, and so forth, to cloud the climate of trust which they should enjoy with the American people.

In point of fact, I urged the subcommittee to consider methods of extending the confidentiality requirements of the Bureau of the Census to other Federal agencies. I would repeat that urgent call today.

CENSUS DAY IMPACT ON ELECTION DAY

So, from one point of view, it would seem that this increase in penalties for a violation of confidentiality at Census may be unnecessary. However, if passage of this particular section of H.R. 12884 will help allay the fears which are so obviously in the public mind and which are so apparent from letters to every single Congressman, it will be very useful.

Mr. Chairman, since the census touches every family in our districts and of course determines just which families will be in our districts, the anticipated amount of public resistance to the 1970 census should be a source of concern to every person who wants to see our democracy endure and, indeed, prevail. The House of Representatives, especially, is becoming the focal point of increasing public disenchantment with specific Federal policies and even the goals of government. Our system of government depends upon the willingness of the people to place their trust in their elected representatives and it is we who are held accountable for failure. If the lack of trust in census can be allayed somewhat by our action in imposing higher penalties for violations of Census confidentiality, then this provision of H.R. 12884

will be not only of great assistance to the collection of the vital data on census day, 1970; it may also be important on election day, 1970.

PENALTY PROVISIONS REDUCED, BUT RETAINED

Mr. Chairman, the fourth major provision of the legislation before us today is to eliminate the jail sentence for either refusal to answer questions or answering them falsely. The very low fine is kept, however, so that the Census retains its mandatory feature. While all of us would vastly prefer a strictly voluntary census, I am afraid that its mandatory nature is essential. Let me explain my views on this point.

We must be realistic when we legislate and part of this realism must take into consideration the very real tendency of any individual to procrastinate. The sight of people racing to the post office around midnight on April 15 of each year proves this fact. Now this may not fit in with academic theories of behavior and it may not be the greatest glory of the American Republic; but it exists and must enter our deliberations over this legislation.

I believe that a fine, even though it has only been invoked twice in the long history of the census, is an effective and subtle urging toward good citizenship. A jail sentence, however, seems to me to escalate that into outright coercion.

Mr. Chairman, I would not like to conclude my remarks today before paying the tribute to my able and effective colleague, the Honorable JACKSON BETTS of Ohio. While we have taken a slightly different tack on the issue of census privacy, I believe we are running on a parallel course on the crucial aspect of privacy as an essential feature of democratic government. The gentleman from Ohio (Mr. BETTS) has focused on the data collection procedures and I have devoted a majority of my efforts in resisting insensitive centralization and unbenevolent disclosure. But I applaud the vigor with which he has pursued his battles for privacy and I am proud to number him among my fellow Members of the House.

PROFESSOR MILLER OFFERS INFORMED ANALYSIS

Mr. Chairman, at this point in my remarks I would like to introduce a section from a recently published article in April 1969 Michigan Law Review. The title of the long and exhaustive survey is "Personal Privacy in the Computer Age: The Challenge of a New Technology in an Information-Oriented Society," and its author is Prof. Arthur R. Miller, of the University of Michigan Law School. This section is but a tiny fragment of the whole article and I would hope that those who direct their attention to it will be encouraged to read the entire article. In my judgment, it provides the most current and most comprehensive discussion of the crucial issues of which the debate over census questions is but the tip of the iceberg.

The section follows:

A. CONFIDENTIALITY—THE CENSUS BUREAU MODEL

The Bureau of the Census long has been one of the federal government's chief data gatherers. The decennial census has evolved from the simple "enumeration" of the populace described in the Constitution[1] to a comprehensive survey seeking numerous items of data. Citizens are now required to answer questions about their health, employment, finances, and even the number of bathrooms in their homes.[2] Several of the questions on recent censuses have been included at the request of social planners from both governmental and nongovernmental institutions, as well as industry groups desirous of procuring information that will aid in making marketing decisions.

Information for the census is extracted under threat of criminal penalties,[3] and, on the few occasions when the propriety of census techniques has been questioned in the courts, the Bureau's broad discretion has been upheld.[4] In recent years, however, the symbiotic relationship between the Census Bureau's seemingly insatiable appetite for personal information and the Damoclean sword of criminal sanctions has engendered an increasing number of complaints from the public, with resulting criticism in Congress.[5] A proposal to demand data on religious affiliations was a special target of the critics,[6] and that line of inquiry was eliminated from the 1970 census. But the dissatisfaction runs deper and a number of bills have been introduced in Congress that would sharply limit the kinds of questions that respondents are legally required to answer.[7] In April 1969 the Senate Subcommittee on Constitutional Rights, chaired by Senator Ervin, held broad hearings on the status and the possible development of a theory to protect citizens from abusive inquiries by the government.[8]

Notwithstanding the recent criticisms, it generally is agreed that the Census Bureau has an unequalled record among federal agencies in preserving the confidentiality of personal information.[9] In fact, the Census Bureau's enviable history frequently has been cited by advocates of a National Data Center as indicative of the type of security that can be achieved by a statistical organization.[10]

The basic confidentiality provisions of the Census Act impose three prohibitions on Census Bureau employees. They may incur criminal penalties[11] if they—

(1) use the information furnished under the provisions of . . . [the Act] for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.[12]

There have been a few instances in which these commandments have been violated. In 1963, for example, the Census Bureau reportedly provided the American Medical Association with a "statistical" list of 188 doctors residing in Illinois. The list was broken down into more than two dozen income categories, and each category was further subdivided by medical specialty and area of residence.[13] It also is likely that there is a fair amount of data disclosure at the information-gathering level by the large corps of people employed to carry out the Bureau's periodic canvassing.[14] This type of abuse may be reduced by wider use of direct mail techniques.

One basic infirmity in the Census Act restrictions is their ambiguity, which makes consistent application difficult. The classification of information as "statistical" within the meaning of subdivision (1), rather than as "identifying" or "surveillance," will depend in large measure on how the information is presented and what can be inferred from it by a user who is intimately familiar with the subject matter of the underlying question. It also may be unrealistic to require Census Bureau employees to make hypothetical judgments about whether or not a user will be able to determine the identity of respondents from a particular tabulation. The task of making a present judgment about a possible future use is bound to become more difficult as computer analysis techniques become more refined. Moreover, the Bureau's burden of making these judgments will increase because requests to release data in small aggregates of respondent units rather than large tabulations are certain to proliferate as a result of the trend toward computer analysis of "microdata" in the social sciences.[15]

Pressure for the relaxation of Census' confidentiality restrictions has come from other sources. In *St. Regis Paper Co. v. United States*,[16] the Supreme Court held that the confidentiality provisions of the Census Act did not prevent other branches of the government from compelling a respondent to produce file copies of reports that it had given to the Bureau. The Court reasoned that the rights granted by the statute were enforceable only against the Census officials receiving the information, and did not attach to the information itself. Fortunately, the *St. Regis* case was legislatively overruled in 1962,[17] and retained copies of census reports are now immune from subpoena.

A number of disturbing questions raised by the case remain, however. For one thing, *St. Regis* can be interpreted as supporting the proposition that, in spite of the collecting agency's pledge of confidentiality, a copy of any report supplied to the Government is amenable to compulsory process in the absence of a specific statute exempting it.[18] Moreover, if the Census Act's confidentiality restrictions are enforceable only against officials authorized to gather the information initially, it is conceivable that the statutory prohibition cannot be enforced against a third party who lawfully obtains information from the Bureau and then proceeds to misuse the data.

In any event, the protection afforded by the legislative resolution of the *St. Regis* affair may prove to be more apparent than real. It does not prevent any interested agency from framing a questionnaire asking questions that appear on a census survey, thereby compromising the latter's confidentiality. Moreover, many agencies use the ploy of having the Census Bureau conduct surveys for them.[19] This technique enables the inquiring agency to procure the desired data directly and in the precise form it deems necessary. At the same time, it gets the benefit of the quasicoercive demeanor of an official Census Bureau questionnaire.[20] Furthermore, once the collected data is transferred to the agency that requested the survey,[21] the excellent record of the Census Bureau becomes irrelevant. At this point the requesting agency has the capacity to use and disseminate the data in any way that its officials and employees feel it appropriate. Most of the data turned over by Census will be in the form of computer tapes, and this type of transfer has special implications, which are discussed in the next section of this Article.[22]

Another potential deficiency in the Census Act is the provision granting the Secretary of the Department of Commerce discretionary authority to "furnish to Governors of States . . . courts of record, *and individuals*, data for genealogical and other proper purposes, from the population, agriculture, and housing schedules,[23] subject to the palliative that "[i]n no case shall information furnished . . . be used to the detriment of the persons to whom such information relates."[24] This grant of authority operates as an ill-defined exception to the prohibitions in the confidentiality section.[25] The quantum of protection provided by the vague standard of "detriment to the individual" seems scant;

Footnotes at end of article.

it can be vitiated all too easily by a strict judicial interpretation. Indeed, in one state case "detriment" was construed to mean that the subject of the data must be deprived of something that is lawfully his [20]—a test that appears impossible to satisfy except under the most limited circumstances.

The most serious limitation on confidentiality restrictions of the type governing the Census Bureau, however, is not the scheme's potential ineffectiveness as a means of deterring wrongful disclosures by agency personnel. Rather, it is the fact that information transactions are engaged in without giving notice and an opportunity to be heard to the citizen whose files are subject to the risk of wrongful disclosure or disclosure under the statutory provision described in the preceding paragraph. This is coupled with a total failure to deal with the problem of how an individual can correct erroneous entries or add ameliorating information to the contents of a potentially damaging file.

Admittedly, the absence of procedural safeguards has not had catastrophic consequences in the past, primarily because the Census Bureau has operated on the basis of aggregate data and has restricted itself to relatively bland statistical endeavors. But the twin pressures of increased information-gathering and widespread detailed multivariate analysis will be felt not only by Census but by all information-handling agencies. As a result, fissures in the existing structure for privacy protection are almost certain to develop.

FOOTNOTES

[1] U.S. CONSTITUTION, art. 1, § 2.

[2] *See generally Hearings on 1970 Census Questions Before the House Comm. on Post Office and Civil Service*, 89th Cong., 2d Sess. (1966).

[3] 13 U.S.C. §§ 221–224 (1964).

[4] *See, e.g.*, United States v. Rickenbacker, 309 F.2d 462, 463–64 (2d Cir. 1962), *cert. denied*, 371 U.S. 962 (1963):

"The questions contained in the household questionnaire related to important federal concerns, such as housing, labor, and health, and were not unduly broad or sweeping in their scope. The fact that some public opinion research experts might regard the size of the household questionnaire "sample" as larger than necessary to obtain an accurate result does not support a conclusion that the census was arbitrary or in violation of the Fourth Amendment."

Cf. United States v. Moriarity, 106 F. 886, 890–92 (C.C.S.D.N.Y. 1901).

[5] *See* note 347 and text accompanying notes 527–32 *infra*. *See also* Rickenbacker, *The Fourth House*, NATL. REV., May 21, 1960, at 325. The author has had occasion to examine some of the mail received by Senator Ervin and the Subcommittee on Constitutional Rights on the subject of the census and governmental questionnaires. It indicates a strong concern over the loss of individual privacy and growing governmental intrusiveness. The staff of Congressman Jackson Betts of Ohio, a leader in the census reform movement in the House, reports the same phenomenon. *See also* Detroit News, March 23, 1969, at 8A, col. 1: "Congressmen report receiving large volumes of mail from constituents demanding census reform legislation. Similar reactions are being received by the news media from persons who want to thwart any invasion of their privacy. . . ."

[6] *See, e.g., Hearings on 1970 Census Questions Before the House Comm. on Post Office and Civil Service*, 89th Cong., 2d Sess. 70 (1966) (statement of Morris B. Abram, President, American Jewish Committee); *id.* at 3 (statement of Representative Cornelius Gallagher). *See also id.* at 45–46 (statement of the Most Reverend Paul F. Tanner, General Secretary, National Catholic Welfare Conference):

"Many commercial and welfare interests can be served by statistics about religious affiliation. In industrial and commercial circles it is well known that markets are influenced by the religious affiliation of prospective customers. Market analyses . . . would be more complete—and better suited to the needs of the citizenry—if they incorporated projections based on statistics on religious affiliations."

[7] *See, e.g.*, H.R. 20, 91st Cong., 1st Sess. (1969), which would limit criminal penalties to refusals to answer questions involving name and address, relationship to head of household, sex, date of birth, marital status, and visitors in the home at the time of the census. *See also* S. 494, 90th Cong., 1st Sess. (1969); 113 CONG. REC. H16,231–32 (June 19, 1967).

[8] These hearings have not been published as of this writing. Among the witnesses were three law professors, including the author, and a number of citizens deemed "representative of thousands from every walk of life who have complained to Congress about unwarranted invasion of their personal privacy and about increased harassment by government agencies in their everlasting quests for information." Office of the Senate Constitutional Rights Subcommittee, press release, April 14, 1969.

[9] *See, e.g.*, Ruggles, *On the Needs and Values of Data Banks*, in *Symposium—Computers, Data Banks, and Individual Privacy*, 53 MINN. L. REV. 211, 218–19 (1968). In testimony before the House Subcommittee on Census and Statistics on May 8, 1969, Congressman Cornelius E. Gallagher revealed that the Census Bureau resisted pressure to disclose the names of all Japanese-Americans following the outbreak of World War II.

[10] *See, e.g., House Hearings on the Computer and Invasion of Privacy* 51–56; *Hearings on 1970 Census Questions Before the House Comm. on Post Office and Civil Service*, 89th Cong., 2d Sess. 27–28 (1966).

[11] Maximum penalties of $1000 fine and two years' imprisonment for wrongful disclosure of information by employees are set forth in 13 U.S.C. § 214 (1964).

[12] 13 U.S.C. § 9(a) (1964).

[13] Hirsch, *The Punchcard Snoopers*, THE NATION, Oct. 16, 1967, at 369.

[14] *See* Miller, *On Proposals and Requirements for Solution*, in *Symposium—Computers, Data Banks, and Individual Privacy*, 53 MINN. L. REV. 224, 230 (1968).

[15] *See* pt. II.C. *supra*.

[16] 368 U.S. 208 (1961).

[17] 13 U.S.C. § 9(a)(3) (1964).

[18] 368 U.S. at 218:

Congress did not prohibit the use of the reports *per se* but merely restricted their use while in the hands of those persons receiving them, *i.e.*, the government officials. Indeed, when Congress has intended like reports not to be subject to compulsory process it has said so.

[19] A list furnished the author by Senator Ervin's office shows that in a period of approximately two years the Census Bureau performed surveys for over twenty federal, state, and local governmental organizations. In many instances the surveys were taken weekly, monthly, or annually. It is difficult to determine how many respondents were involved; the figure 6,000,000 seems conservative.

A perusal of some of the questionnaires reveals them to be lengthy and, on occasion, intrusive. A document entitled Longitudinal Retirement History Survey, collected by the Census Bureau for the Department of Health, Education, and Welfare, is almost twice as long as the 1970 census. It is being sent to a sample group of recent retirees who are receiving social security benefits. The survey apparently is a response to a recommendation by the Advisory Council on Social Security that data be collected on people who come on the benefit rolls before age sixty-five. Some of its inquiries, in addition to numerous probing interrogatories about the respondent's finances and past employment, include:

What have you been doing in the last four weeks to find work?

When you retire, do you expect to live here or somewhere else? Where?

Taking things all together, would you say you're very happy, pretty happy, or not too happy these days?

Do you have any artificial dentures?

Is there some kind of care or treatment that you have put off even though you may still need it? What is this care or treatment for?

Do you (or your spouse) see or telephone your parent(s) as often as once a week?

What is the total number of gifts that you . . . give to individuals per year . . . ?

How many different newspapers do you receive and buy regularly?

About how often do you . . . go to a barber shop or beauty salon?

What were you doing most of last week?

Senator Ervin has introduced a bill designed to remedy intrusive federal data-gathering activities. S. 1971, 91st Cong., 1st Sess. (1969). The bill was the focal point of the April 1969 hearings of the Subcommittee on Constitutional Rights. *See* note 348 *supra*. *See also* text accompanying notes 544–45 *infra*.

[20] Although most of the surveys conducted for other agencies by the Census Bureau are voluntary, that fact often is not indicated on the documents. A recent voluntary home survey questionnaire was boldly marked: "This Form Should Be Completed And Returned Whether You Are A Renter Or A Homeowner, Whether You Live In A One-Family Home, Or A House With Two Or More Families, An Apartment, Or Any Other Type Of Building." This approach apparently is typical. In addition, respondents who do not reply are sent follow-up letters (occasionally by certified mail) or receive personal visits.

[21] The Census Bureau normally codes and edits the data, sends one copy to the requesting agency, and retains the raw data and one copy of the coded data. See Survey of New Beneficiaries: Report Compiled in Response to Senator Ervin's Letter of Feb. 28, 1969, at 3 (prepared by Robert M. Ball, Commissioner of Social Security) (copy on file with the *Michigan Law Review*).

[22] *See* pt. VI.B. *infra*.

[23] 13 U.S.C. § 8(a) (1964) (emphasis added). *See also id.* at § 8(b): "The Secretary may furnish transcripts or copies of tables and other census records and make special statistical compilations and surveys for State or local officials, private concerns, or individuals upon the payment of the actual; or estimated cost of such work." Section 8(b) also permits the furnishing of census data, but seems limited to statistical and aggregate material.

[24] 13 U.S.C. § 8(c) (1964). The prohibition on detrimental use extends only to material appearing in the three censuses enumerated in section 8(a). St. Regis Paper Co. v. United States, 368 U.S. 208, 215 (1961).

[25] 13 U.S.C. § 9(a) (1964). The primary utilization of this exception seems to be by individuals procuring data from earlier censuses about themselves, especially for proof of age in connection with Social Security, Medicare, and other benefits. *See Hearings on the 1970 Census Questions Before the House Comm. on Post Office and Civil Service*, 89th Cong., 2d Sess. 29 (1966) (statement of Dr. A. Ross Eckler, Director, Bureau of the Census).

[26] In Edwards v. Edwards, 239 S.C. 85, 121 S.E.2d 432 (1961), the defendants in an inheritance dispute contended that the plaintiffs' use of census records as evidence was detrimental to their interests. The South Carolina Supreme Court rejected this construction of the Act: "The use of such information to the detriment of those to whom

it relates does not mean detriment in the sense of a financial loss flowing from establishing the truth in a Court of law. If plaintiff is the . . . brother of defendants, he is entitled to an equal share and they have not been deprived of anything that was lawfully theirs but only that which they had no lawful right to claim as theirs." 239 S.C. at 91, 121 S.E.2d at 435.

PERSONAL PRIVACY AND POLITICAL FREEDOM ARE THE SAME

Mr. Chairman, let me conclude my remarks with a brief discussion of the outlook for privacy and why it is my belief that the struggle to preserve privacy is inextricably interwoven with the struggle to preserve democracy itself.

The landmark book in this field is by Dr. Alan Westin and is entitled "Privacy and Freedom." Dr. Westin proves in his brilliant and definitive work that there is no fundamental distinction between privacy and freedom and leads me to the conclusion that personal privacy provides an essential ingredient to the continuation of political freedom. The growth of computer and other technologies gives those who would invade privacy for noble or other reasons powerful tools to conduct constant and demeaning surveillance over individuals' lives and actions. In my opinion, we have seen technology elevated to a position superior to many of the traditional American values which has made us a great nation. In order to fatten itself and prosper, technology needs to feed upon data, hard statistics, and must quantify information which relates to the quality of life.

Thus, Mr. Chairman, it is felt that in order to keep the engine of mechanistic progress running, areas of personal life must yield to the demands of data collectors. Technology has undeniably provided abundance of material possessions for the vast majority of Americans, but my feeling is that it has grown overabundant itself. To be precise, it has become fat, and its methodology puts a layer of insensitive flab between itself and the people whose data it voraciously consumes.

We would all certainly agree that the pollution of our air and our water has been one effect of technology. It is my contention that it threatens to pollute our political life as weli.

I regard the vigorous debate of census questions as an extremely healthy and hopeful sign. Federal data gathering procedures, operating frequently under the imprimatur of the Bureau of the Census, may be in the process of turning Americans away from government itself. The extrusiveness of data collection practices must be curtailed and I hope that the factors which motivated those who spoke today will continue to be a part of the discussion over every single piece of legislation which requests personal information from our citizens.

Mr. Chairman, on May 7, 1968, I conclude a speech before the Practicum of Practical Politics at Jersey City State College with the following remarks. I believe they are even more relevant today and I would like to use them to complete my speech on the question of the 1970 census.

The remarks follow:

REVOLT: ANOTHER BYPRODUCT OF TECHNOLOGY

We are already seeing the effects of regarding the individual personality as merely an irrelevant subsidiary to an IBM punch card. There may be a direct correlation between the dependence on the computer to process and instruct our Nation's youth with the alienation that is too explosively evident on many college compuses today. This is the main reason I am delighted to be at Jersey City State College tonight and to be able to address this mixture of students and experienced political activists. All of us, students, legislators, and political leaders, have an equal stake in preserving human values. We must always ask ourselves if the dependence on technology to make hard decisions and research easier does not contain dangers which will threaten the benefits of our programs. Technology must not be allowed to kill privacy or else outraged men, stripped of the essence of their humanity, may kill technology.

Privacy is essential to almost all human activities. Those who ask us to surrender to a suffocating sense of surveillance represented by computer/communuication systems may find that the smooth hum of their computer is drowned out by the shouts of man reasserting his individuality and his humanity.

Mr. DERWINSKI. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I agree with the gentleman from New Jersey, who is one of the great scholars in the House, and who is, I should also add, one of the great authorities on foreign affairs in the Congress.

Mr. Chairman, I wish to add my support to the bill, H.R. 12884, and endorse its approval. As has already been explained, this legislation makes certain changes in the census law which will affect the 1970 census—especially with regard to penalty provisions—and more important, it writes into law procedure for congressional approval of the 1980 census questions.

I know that this legislation will not suit everyone. In fact, I was, along with probably 100 other Members of the House, one of the early sponsors of legislation to tightly restrict the number of mandatory questions which may be asked in the decennial census. But for some very practical reasons, H.R. 12884 is a modification of the early legislation which prompted our subcommittee into action. We were, first of all, faced with the printing deadline which governs the preparation of the 1970 census which will begin on April 1 of next year. We are told, and I am sure it is true, that a year's leadtime is needed by the Bureau of the Census to print, assemble, and distribute the great volume of forms and material necessary to conduct a census.

This immediately forced us to forgo the type of congressional review and approval procedure of questions which is established in this bill for the following decennial census. We did, through our subcommittee efforts, achieve some changes in the phrasing of certain 1970 questions which were offensive to many and we achieved a reduction in the number of families which will be required to answer each and every question on the form.

I want to also point out that the bill was drafted in the face of strong opposition from governmental agencies, and especially the Department of Commerce, which saw no reason to change the status quo.

There are at least three features of this bill which, I believe, warrant its approval, for these features take steps in the right direction toward revision of censustaking procedure. First is a new section to the law which provides that the census questions proposed to be asked beginning with the 1980 census are to be submitted for review and approval to the appropriate committees of the Congress. The questions are to be submitted to Congress 3 years in advance of the census, giving Congress a full year for its study and approval or rejection.

While I have advocated even stronger control over the type and character of census questions, I think this feature of the bill is a much-needed and desirable change in law.

Second, the bill removes jail sentences as a penalty for refusal to answer or falsifying answers to a census questionnaire. While the census remains mandatory under penalty of fine, the bill at least removes a most objectionable provision of present census law. Finally, this legislation eliminates the overemphasis on housing equipment and utilities which has marked decennial censuses for the past 30 years. In the 1970 census, for example, of 68 subject items on which questions are based, 38 of them, or more than half, are on housing. Less than a third of the subject items are directly related to population which is, as we know, the overriding reason for taking the census.

Mr. Chairman, as I have said, H.R. 12884 may not satisfy those who would want a much more restrictive law on the type and number of census questions which should be permitted. It does, however, take steps in this direction and I urge its approval by the House to pave the way for its enactment so that the provisions amending the penalties and strengthening the confidentiality will be applicable to the 1970 census.

However, I wish to reemphasize, Mr. Chairman, the point that has been made all afternoon, that this bill is not perfect, but it is the most practical vehicle available, and for that reason I urge its support.

I would like to mention, though, that the objections raised to the so-called loosening of control that we are supposedly creating by eliminating the emphasis on unemployment and housing is not so at all. We are actually deemphasizing the overemphasis that the Census Bureau for years has placed on housing.

As a matter of fact, since 1940 the housing section has completely dwarfed the normal purposes of the census, so much so that in 1960 and 1970 we had more of a census on housing than anything else. So the thrust of the bill is to deemphasize this overemphasis on housing.

The Census Bureau has always had the flexibility to raise various points. The Members might be interested to know that, starting in 1840, there was a departure from just the head count. In the 1840 census the question was first raised in the census as to the number of sane

or idiotic people in a family. And in 1890 the question was first raised as to whether a person owned a home or rented, and if the home was owned, if there were a mortgage.

In 1910 a question was added as to the class of worker. I guess this was to establish social distinction by the Census Bureau, but that question was injected.

In 1930 the question was raised as to the person's age at the time of his or her first marriage. This pattern of expanding the questions has been evident, and our committee's emphasis is to place proper control over the Census Bureau before the bureaucrats run wild.

So I believe this bill deserves the support of the Members. The very fact that it is objected to by some people on the ground it is not going far enough, and that it is objected to by the Department of Commerce on the ground that it is going too far, proves that it has hit a very happy medium.

As long as I have raised the question as to the type of questions that have been used in the census, the Members may be interested to know that in 1930 they took a census on radio sets. Now, it is conceivable that they would ask in 1980 the number of households who have two, three, or more television sets, or helicopters, or something of that nature. There is no end to what could be perpetrated unless the control of our committee over the Census Bureau is maintained as provided for in this bill.

Mr. Chairman, I wish to reemphasize the point that the other Members have mentioned, and that is that the gentleman from Ohio (Mr. BETTS) has been the real sparkplug and instigator of this legislation. By drawing public attention to the questions he has created the drive and the necessary interest that the committee has followed. The chairman of the subcommittee, the gentleman from California (Mr. CHARLES H. WILSON) has been very methodical in pursuit of our subcommittee goals.

Mr. Chairman, I think that this legislation is far reaching in its impact. It is practical, it takes into account the realities of the proximity of the 1970 census. It takes into account the further changes we have to make by 1980.

I urge the support of the Members in the adoption of the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. CHARLES H. WILSON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I rise in support of H.R. 12884, the bill to assure confidentiality of census information, and commend it to the House as a bill devised with deliberation and compromise.

Under the able leadership of Congressman CHARLES H. WILSON of California, the census and statistics subcommittee held exhaustive hearings on every facet of this bill and how it impinges on the rights and needs of Americans and America.

Foremost in our minds was the question of invasion of privacy. None of the committee wanted to allow the U.S. Government to make unwarranted probes into the lives of American citizens. Therefore, we required the Census Bureau to justify every question that will be asked in the 1970 census and to designate their derivation. We found that less questions are being asked this year than in previous years, and most of the questions asked have their beginning many decades ago.

One question I originally objected to I have found was first asked in 1790, and has been asked ever since. Contrary to the popular scare notion, no one is being asked with whom they are taking a shower.

Each question apparently was weighed for consideration of orderly Federal, State and municipal development and progress.

The committee was and is highly concerned about the confidentiality of the information gleaned from the individual returns, and therefore, in this bill we increased the penalties assessed against an employee who breaches the confidence of information solicited and elicited by these returns.

The committee did not feel that the onus of a prison sentence should be assessed against one who fails or refuses to answer, and therefore, we removed this prison sentence which has been so objectionable to the American people.

We weighed the possibility of providing for optional returns as opposed to mandatory responses. In this bill we did not change the status of the law, because first, millions of forms have already been printed and it would cost the Government considerable money and time to alter the forms now.

Second, if we required a reprint of the forms, it would be most difficult to meet the deadline of the decennial census by April of 1970. The matter of optional returns will be considered in a mid-decade census bill before the committee now, in which, among other things, we certainly intend to further insure the confidentiality of material received, along with other forms.

But further than this, after talking to many census experts from all over the world, and hearing a tremendous amount of testimony, the preliminary findings of the committee were that by an optional return full response would not be had, and the figures developed from the 1970 census might be in question.

In fact, you could expect to have only about from a 70 to 90 percent return after the Census Bureau goes back a second time to elicit from the recipients forms that previously would be mailed to them.

Therefore, in the present census the basic questions on a sampling basis will be mandatorily answered by 20 percent of the population. From this sampling appropriate estimates can be made.

If these questions were asked on an optional basis, it has been estimated, as I said, that the response would be only between 70 and 90 percent. Experts in the census field say that a strictly optional response would invalidate the accuracy of the results because, for example, the less educated would be less likely to answer, and these are the very ones we want to reach with many of the Federal programs.

Therefore, in our judgment, we give you a bill that we feel is of merit and worthy of your consideration.

The committee staff and the chairman have a copy of the census questions. If anyone feels that they would want to look into these questions and satisfy themselves as to whether or not these questions are an unwarranted invasion of privacy in this particular instance, and whether or not we should take the time and expense to revise this particular form, I invite them to consult with the staff or with the chairman.

I thank my colleagues very much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BETTS).

Mr. BETTS. Mr. Chairman, I take this time to make a few comments concerning the bill in general and the amendment which I intend to offer.

But, first, I want to thank the chairman of the subcommittee, the gentleman from California, and various other Members who have paid me compliments for the bill I have introduced.

I would like to respond to that by saying that certainly the momentum which was generated to bring this bill out and to arouse interest and activity in the committee and in the Congress is not my sole responsibility because my bill was sponsored, I think, by over 140 Members of the House either individually or as cosponsors. So anything that resulted in bringing this bill to the floor of the House is the result of the interest manifested by all of these Members. I certainly wish to thank the gentleman again for his kind comments. The chairman and all members of the committee were very gracious and considerate when I appeared before the committee. I believe I was before the Census Committee on two different occasions, and each time I was given unlimited time to discuss my position and the contents of my bill. Of course, I am grateful to the committee for all this attention.

I would not want to let this opportunity pass without saying something about the Census Bureau. The Census Bureau has been under a great deal of attack, some of which has resulted from our discussions here. But I want it understood that, so far as I am concerned, there has been nothing personal in any of the statements I have made, so far as the Director of the Census is concerned or any of his employees. In my opinion, they are dedicated public officials, and they are doing the job they are supposed to do. If there is anything wrong with the census, it is the fault of the Congress, which makes the laws and provides what the census will contain and how it will be conducted.

I have been particularly impressed with Dr. Eckler and the wide range of knowledge he has and the courtesy with which he discussed with me all the ramifications of the issue. He came to my office several times and we have had many discussions on the subject. This bill has been surrounded by controversy, but any controversy has been one of principle and certainly not one of personality.

A great deal has been said about congressional support of the bill. My comment would be that the committee has responded to the extent that it has brought out a bill which certainly provides an improvement over the present law. To that extent I certainly wish to compliment the committee. I take the position, which has been supported by a great number of people, that the bill does not go far enough. I intend to offer an amendment which I believe will strengthen the bill.

My only purpose in rising at this time is merely to advise the committee of the amendment which I intend to offer. I commented upon it yesterday, and my remarks appear in yesterday's RECORD. I hope that the Members of the House had an opportunity to read those comments and to understand what the amendment is about. My whole concern about the census has been in relation to compulsory or mandatory answers. This question came to me through contacts which I had out in my district. It had nothing to do with private research. It was one of those things that happen. I responded by the introduction of a bill which I think probably has had as much support as any other measure that has been introduced in the House.

It would be unfair to all other Members who have introduced bills and also to the thousands of people all over the country who have responded by letter stating their support of this position if I did not mention those bills, letters, editorials, newspapers, TV and radio broadcasts which have supported this position. Briefly, the position was this: There are only a certain few questions as a result of constitutional intent which ought to be asked on a compulsory basis. Those are six in number. They have to do with what I believe has a direct bearing on the head count, which is the only reason for a census.

So far as the remainder of the questions are concerned, the Census Bureau can ask anything they wish to. I am not concerned about the number of questions they ask. That is the position I take. I merely claim that any other question above and beyond what is necessary for a head count should be asked upon voluntary basis.

The gentleman from California (Mr. WALDIE) made some comments which I understand have been pretty widely circulated and to which I would like to respond, that is that this amendment will come too late for this census, that it would be simply impossible, and this way of taking the census would probably cost too much.

I have not had any facts presented to me about how much it would increase the costs, but as far as the time element, let me briefly refer to some of the hearings before the committee. This is testimony which was taken on April 24, 1969, in a hearing before the subcommittee of which the gentleman from California is chairman. This was in a colloquy between the gentleman from California (Mr. CHARLES H. WILSON), and Dr. Eckler, who was at that time Director of the Bureau of the Census:

Mr. WILSON. So that we could, as late as of the end of this year, change that section in the law without affecting the printed form in any way?

Dr. ECKLER. If you change the section of the law—you mean to remove the jail sentence?

Mr. WILSON. Yes. That wouldn't affect any printing.

Dr. ECKLER. It wouldn't affect the printing of these schedules. It affects instructions perhaps for enumerators, crew leaders and so forth.

Mr. WILSON. We would make any such changes before the census enumeration was started.

Dr. ECKLER. As far as the basic printing of the forms, I don't think that affects it.

I offer this to the committee as an answer to the statement that the gentleman from California (Mr. WALDIE) made, that if this amendment which I offer were to pass, it would hold up the census.

I repeat what Dr. Eckler told the committee at that time, that any changes that were necessary by reason of the amendment could be made by instructions to the enumerators and the crew-leaders and others who would engage in taking the census.

So at the proper time, I will offer this amendment which basically is the bill which I introduced and which more than 140 other Members of the House introduced, and which briefly provides that six basic questions which have to do with a head count only to be asked upon a compulsory or mandatory basis, and that all the others are to be asked on a voluntary basis.

Much has been said that there has been some relief as far as penalties are concerned, and, of course, there is. The jail sentence has been removed, but the fact still remains that there is a provision for a penalty for refusal to answer, and it maintains the compulsory and mandatory feature. It is for that reason that I offer my amendment.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to my colleague, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I take this opportunity to commend the gentleman in the well, the gentleman from Ohio (Mr. BETTS), for the leadership which he has shown in this area. Certainly without his diligence and hard work on this bill we would not have it before us today. Even though the gentleman is proposing a very important amendment to the bill, he is supporting the bill, as I understand it. Is that correct?

Mr. BETTS. If my amendment should fail, which I hope it does not.

Mr. LATTA. I intend to support the amendment offered by the gentleman, because I agree with it 100 percent, that these question go too far afield and should not be asked under fear that a person failing to answer may be subjected to imprisonment or fine. As I understand it, the jail sentence has been taken out of this bill, but there still is a provision subjecting persons to a fine. Is that correct?

Mr. BETTS. That is correct.

Mr. LATTA. I intend to support the amendment offered by the gentleman. As I pointed out earlier today, this bill goes much further than the present law in giving the Bureau of the Census the power to investigate and to quiz on any subject that it finds "necessary"—and I would like to have the gentleman's comments on this.

Mr. BETTS. I want to say that I was in the Chamber when the gentleman from Ohio made his comments on this subject. I do not see how we can arrive at any other conclusion. When we drop out specific purposes and say it is for any other purposes—and if that means what it says—then they can ask questions for any possible reason. I would be inclined to agree with the gentleman.

Mr. LATTA. Mr. Chairman, I thank the gentleman.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. BETTS. Mr. Chairman, I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Chairman, I commend the gentleman from Ohio (Mr. BETTS) for the excellent leadership he has shown first of all in presenting the legislation—of which I was also a sponsor, along with a number of other Members of the House—attempting to moderate the impact of the original proposals on changing the census.

The gentleman from Ohio should be given credit for the very introduction of his legislation was instrumental in getting the penalties in the original bill moderated. For that he should be given great credit.

I, too, feel very strongly that there should be a division in respect to the mandatory application, to which the amendment goes, whereby only certain key questions will be mandatory and answers to the other questions will be voluntary on the part of the citizen.

I, too, intend to support the amendment when it is offered.

Mr. BETTS. I certainly thank the gentlewoman for her kind remarks, and also for her support.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DERWINSKI. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I also want to congratulate our colleague in the well. I believe he has, through the sponsorship of his legislation, brought the attention of the committee and of the Members of the House to this very vital issue.

I can assure the gentleman that when we began holding hearings, under the direction of Chairman WILSON, I felt we could undertake a census and achieve the results that were necessary under the Constitution; that is, the head count. I felt very strongly about this, in view of recent Supreme Court decisions on reapportionment, whereby we are required to have a one-man one-vote criterion.

The fact is that in the 1960 census we had a loss of about 3 percent, nationally. Some of the testimony indicated that probably in some of our urban areas we had a loss of almost 10 percent.

I was vitally concerned with regard to whether the census should not be purely directed to the count of heads, so that

we would not have any difficulty with the reapportionment of the House.

But as we went about the country we talked to the people who were in the field. We talked to the chamber of commerce people in California. For example, we talked to the head of the Savings & Loan Association and the heads of the construction industries throughout this country.

They assured us, and very strongly impressed upon all of the members of the committee, how vital it was that the statistics in the census not come up with any flaws in them.

I believe this has been an overriding consideration of the subcommittee in providing at this time for the continuation of the mandatory requirement. We did go half way by eliminating the jail sentence, but we kept the penalty in.

We also strengthened, as the gentleman knows, the penalties for any information given out by the Bureau. There has never been any case or any instance where any information has been given to any member of the public by any official or any employee of that department. I want to make that very clear. It has been made clear, and the gentleman knows that.

I do believe that we can try, perhaps at the midcensus, the 5-year census, to undertake this on the basis of a voluntary census, to see if what is being said to us by the representatives of the Census Bureau and the professionals is correct. Then we can determine whether we can get the information that way.

The gentleman knows that the committee in its report clearly spelled out that we want the Census Bureau to undertake voluntary samplings in voluntary areas. I suggested during the course of the hearings that we might even take sections of the country in this census, under the authority the Director now has, and say in that area we want to do it on a purely voluntary basis without force of law. Of course, that brings up the difficulty of having it uniformly applied under the laws of the country. This is why we probably will have to do it in some other method, and why perhaps we can achieve the results the gentleman seeks in his amendment during the midcensus or 5-year census.

I believe we would run a grave risk to adopt the amendment. I strongly oppose the amendment not for what it ultimately attempts to achieve but only at this time when we would have all kinds of difficulties if we did not come up with what was a true census with regard to the population, as an example, because then every seat in this House would be challenged in the Supreme Court on reapportionment.

I for one want to commend the gentleman for his amendment and for his legislation in this area, because it has directed our attention to the problems. I believe as a result of his legislation and his proposals we have made changes. As he knows, the changes made in this bill are very substantial. Even now the Department of Commerce and the Bureau of Census object to the legislation because we have made those changes. We require them to submit the questions in the future to the Congress or the legislative committees of the Congress for review. I believe this is a very important step forward.

I thank the gentleman for yielding.

Mr. BETTS. I thank the gentleman for his comments. I am sure the gentleman knows I respect his views. I am also encouraged by the statement made not only by the gentleman but also by others here, that there is a continuing interest in this question as to whether or not any questions, or part of the questions, should be asked on a voluntary basis.

I am very much encouraged by your comments on that.

Mr. TIERNAN. With regard to that one point, I would say the chairman of the committee has already indicated to our committee we would be in hearing on the proposal of having a mid-decennial census, at which time we will go into the question of having some voluntary questions propounded.

Thank you.

Mr. BETTS. I want to say that as of now I am inclined to go along with the mid-decennial census. I appreciate the comments of the gentleman.

I might say also that I attempted to discuss during the hearings the question of voluntary questions as against the mandatory questions.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Wisconsin.

Mr. SCHADEBERG. I wish to add my voice in commending the gentleman with regard to his efforts on this behalf. You have my support in your amendment. I cannot personally feel that there is going to be that much difficulty with the results. Let us say even if 10 percent of the people decide that they do not wish to answer all the questions, I do not believe it would be a big problem. I clearly agree with you that it should be on a voluntary basis except perhaps for those questions that you are deleting in your amendment.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

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

Mr. HARSHA. Mr. Chairman, I, too, wish to join the others in commending the distinguished gentleman from Ohio for his outstanding leadership in this field. Had it not been for his initiative and leadership and determined progress in this area, I am sure the bill before us today would not have some of the changes that are in it. Yet I am deeply concerned about the removal of this restriction that the census should deal only with population, unemployment, and housing and open it up by adding the phrase "such other census information as is necessary." That seems to me to be a step backward. Certainly it gives the bureaucrats a blank check to go into any subject or phase that they want to. It is a catch-all. There is no restriction in this bill, as I see it, except that the questions must be submitted to the committees. However, what if the committee fails to approve certain questions and informs the bureau that they object to certain questions? In this legislation there is no recourse. The Bureau of the Census can go ahead and disregard the feelings of the committee. I find that there are no teeth in here to provide the committee with some means by which they can enforce deletion of certain questions from the census. Am I right in that observation?

Mr. BETTS. I assume the gentleman knows he is not the first to raise this question, and I think it is significant. I go along with him completely; when you drop out two specific areas of questions and substitute questions that could be raised for any other purpose, that you could raise a problem. I think the gentleman is correct in saying that that really opens up the census to anything anybody wants. I have some genuine doubts about the significance of the committee's approval or rejection of questions. I think there is good legal authority—I cannot say judicial authority, because I do not know how far it goes—for this action.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DERWINSKI. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. BETTS. As I understand it, there is good legal thinking on the point that the Bureau of Census would not be bound by an approval or a rejection by the committees.

Mr. HARSHA. I understand that the administration opposes that provision on the basis that it feels it is an invasion of the separation of powers and it is in their purview solely to determine that.

Mr. BETTS. Of course, I think the reason—and I say this kindly—but I think the administration's objection is based upon elements of protecting bureaucracy. I am not so sure that I go along with the administration on this particular point. I think there should be some clarification of it.

Mr. HARSHA. But does the gentleman agree with me that for the sake of argument if this does stay in the bill as it is written, there is still no recourse if the bureau decides to disregard the committee's suggestions?

Mr. BETTS. I am not prepared to say, frankly, one way or the other. However, I think the gentleman is correct.

Mr. HARSHA. I want to thank the gentleman and wish to state that I am in agreement with the gentleman's purpose. I feel that there should be several questions but any other questions should be on a voluntary basis.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I am glad to yield to the distinguished chairman of the subcommittee.

Mr. CHARLES H. WILSON. Mr. Chairman, in connection with the question asked by the gentleman from Ohio (Mr. HARSHA) may I say that in my opinion there is no question about the final authority that we have written into the bill and that is that the Congress would have this authority. It is sufficient that the department is concerned about it but I would think if we can pass the bill in this form, in spite of some of the fears of some of those who agree with congressional approval, it might be vetoed. I think the bill in this form will be signed if we can get it through the

other body in substantially the same form as it is now. I am not of the opinion myself that this is a firm authority that we would have.

Mr. HARSHA. Mr. Chairman, will the gentleman yield further?

Mr. BETTS. I yield further to the gentleman from Ohio.

Mr. HARSHA. Could the distinguished chairman of the subcommittee tell me what recourse the committee would have in the event the bureau failed to heed the suggestions of the committee or the committee's objection to certain questions?

Mr. CHARLES H. WILSON. Mr. Chairman, if the gentleman will yield further, there is no recourse spelled out in the bill. It says what the department has to do. I imagine if the department refused to cooperate, it would not take long for us to take any necessary legislative action to see that they did what they were required to do. I do not see how they could disregard what we have in there and get along too well.

I do not know what further assurance needs to be given at this point.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the distinguished gentleman from Illinois.

Mr. DERWINSKI. I was going to add the point that obviously if this bill passes and it is in the law that even the Department of Commerce would then be within the law, bureaucracy notwithstanding.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I thank the gentleman in the well for yielding and it is my opinion that the gentleman makes a very significant point. This is not really an administration question, because this issue developed prior to the administration's position. It is a policy decision within the Bureau itself.

In connection with what the gentleman from Ohio (Mr. HARSHA) asked, I think this is a point where we ought to develop a little legislative history as to the intent of what we propose to do here. Therefore, if the gentleman will yield further, I would like to ask the chairman of the subcommittee, the gentleman from California (Mr. CHARLES H. WILSON), whether or not it is the intent of the committee that if the committee disapproves of a particular question and it is refused, it is the committee's understanding that the intent of this legislation is that the Bureau will remove that question from the upcoming census?

Mr. CHARLES H. WILSON. That is the sole purpose of this provision.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. DERWINSKI. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. CHARLES H. WILSON. As I was stating, that is the sole purpose of this provision. I am confident that what it does is to require that the departments submit 3 years prior to the census—and no one knows who is going to be here 10 years from now when this will take place—but it requires the department to submit to the committees of the two Houses 3 years prior to the time they would have to take the census the questions they would recommend and they would start developing them as soon as they finish this last census. In other words, this would give them 2 years during which to prepare the questions and to give us 1 year during which to review the questions.

We have the authority to reject any question that is submitted by the Census Bureau, we can approve or reject any question that is submitted, that would be within the authority of the committee.

It was my intention—or cetrainly my understanding—that the committee would submit these questions to the entire Congress so that all of us would have the opportunity to review them and make our recommendations to the respective committees.

Mr. GALLAGHER. Mr. Chairman, I thank the distinguished chairman for making that particular point. I compliment the committee for finally developing a foundation upon which we can put some sense of direction for the approval of Congress.

I recall when the social security number question came up—and I appreciate the gentleman yielding further—Mr. Eckler came to my office where we had a meeting with several Members, and he thought that the Bureau should be responsive to the Congress, and on that basis he would remove the social security number and the religious question from the 1970 census.

So, Mr. Chairman, I think the committee has performed an extremely valuable service by finally writing into law what the intent of the Congress is.

Again I thank the gentleman for yielding.

Mr. BETTS. Mr. Chairman, I yield back the balance of my time.

Mr. CHARLES H. WILSON. Mr. Chairman, I have no further requests for time.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I will not take the full 5 minutes, but I do appreciate the gentleman yielding this time to me.

My sole purpose for arising at this time is to clarify the provision for committee review of the questions proposed by the Secretary of Commerce.

I think the chairman of our subcommittee and each member of the committee would agree that it was our intention in drafting this legislation that the Secretary would submit to the legislative committees of the Congress for review and approval the questions that he felt should be asked in the census, so that no questions could be asked by the Secretary unless they had the approval of the legislative committees of both Houses of the Congress.

I would ask the distinguished chairman of the subcommittee for his understanding of the matter so that there will be no misunderstanding of legislative intent.

Mr. CHARLES H. WILSON. Mr. Chairman, if the gentleman will yield, that is absolutely correct, and I just so stated, and it is my understanding that the Congress would have final approval on the questions; that is, approval of the two Houses.

Mr. SCOTT. I thank the gentleman for his statement. We did discuss that, Mr. Chairman, during the time that our subcommittee was considering this legislation, and it was our unanimous opinion that no questions could be asked without approval of the legislative committees.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia yields back 3 minutes.

Mr. TUNNEY. Mr. Chairman I would like to take this opportunity to express my views on the need for census reform.

The taking of any census inherently becomes a very personal matter, for it touches the lives of every American citizen. And, because it is so personal, it is subject to widespread emotion, misinterpretation and outright resentment.

The coming 1970 decennial census is no exception.

Thus, I believe it is incumbent upon Congress to rationally review the current controversy. We must approach the question of census reform objectively.

Without losing sight of the constitutional justification for the census, nor overlooking the very real but oftentimes hidden benefits accruing to Federal, State and local governments, private industry and individual citizens from the compilation and dissemination of such a massive volume of data.

To begin with, let us put the issue squarely in perspective. The current criticism is not really directed purely at what is popularly felt to be an invasion of privacy, nor is it solely a question of the need for, or the right of Government to compile wide-ranging statistical data.

Rather, the core of the issue crystalizes around the mandatory requirement that all such information be divulged under the unveiled threat of a fine and/or imprisonment. Reduced to the simplest, common denominator, the underlying problem is the objectionable manner in which the Census Bureau goes collecting the information. In essence, they are not asking "will you" provide this data—they are demanding that "you will or else."

Two fundamental questions become paramount. Is this information so vital that a democratic society must impose harsh punishment common to that of a criminal misdemeanor to force compliance? Is all this information so essential that it requires a prison sentence or a fine in order to acquire it?

The answer to both these questions can only be a resounding no. Let us look at the facts.

The legal authority for conducting a census is derived from article I, section II, of the Constitution. It is obvious, even to the casual student of history, that the Republic's Founding Fathers sought to insure a balance of power between the large and the small States. This could only be done with an actual count of all citizens—a "census of the population."

But as anyone who has ever conducted a survey knows, there are requests from

many corners to expand the number of questions asked. "As long as you are at it," so the question goes, "why do you not also ask thus-and-so?"

James Madison advanced this thought in 1789—before the first census was even taken—resulting in questions being included on age and sex. The pressures to expand the scope of the census have never since subsided—the temptations to capitulate are great. Bureaucrats and the Congress can and have justified the need for expanding the list of questions, to the point that today, the census pries into ever nook and cranny of our business and private lives.

This per se is not necessarily bad. The need to know the full dimensions of our population is a vital aspect of the search for solutions to the problems of a given era. Finding the solution to our current problems of deteriorating cities, disadvantaged urban and rural citizens, poverty, education, inflation, unemployment and mass transportation literally demands that we know as much about our people and their habits as is possible to know.

But, does the means by which we obtain this information justify the end? I think not.

Are there no alternatives to our present collection system, which relies upon compulsion and fear of incurring the wrath of Government for cooperation? I submit that there are workable alternatives.

Let us examine the specific issue of mandatorily requiring an answer to each question asked under threat of criminal-type punishment for noncompliance.

Out of all the millions of Americans surveyed in 1960, only two were fined and none were jailed for not responding fully to the census.

This suggests that either the Census Bureau is intimidating citizens into compliance, possibly with extreme measures—or that Americans are willing to cooperate when the facts are explained and the needs are justified. The first is reprehensible; the latter confirms my own belief that people will cooperate when properly approached.

Some will contend that this high degree of compliance is obtained only because citizens know they will be punished for not responding fully. While this may be partially true, I think it also raises a question as to the validity of such responses. Human nature being what it is, there is nothing to prevent a person from taking out his resentment over such tactics by purposely giving wrong answers to questions.

But more basic to the issue, however, is whether or not the offense justifies the penalty.

Mr. Chairman, I have made a careful review of the various questions which the Census Bureau plans to include in the official census questionnaire. It contains such questions as:

Do you have a washing machine, a clothes dryer, a dishwasher, a home food freezer?

Where did you live on April 1, 1965?

How many hours did you work last week?

Your income from all sources?

Your marital history and the number of children born and when?

These are but a few examples. Yet they demonstrate clearly the lengths of which the Census Bureau has gone in an unwarranted invasion of personal freedom and privacy by compelling citizens to divulge such information.

I find it extremely hard to believe that the failure or refusal to answer such questions warrants sending a person to jail for 60 days. I have no intention of further dramatizing this point. Suffice it to say that there are thousands of violations of civil and criminal law reported in the public press far more damaging to society than not answering personal questions—that do not result in jail terms of 60 days.

Let us now turn to the question of alternative ways of acquiring information. The statistical formula proposed for gathering information in 1970 is prima facie evidence that not all persons must answer all questions to insure statistical validity. In fact, only a relatively small number of persons will be asked all the questions. If random sampling techniques can be refined to insure statistical reliability in this context, why then cannot other techniques provide reliable data on a voluntary rather than mandatory basis?

The Census Bureau builds its case on this mandatory versus voluntary issue partly on the allegedly critical need to supply precise data to other Government agencies for their use in formulating policy and programs. I have looked into this rationale, Mr. Chairman, and found that some of the data supplied by the Census Bureau is not in a form usable to all the agencies which need it. Frequently, because the census data format is compromised to serve many masters, it is not as useful for each of the respective purposes intended. Thus, one finds that other Government agencies must make their own surveys—on a voluntary compliance basis—for policy and program formulation.

Mr. Chairman, the need for greater congressional control over the administration, scope, and content of the decennial census has been amply demonstrated. The proposed reforms in the census are not designed to discourage or prevent the Census Bureau from seeking voluntary responses to useful questions. The legislation which I have cosponsored is very explicit in this respect. It states that:

> Nothing in this (legislation) shall be construed to prevent the Secretary (of Commerce) from requesting any such information in connection with such census on a voluntary basis.

I have no desire to limit the statistical-gathering activities of the Census Bureau. I am simply advocating that: First, the 60-day jail sentence for noncompliance be eliminated from the present law; and second, that mandatory questions—noncompliance with which would be punishable by a $100 fine—cover only the subject areas of name and address, relationship to the head of household, sex, date of birth, marital status, and visitors in the house at the time of the census.

The committee bill is acceptable and accomplishes most of the reforms. However, I urge support for Congressman BETTS' amendment which would eliminate the mandatory penalty and the $100 fine for all but the six basic census questions. Other questions which have been added under the mandatory penalty by bureaucratic inertia constitute an unwarranted invasion of personal freedom and privacy. If additional questions are to be used let them be on a voluntary basis. As the committee report points out, the Bureau of Census must continue its investigation into the use of voluntary surveys and not rest upon the threat of a penalty in order to meet its obligations.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 12884, and commend our colleagues on the Committee on Post Office and Civil Service for the extensive hearings they held throughout the Nation to enable the citizens of this great Nation to be heard in their objections to certain census laws and regulations. I congratulate the members of the committee and its chairman for formulating H.R. 12884 as a result of evaluation of the testimony of our citizens.

Earlier this year I introduced H.R. 9902, which is identical to a number of other bills, and which would have permitted only six basic questions to be asked on a mandatory basis; eliminated the jail sentence for refusing to answer questionnaires or for answering falsely. I introduced this bill, as I know a number of my colleagues did also, in response to the protests of hundreds of northern Virginia residents against the undue coercion imposed by the threat of a jail sentence for failure to comply by responding to some highly sensitive and personal questions which were included by the Census Bureau for the 1970 census.

All of us acknowledge the need by our Government for census data. However, the people of northern Virginia were demanding to know why the Census Bureau needed to know their income, dollar by dollar, from all sources including public assistance, alimony, unemployment and desirabilty insurance, pensions and investments; the value of their property or the amount of rent they pay; their educational, marital, employment and military history; with whom they share their bathroom and kitchen facilities; how many dishwashers, televisions, radios, automobiles and/or second homes they own. The demand, under penalty of $100 fine and 60 days in jail, that each and every American answer some 67 questions, appeared to many to be an invasion of privacy never before attempted by the Government on such a broad scale.

Mr. Chairman, the constitutional purpose of the decennial census is to count people. Emphasis on secondary matters has all but destroyed the accuracy of the count. In 1960 we failed to count some 5.7 million. In spite of the fact that the Census Bureau has now revised downward the number of extraneous questions it will pose next year, I doubt if we will do much better than we did in 1960.

Mr. Chairman, the committee was wise to remove the phrase "unemploy-

ment and housing—including utilities and equipment"—and to substitute authorization to "obtain such other census information as necessary" for that language in the Code. It was wise to provide for a review by committees of Congress of the questions the Census Bureau proposes to ask. In this way the Congress, representing all of the people of the Nation, will be afforded the opportunity of determining whether or not specific proposed questions are responsive to the statistical needs of the Nation.

The committee is to be commended, Mr. Chairman, for strengthening the confidentiality provisions of our census laws by amplifying the scope of existing statutes and sharply increasing the severity of punishment of any employee of the Census Bureau who might divulge confidential information. I know of no case in which the Bureau has made individual information available to others, but the remote possibility that this might ever be done is sufficient to justify this action.

Finally and most importantly, Mr. Chairman, the committee directed its attention to the mandatory response requirements in existing law, and took the long overdue step of removing the jail sentence penalty applicable to both individuals and organizations, for either refusal to answer questions or willful falsification of the information provided. I regret that the committee did not feel that the entire mandatory provisions could not be eliminated, but am encouraged that the committee has directed the Bureau of the Census to augment its investigation into use of voluntary surveys which may lead to the elimination of the mandatory response requirement in the foreseeable future. Certainly, recognition that the threat of a jail sentence represents undue coercion, and elimination of that threat, is a big step in the right direction.

Mr. Chairman, I believe this bill represents a compromise, a good compromise, and I urge its passage.

Mr. Chairman, for several months I have been deluged with letters from people in my district, asking that their right to privacy not be impaired by the 1970 census.

There is real fear on the part of the people that the confidential information that is extracted through the census will be used in a manner that would deny them one of their very basic rights—the right to privacy. It is for this reason that I support H.R. 12884. Every safeguard possible must be given to the citizens of this country to insure that the information taken on the 1970 census is not handed out to every person or group of persons that seeks to have such information.

Specifically, my people are asking that the facts they furnish on the census not be placed on computer tapes corresponding with their names; they are asking that this information not be given to their heirs or agents without their written permission; and they most certainly wish to make sure their names are not placed on commercial mailing lists.

All these safeguards are written into H.R. 12884, Mr. Chairman, and I, therefore, urge its support and passage.

Mr. ABBITT. Mr. Chairman, as one of the original sponsors of census reform legislation, I am very much interested in this overall matter. I feel that the committee has done a very thorough job in dealing with the many aspects of the reform proposals and the proposal before us is a decided improvement over existing laws.

I am, however, hopeful that the committee bill can be amended to include certain provisions which I feel are essential if we are to meet the primary objections which many people have raised as to procedures which are now being used by the Bureau of the Census.

When I introduced my bill earlier this year, my main purpose in doing so was to obtain some revisions of existing laws regarding mandatory requirements on answering questions and to cut the number of questions which our people would be required to answer. The general public is strongly of the opinion that too many personal questions have been asked in the past and that prospects for the 1970 census indicated that there would be a substantial increase in the number and types of these questions. Furthermore, under existing law, there are strict penalties for failure to answer such questions.

Although the bill before us would remove the jail sentence penalty for failure to answer census questions, it retains the provisions for fines. I would like to see such penalties removed on all but the six basic categories of questions.

I also would like to see a limitation on the mandatory questions which would be more meaningful than the bill now provides. It seems to me that all we have now is a "gentleman's agreement" from the Census Bureau that it will try to abide by the general consensus on such matters. I do not believe that to make part of the census voluntary would destroy or impair the usefulness of the census.

It is most helpful that the committee bill provides that census questions be submitted to Congress 3 years in advance of census day and this will give us an opportunity to gage beforehand what the Bureau intends to do. This is a vast improvement and such congressional scrutiny should be taken seriously. This should not fall into a mere approval of the status quo but Congress should be forever seeking to improve the quality and service of the census and see to it that the confidentiality of the records be assured and that unnecessary and ridiculous information not be demanded of the general public. In the years that lie ahead, we should not allow things to get out of hand. In my opinion, some of the questions proposed for next year's census are ridiculous and should not be considered mandatory for the general public. Congress should keep in mind that the primary complaint of the public at large has been and continues to be why they should be required under the threat of penalties to answer questions which invade their privacy.

I urge that this aspect be considered by the members of the House in consideration of this bill and hope that we can improve on the basic protections. The committee has done a good job, as far as it goes, and I commend those who have worked long and hard on this matter. If we can go one step further and take the corrective steps that are necessary, then the job will have been better done, in my opinion.

It seems to me that the basic forms and questionnaires already printed could still be used if adequate publicity is given to the real purposes which prompted the changes we seek. Also, any action that is taken now would be additional assurance that any census of the future will be more closely atuned to the will of Congress.

Mr. GOODLING. Mr. Chairman, I rise to offer my strong support for H.R. 12884, legislation designed to assure confidentiality of census information.

In January of this year, I joined with many of my colleagues in sponsoring legislation designed to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing. The legislation presently before this body is designed to obtain similar objectives.

My principal interest in introducing and supporting this type of legislation is directed toward preserving the privacy and dignity of the American citizen. Unless this privacy and dignity is preserved, the citizen becomes, in effect, an instrument to serve the purposes of government. This violates our system of government, which is based on the concept of making the Government the servant rather than the master of the people.

I am particularly pleased to observe that this legislation eliminates all jail sentence penalty provisions, both for individuals and organizations with respect to either falsifying information or failing to supply information. The penalty provisions presently in the law are extremely severe and do not by any means suit the supposed offense. They are particularly ironic when it is realized that others in our society—who create social chaos in one manner or another—are excused from the stringent punishment to which good-living citizens of our general society are subjected.

I am further pleased to see that the legislation now before us compresses the questions to be asked on the census questionnaire. There are some who contend that the census form should be used to gather general information that would provide a perspective on the habits and disposition of the American population, thereby providing an aid for businesses in our economy. My answer to this is that much of this type of data already has been gathered and is on hand in various Federal departments and agencies. The Department of Commerce, for instance, has various offices that have vast amounts of data on hand that would be useful for commercial purposes. There is no point in duplicating this information, for this would be inconsistent with our interest in eliminating duplication in Government activities.

In brief, Mr. Chairman, I subscribe to

the "head count" theory of the census, as prescribed in the U.S. Constitution for the purpose of apportioning the U.S. House of Representatives.

The mail that has come into my office over the past months registers stiff opposition to impertinent questions on the census questionnaire, fortifying my feeling on the matter. The census procedure should, I feel, be limited to a few simple questions—these questions should provide the Government with the basic census information it needs and, at the same time, preserve both the dignity and disposition of the American citizen.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R. 12884, a bill to assure confidentiality of information furnished in response to questionnaires, inquiries and other requests of the Bureau of the Census.

Although I question the need to expand the scope of the decennial censuses by eliminating the restriction that decennial census questions are limited to population, unemployment, and housing, I support the legislation because the committees of the Congress would, by the bill, have after 1970 the final authority for the approval, rejection, or revision of the content of the decennial census questionnaires.

Earlier this year, I introduced H.R. 3779, which would limit the decennial census to six categories which would provide the basic information which, I believe, a census is designed to obtian, and not pry into the private lives of our citizens seeking information that is of questionable value to the Government and to the citizens of this Nation.

However, another significant provision of this bill before the House today prompts my support and that is the elimination of the jail sentence in the present law applicable to both individuals and organizations, for either refusal to answer census questionnaires or willful falsification of the information being provided.

Although in the entire history of the census the jail sentence has never been used, such a threat serves no useful purpose and is properly eliminated by this legislation.

I am also pleased that this legislation strengthens the provisions guaranteeing the confidentiality by administrative procedures and by increasing the penalty applicable to any employee of the Bureau of the Census who divulges confidential information.

While this legislation does not go as far as I would like in placing the census in proper perspective to the national need for the information obtained, I believe it is an improvement in the existing procedure and I support the measure.

Mr. BOLAND. Mr. Chairman, over the past 2 years widespread concern has been expressed by many thoughtful Americans concerning the format and scope of the forthcoming decennial census of population, housing, and unemployment.

Those critical of the census contend that its conduct raises serious questions about: invasion of privacy; the guarantee of confidentiality of census information; and the relevance of many of the questions to be asked in the proposed census questionnaire. As you well know there has been a great outpouring of citizen support for extensive and meaningful reforms in the census.

Interest likewise has been keen in the Congress, with well over a quarter of the House membership endorsing legislation calling for strict and specific limitations on the number and type of categories of questions required to be answered under penalty of law in each decennial census.

This legislation which I had the honor of cosponsoring was highly instrumental in prompting the House Post Office and Civil Service Committee to hold extensive hearings on the question of census reform. Today we in the House are being asked to consider the final product of these hearings; namely, legislation which would amend title 13 of the United States Code to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census.

Under existing statutory authority the Census Bureau has virtual blanket authority concerning the scope and content of the decennial census. The proposal which we are considering today would in essence terminate such authority, giving the Post Office and Civil Service Committees of the House and Senate the final authority for the approval, rejection, or revision of the content of official decennial census questionnaires.

In light of the virtual flood of mail the Congress has received on the question of census reform in recent years, I am confident that this legislation will do much toward restoring citizen confidence in the decennial census. I do regret the fact that this legislation makes no provision for placing specific limitations on the scope and content of the census—as provided for in my bill, H.R. 3778.

However, the fact that the present bill—H.R. 12884—does in fact clearly give the Congress the ultimate authority concerning what can and cannot be asked of our citizens in each decennial census does, indeed, mark a giant step forward in our drive to keep the census confined only to those areas which are pertinent to the essential functions of the census. I am also pleased that H.R. 12884, first, will provide added protections relating to the confidentiality of the individual information obtained by the Bureau of the Census, and, second, will eliminate what I consider a highly objectionable and wholly unnecessary requirement of existing law; namely, the jail penalty provisions of title 13 of the United States Code which are applicable to both individuals and organizations for either refusal to answer census questionnaires or willful falsification of the information being provided.

Mr. Chairman, the legislation which we have before us today has received the strong endorsement of the House Post Office and Civil Service Committees and it is my hope that the Congress without any further delay will vote its approval of this bill. Such action is clearly in the national interest.

Mr. DONOHUE. Mr. Chairman, this bill, before us, H.R. 12884, represents an initial response to the earnest request of millions of Americans for the proper protection of their privacy and for the insurance of confidentiality in connection with information questionnaires involved in the mandatory decennial census.

There is hardly any doubt that for whatever bureaucratic reason or motivation, the advice and information being requested through these questionnaires has been increasingly invasive of individual privacy and open to very serious challenge as to actual necessity, relevance, or useful application in the national interest. It has become quite clear that sensible restrictions ought to be placed, by the Congress, upon the manner in which the census is projected, the content of the questionnaires and the proposed penalties for the withholding of answers to objectionable questions.

Unfortunately, this particular measure does not include provisions for specific limitations on the scope and content of the census as I and many other Members of Congress have urged and recommended. However, it does return to the Congress, where it belongs, the ultimate authority to keep the census confined to those areas which are pertinent to the basic functions of the census. It will also further protect and guarantee the confidentiality of personal information and it will eliminate what is commonly regarded as perhaps the most objectionable requirement of existing law, the jail penalty provision of title 13 of the United States Code.

Mr. Chairman, although I and a great many other Members here have urged the presentation of a stronger measure, this bill represents the best compromise that can now be obtained and since it it a wholesome beginning to more complete reform in this sensitive area of individual privacy and confidentiality, I urge its acceptance today while we pledge preserving effort to expand and strengthen its provisions at the earliest possible date in the future.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 12884, and associate myself with the amendment to be offered by the distinguished gentleman from Ohio (Mr. BETTS). I wish to commend him on his unceasing and untiring efforts to insure that census reform is affected in an equitable and meaningful manner.

Throughout our history, the fundamental purpose of the decennial census has been to provide an accurate as possible "head count" of our citizenry. The need for such a count has never been questioned. It is clear that complete and accurate information about our population is needed if Government is to adequately discharge its responsibilities to the American people. Effective governmental decisionmaking requires precise demographic information, which in turn depends in large measure upon the decennial census.

As society has grown in size, and the complexity of human interrelationships has multiplied, Government services have also expanded. The result has been that much of the billions of dollars in funds, goods, and services which the Federal Government distributes each year to State and local governments is allocated

on the basis of data provided by the census. Accordingly, both bureaucrats and the Congress have tried to justify the need for expanding the list of census questions to the point that today the census, under the cloak of "data collection," pries into every nook and cranny of our lives.

I believe that the census has gone too far afield from its fundamental task. As a result, it has raised a real conflict between society's need for demographic information and the right of every individual to a sphere of privacy which no man may penetrate without consent. Basic to this conflict is the question of whether the information that society needs is so vital that it must impose harsh punishment to insure popular compliance.

I do not believe that the scope of the questions presently asked by the census are vital to successful governmental operations, and I do not believe that the ends to which the information is used justifies the coercion by which the information is presently obtained. Many citizens of the Texas Panhandle are justifiably demanding to know why the Census Bureau needs to know their income, dollar by dollar, from all sources including public assistance; alimony; unemployment and disability insurance; pensions and investments; property values; rent paid; educational, marital, employment, and military history; with whom they share their bathroom and kitchen facilities; how many dishwashers, televisions, radios, automobiles; and, the number of second homes they own or rent.

My constituents also want to know whether the Government has such a low opinion of their integrity and citizenship that it feels they must be threatened like common criminals before they will cooperate with the census takers.

In an effort to rectify some of the blatant offensiveness in the decennial census, I introduced last January legislation similar in many respects to the legislation pending before the House today, and to the Betts amendment.

In my view, the census should be confined to asking six basic questions on a mandatory basis, and the rest on a purely voluntary basis. This would, I feel, narrow the scope of the census and make it conform more with its historical function of taking a "head count" of our population. As for the voluntary portion of the census, I feel that the Census Bureau should be able to ask any questions it wants, so long as the individuals are not coerced directly or indirectly into answering. In addition, although the penal provisions in the present law have been removed by H.R. 12884, there is still a provision subjecting individuals to punishment by fine. As I find this patently offensive to the very concept of democracy, I support the amendment to be offered by the gentleman from Ohio.

Mr. DERWINSKI. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 12884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of title 13, United States Code, is amended to read as follows:

"§ 1. Definitions

"(a) As used in this title, unless the context requires another meaning or unless it is otherwise provided—

"(1) 'Bureau' means the Bureau of the Census; and

"(2) 'Secretary' means the Secretary of Commerce.

"(b) As used in this subchapter, 'respondent' includes a person, corporation, company, association, firm, partnership, proprietorship, society, or other organization or entity which shall have furnished information in response to a questionnaire, inquiry, or other request of the Bureau.".

SEC. 2. (a) Section 5 of title 13, United States Code, is amended to read as follows:

"§ 5. Questionnaires; number, form, and scope of inquiries

"The Secretary shall prepare questionnaires, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and censuses provided for in this title.".

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

"5. Schedules; number, form, and scope of inquiries."

and inserting in lieu thereof—

"5. Questionnaires; number, form, and scope of inquiries.".

SEC. 3. (a) Section 6 of title 13, United States Code, is amended to read as follows:

"§ 6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources

"(a) The Secretary, whenever he considers it advisable, may call upon any other department, agency, or establishment of the Federal Government, or of the municipal government of the District of Columbia, for information pertinent to the work provided for in this title.

"(b) The Secretary may acquire, by purchase or otherwise, from States, counties, cities, and other units of government, and from their instrumentalities, and from private individuals, agencies, and organizations, such copies of records, reports, and other material as may be required for the efficient and economical conduct of the censuses and surveys provided for in this title.

"(c) To the maximum extent possible and consistent with the kind, timeliness, quality, and scope of the statistics required, the Secretary shall acquire and use information already available from any source referred to in subsection (a) or (b) of this section instead of conducting direct inquiries.".

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

"6. Requests to other departments and offices for information, acquisition of reports from governmental and other sources."

and inserting in lieu thereof—

"6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources."

SEC. 4. (a) Section 8 of title 13, United States Code, is amended to read as follows:

"§ 8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received

"(a) The Secretary may, upon written request, furnish to any respondent, or to the heir, successor, or authorized agent of such respondent, authenticated transcripts or copies of reports filed by, or on behalf of, such respondent in connection with the surveys and censuses provided for in this title, upon payment of the actual or estimated cost of searching the records and a fee of $1 for supplying each authentication of a transcript or copy.

"(b) Subject to the limitations contained in sections 6(c) and 9 of this title, the Secretary may furnish copies of tabulations and other statistical materials which do not disclose the information reported by any respondent, and may make special statistical compilations and surveys, for other departments, agencies, and establishment of the Federal Government or the municipal government of the District of Columbia, State or local officials, and private agencies, organizations, and individuals, upon the payment of the actual or estimated cost of such work. In the case of nonprofit agencies or organizations, the Secretary may engage in joint statistical projects, the costs of which shall be shared equitably as determined by the Secretary if the purposes are otherwise authorized by law.

"(c) In no case shall information furnished under this section be used to the detriment of any respondent or other party covered by that information.

"(d) Money received in payment for work or services performed by the Secretary under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.".

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

"8. Certified copies of certain returns; other data; restrictions on use; disposition of fees received."

and inserting in lieu thereof—

"8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received."

SEC. 5. Section 9 of title 13, United States Code, is amended to read as follows:

"§9. Information as confidential; exception

"(a) Neither the Secretary nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, without the written permission of the respondent or his heir, successor, or authorized agent—

"(1) use, for any purpose other than the general statistical purposes authorized by this title, any information furnished by such respondent under the provisions of this title;

"(2) make any publication by or through which the information collected from any respondent under this title can be identified;

"(3) make any publication which will permit significant or systematic disclosure, by statistical inference of data furnished by any respondent;

"(4) permit anyone other than the sworn officers and employees of the Department of Commerce or bureau or agency thereof, as necessary for such officers and employees to carry out the provisions of this title, to examine the report of any respondent;

"(5) permit individual names collected in the censuses authorized by section 141(a) of this title to be transferred to computer tape in any fashion or manner by or through which any such name may be collated with individual information relating thereto; or

"(6) disclose the names of individuals and the addresses of their residences as collected in the censuses authorized by section 141(a) of this title.

"(b) Notwithstanding any other provision of law, the inviolability of the confidentiality of the individual information collected under authority of this title may not, except as specifically authorized by this section, be abrogated, abridged, or breached for any reason whatsoever.

"(c) No department, bureau, agency, officer, or employee of the Government, except

the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any respondent or his heir, successor, or authorized agent. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of such respondent or his heir, successor, or authorized agent, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(d) The provisions of subsections (a), (b), and (c) of this section relating to the confidential treatment of data for particular individuals and establishments shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title nor to interim current data provided for by subchapter IV of such chapter as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or is customarily provided in, public records.".

SEC. 6. (a) Section 141 of title 13, United States Code, is amended to read as follows:

"§ 141. Population and other census information

"(a) The Secretary shall, in the year 1980 and every ten years thereafter, take a decennial census of population as of the first day of April, which date shall be known as the census date, including the use of sampling procedures and special surveys, and is authorized to obtain such other census information as necessary.

"(b) The tabulation of total population by States under subsection (a) of this section as required for the apportionment of Representatives in Congress among the several States shall be completed within eight months after the census date and reported by the Secretary to the President of the United States and to the Congress.

"(c) The Secretary shall submit to the committees of Congress having legislative jurisdiction over the Bureau, for their review and approval, his determination of the questions proposed to be included in the decennial census conducted under subsection (a) of this section no later than three years before the decennial census date for the decennial censuses provided for in this section and, not less than two years before the said census date, the aforesaid committees of Congress shall notify the Secretary of their approval, rejection or revision of the proposed questions: *Provided, however,* That the Secretary during the remaining period before the decennial census date, if he finds that new or different circumstances have occurred which necessitate new or changed questions for the census, shall submit such additions or changes to the committees of Congress having legislative jurisdiction over the Bureau for their acceptance, rejection or revision."

(b) The table of sections of chapter 5 of title 13, United States Code, is amended by striking out—

"141. Population, unemployment, and housing."

and inserting in lieu thereof—

"141. Population and other census information.".

SEC. 7. Section 195 of title 13, United States Code, is amended to read as follows:

"§ 195. Use of sampling

"Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.".

SEC. 8. (a) Subchapter V of chapter 5 of title 13, United States Code, is amended by adding at the end thereof the following new section:

"§ 197. Special censuses

"The Secretary may conduct special censuses for the government of any State, or of any county, city, or other political subdivision within a State, and for the municipal government of the District of Columbia, on subjects covered by the censuses provided for in this title, upon payment to the Secretary of the actual or estimated cost of each such special census. The Secretary shall certify the results of each such special census as 'Official Census Statistics.' These statistics may be used in the manner provided by applicable law.".

(b) The table of sections of subchapter V of chapter 5 of title 13, United States Code, is amended by adding at the end thereof—

"197. Special censuses.".

SEC. 9. Section 214 of title 13, United States Code, is amended to read as follows:

"§ 214. Wrongful disclosure of information

"Whoever, being an employee referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by section 9 of this title, publishes or communicates any information, the disclosure of which is prohibited under the provisions of section 9 of this title, and which comes into his possession by reason of his employment under the provisions of this title, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 10. Section 221 of title 13, United States Code, relating to refusal or neglect to answer questions and to willful false answers, is amended—

(1) by inserting "or questionnaire" immediately after "schedule" in subsection (a) thereof;

(2) by striking out "or imprisoned not more than sixty days, or both" in subsection (a) thereof; and

(3) by striking out "or imprisoned not more than one year, or both" in subsection (b) thereof.

SEC. 11. Section 224 of title 13, United States Code, relating to failure to answer questions affecting companies, businesses, religious bodies, and other organizations and to willful false answers, is amended—

(1) by striking out "whether such request be made by registered mail, by certified mail, by telegraph, by visiting representative, or by one or more of these methods,";

(2) by striking out "schedule" and inserting in lieu thereof "schedules or questionnaires";

(3) by striking out "or imprisoned not more than sixty days, or both"; and

(4) by striking out "or imprisoned not more than one year, or both".

SEC. 12. (a) Section 225 of title 13, United States Code, relating to applicability of penal provisions in certain cases, is amended—

(1) by inserting "and questionnaires" immediately after "schedules" in subsection (a)(1) thereof; and

(2) by striking out subsection (b) thereof which reads as follows:

"(b) The provisions for imprisonment provided by sections 221, 222, and 224 of this title shall not apply in connection with any survey conducted pursuant to subchapter II of chapter 3 of this title, or to subchapter IV of chapter 5 of this title.".

(b) Section 241 of title 13, United States Code, is amended by striking out "as authorized by section 224 of this title".

SEC. 13. The amendments made by section 6 of this Act shall become effective on January 1, 1973.

SEC. 14. If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

Mr. CHARLES H. WILSON (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

There was no objection.

AMENDMENT OFFERED BY MR. BETTS

Mr. BETTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BETTS: On page 9, immediately before line 9, insert the following new section:

"SEC. 7. (a) (1) Subchapter II of chapter 5 of title 13, United States Code, is amended by inserting immediately after section 141 thereof the following new section:

"'§ 141A. Limitation on categories of information required under penalty of law in certain censuses

"'(a) In the conduct of any census under section 141 of this title, information required to be furnished under penalty of the provisions of section 221 of this title shall include only matter within the following categories:

"'(1) name and address;

"'(2) relationship to head of household;

"'(3) sex;

"'(4) date of birth;

"'(5) marital status; and

"'(6) visitors in home at the time of census.

"'(b) Refusal or neglect to furnish information not within the categories listed in subsection (a) of this section in connection with any census conducted under section 141 of this title shall not be an offense under section 221(a) of this title; but nothing in this section shall be construed to prevent the Secretary from requesting any such information in connection with such census on a voluntary basis.'.

"(2) The table of contents of subchapter II of chapter 5 of title 13, United States Code, as amended by section 6(b) of this Act, is amended by inserting—

"'141A. Limitation on categories of information required under penalty of law in certain censuses.'

immediately below—

"'141. Population and other census information.'

"(b) Section 221(a) of title 13, United States Code, is amended by striking out '(a) Whoever' and inserting in lieu thereof '(a) Subject to section 141A of this title, whoever'."

Mr. BETTS. Mr. Chairman, I have no intention of taking a great deal of time on this amendment because I had a special order on it once and I think enough Members have introduced the same bill. It has been discussed enough and Members have received enough letters from constituents and they have read enough newspaper editorials on it that extensive argument at this time is not necessary.

Let me review briefly some of the reasons I think this amendment should be considered at this time.

I want to repeat what I said before, that this bill as it comes before the House still provides for a mandatory census even though the jail sentence has been removed—there is still the penalty of a fine.

The position I take, and that this amendment sets forth is that the six questions that have to do with the basic

reasons for a census should be asked on a compulsory or mandatory basis and all the other questions should be asked on a voluntary basis.

I might say that the six questions that I have selected for this bill, I think are the questions that are essential for a head count so far as determining population is concerned.

This amendment was prepared and sponsored and offered because we have felt that the intent of the Constitution—and the only place where it mentions a census—is to secure a head count for the purpose of apportionment of Members of Congress. That is the only place the census is mentioned in the Constitution.

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman.

Mr. ROUDEBUSH. I would just like to say that I strongly support the gentleman's amendment.

Mr. Chairman, I know of no Member of this House or of this Committee who has done more than the gentleman from Ohio (Mr. BETTS) to bring this situation to the attention of the American people. I certainly commend the gentleman for his activity over a long period of time in behalf of this census legislation and a limitation on the questions to be asked. I commend the gentleman and I believe he has done a great service to the country.

Mr. BETTS. Mr. Chairman, I thank the gentleman from Indiana and appreciate his support.

In other words, the only purpose of the census is to ask questions and not to demand answers.

Many people say that this has gone on for many years in many censuses. But the spirit of reform is ever present in America today and all over the world, and I see no reason why this particular reform of the census is not completely proper at this time.

So the first reason that we ask for the approval of this amendment is to provide mandatory sentences only as to questions having to do with the sole reason for a census, and that is a head count for the purposes of apportionment of the Congress.

The second reason goes to the effectiveness of voluntary answers. I want to put to rest some of the arguments that have been made that you cannot secure proper or adequate answers on a voluntary basis—I refute this because my office sent out questionnaires to every State in the Union to determine whether or not the State itself conducted the census and whether or not they were compulsory or mandatory—and if they were voluntary, what the results were.

Briefly, we found out that all States conduct some sort of census and only two States do it on a compulsory or mandatory basis. Of the others that conduct these questionnaires by inquiries on a voluntary basis, everyone is completely satisfied with the accuracy and the completeness of the questions. We inquired of private research organizations. The answer was much the same, the majority of them responding that, according to their experience, they got just as satisfactory and complete answers on the voluntary basis as on the compulsory basis.

I would like the RECORD to show the nature of the responses from some of these research questions. For example, the president of Bellman Associates, who wrote me on August 14, 1967, said in part:

> In 26 years of research work we have never found that our clients suffered from our inability to employ the Government power to demand answers.

I could go on and on. I have pages of such statements before me.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Texas.

Mr. WHITE. I would like to go into the mechanics for a second, if I may. I think the gentleman is going in the right direction. The gentleman understood that the Census and Statistics Subcommittee had before it a bill upon which we were going to deliberate further that provided that in future censuses certain questions would be made optional and the balance mandatory. Now we have the instant form that has been presented for the deadline of April 1970, and, of course, in those forms it is designated that the questions shall be answered mandatorily. What would be the mechanics that you see or envision in the event your amendment is adopted?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. BETTS was allowed to proceed for 5 additional minutes.)

Mr. BETTS. I think the answer to the gentleman's question is the answer that I gave previously when I was asked a similar question by the chairman or another member of the committee. At that time I quoted from Mr. Eckler's statement before the committee that this would be handled by informing the enumerators as to how to present the questions that they were to ask.

Mr. WHITE. That is the point I am getting at. These questions, under the present procedure, are to be mailed out to the recipients. That is the understanding. If you include in this mailing a slip stating that only such-and-such questions are to be answered on a mandatory basis and the balance are optional, what kind of returns do you think we will get? Would we not be red-flagging the American public that their answers would be voluntary? How valid would be your responses?

Mr. BETTS. I would not anticipate any problem, for the American people who are interested in answering the questions would be smart enough to distinguish which ones were compulsory and which ones were not.

Mr. WHITE. According to the testimony, if the public knew that certain questions would be asked on an optional basis only, their response would be something like 50 percent and the Government would have to go back and urge the people to send out enumerators, and after the enumerators had gone out, you might get as much as 70 to 90 percent. I might add that the experts around the world with whom we have talked have stated that if you were going to make certain questions optional, the only way you could get any kind of response would be by not letting the people know that the questions were to be answered on an optional basis.

Mr. BETTS. Yes. I would be pleased to have the gentleman continue, but I have only a certain amount of time available.

The gentleman's primary question is with relation to the effect on the American people if they knew some questions were optional under a mailing system. The idea of mailing out the census form is not my idea of how to conduct a census anyway. I think it should be done on a person-to-person basis.

Mr. WHITE. That is not how it is being done.

Mr. BETTS. That is a problem that the Census Bureau will have to solve itself. It is not my way of taking a census. In answer to the gentleman's question, and I respect him for his position, and if he has any further statements to make I wish——

Mr. WHITE. The only other question I had was that I noticed the gentleman's amendment left out the matter of race and color, and in our hearings we had certain testimony that certain racial groups wanted to be included in the census returns. I wonder if the gentleman had some particular reason for leaving out race and color?

Mr. BETTS. I have no particular reasons for leaving them in or out. I left them out because there were objections to having them in. If the committee wanted to put them in, it would be perfectly all right with me. It is six of one and half a dozen of the other, as far as I am concerned.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, why did the gentleman leave out the place of birth of those enumerated, the State or nation in which they were born? That has been historically in the census. Starting with 1850, individual listings in the census record began. Prior to that time only the head of the household and the number in the household were listed. After that date the age of the person or date of the person's birth and the State or nation in which he was born were listed to show population trends. I wonder why that has been left out.

Mr. BETTS. To be perfectly frank, I cannot tell the gentleman why. These six questions were the ones we came up with and which we felt were basic in the head count.

As I commented in the discussion with the gentleman from Texas, I told them if they had any reason to be in, certainly it would be agreeable to me, but to answer the gentleman from Oklahoma, I cannot say why that was left out, frankly.

One more comment about the effect of the voluntary answers to questions. The Census Bureau constantly conducts samplings which are on a voluntary basis and on which they rely completely, or at least to a great extent. To me that certainly establishes the fact that much of the information on which industry and government rely today is based on sam-

plings which are done on a voluntary basis.

I want to make one comment about the compulsions involved in questions and answers. We contacted a sociologist or psychologist on this subject, and the answer was that it would take a person with an education of about the 10th grade to answer all the questions on the questionnaire proposed.

If we assume that there are about 17 million people in the United States who do not have this 10th grade education, then we get some idea of the effectiveness and the adequacy and the completeness and the correctness of the answers.

If 17 million of them are not complete, then we get into the area the gentleman was talking about, the one-man, one-vote question. I was impressed with the fact that the areas where there would be the least opportunity to answer questions correctly or completely would be in the ghettos and similar areas, where there are great racial imbalances. So, on the basis of some of the questions that the Census Bureau is compelling to be answered, the result probably could be a discrepancy of almost 10 to 15 percent, which would reflect on the one-man, one-vote rule as far as representation of these areas are concerned.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. BETTS was allowed to proceed for 5 additional minutes.)

Mr. BETTS. Mr. Chairman, one of the really main arguments people have talked to me about when they discussed with me, about voluntary or compulsory answering of questions, is the right to privacy, and I wish to comment again on what the gentleman from Connecticut said.

I think a great many people fail to distinguish between the right to privacy and confidentiality. Many people think this question is completely answered when we have increased the penalties on release of information which is given to the Census Bureau with the understanding that it is confidential.

Again I would like to distinguish between the right to privacy, which I think means taking the form of forcing a person to give information which he does not want to give. As a matter of fact, a Supreme Court Justice once said in an important case that "the right to privacy is the right to be left alone."

Confidentiality relates to release of information which has been given—release by people other than themselves.

I believe that is the difference. I do not believe we have really gone into the question of the right to privacy in this case, when we strengthen, as we do, the penalties for violations of confidentiality. Of that I approve 100 percent, but I do not believe it answers the objections so far as invasion of the right to privacy is concerned.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from Rhode Island.

Mr. TIERNAN. Along that line I cannot help but think of the previous statement which was made with regard to the objection to the policy of the Census Bureau, in respect to undertaking the census by mail rather than by enumerators going to the homes of the people.

I find that in conflict with the gentleman's feeling on the right to privacy. I believe the attempt here is to meet some of that objection of having the person fill out the form in the presence of a stranger in the house.

In the old days an enumerator went to the house and asked the lady how old she was. The lady used to object to asking how old she was. If this were put under the new proposal, the lady would be putting down precisely the information with respect to the living room and the dining room, however, she wants to, and no one will know how old she is.

The method we propose for the use of the Bureau of the Census this year goes a long way along the road the gentleman wants them to take. I cannot understand why he finds an objection to their doing it by mail.

Mr. BETTS. Whether it is done by mail or by enumerator, it is gaining from the person something he believes belongs to him alone. To me there is no difference, whether he answers on a questionnaire or tells it to someone who calls at his door.

However, I also object to the effectiveness of the mail questionnaire, and about that I am fearful. It was brought out, I believe, in one of the trials in New Haven, Conn., that only about 65 percent of the people responded.

As I said, it is impossible to get into all of the ramifications of this bill. I believe these are important matters for the Members to consider, so far as the answering of questions voluntarily or on a compulsory basis is concerned.

To repeat what I said, there are six questions. In my opinion and in the opinion of those who introduced and cosponsored this bill, they are the only ones which should be answered on a compulsory basis, because they fit into the historic constitutional concept of the census, which is confined to a headcount rather than a solicitation of information on any conceivable subject.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Missouri.

Mr. HUNGATE. I thank the gentleman for yielding.

I commend the gentleman on his efforts on behalf of making the census and the Census Bureau and the agencies responsive to the Congress and the people whom they serve. I joined him in his effort and the legislation he introduced earlier.

Nothing I have ever done, I believe, met with as warm a public response as this, which indicates the concern of the people and the fact that the position the gentleman puts forward is one which is well accepted by the American people.

I want to commend the gentleman again. I hope to hearten him further by saying the response he sees on the floor I do not believe is a measure of the real response in the country to his efforts to see that this system is truly responsive to the will of the people.

There are many things we do delegate to agencies and do not look again at what they are doing. Many things turn on what the census says. People commonly make speeches that 83 percent of the people live in urban areas.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. HUNGATE, and by unanimous consent, Mr. BETTS was allowed to proceed for 5 additional minutes.)

Mr. HUNGATE. We are given figures as to the huge percentages of people who live in urban areas, and programs are directed accordingly. This comes about because the Census Bureau and the departments are defining an urban area as one with 2,500 people. If one defined an urban area to be one with 50,000, the results might be entirely different and the programs might be headed in different directions.

What is a standard metropolitan area is a determining factor for some of these important programs, and that has a great and substantive effect on legislation passed in this body.

Once again I commend the gentleman and thank him for the fine leadership he has provided here. Whatever bill we pass is going to be a better one because of his efforts.

Mr. BETTS. Mr. Chairman, I thank the gentleman for his kind comments and support. I urge support of the amendment and yield back the balance of my time.

Mr. ROUDEBUSH. Mr. Chairman, the Post Office and Civil Service Committee has performed an outstanding job in presenting the House with a census bill that improves and refines many of the objections that were contained in the original plans for the 1970 census.

I am particularly pleased with the provisions that, first, repeal the jail sentence; second, give Congress future approval over the questions; third, provide submission of the proposed census to Congress 3 years in advance; and fourth, strengthen procedures designed to guarantee the confidentiality of census information.

However, as strongly as I endorse these provisions of H.R. 12884, I support the amendment by the gentleman from Ohio (Mr. BETTS) which would further strengthen the bill by limiting the number of mandatory questions.

As one of the early sponsors of such legislation this session, I introduced a bill on the first day of the 91st Congress which would limit these mandatory questions.

The constitutional purpose of the census has always been, and remains, to obtain an accurate head count of the Nation's population.

There is unanimous agreement that a successful census must accomplish this, however, I strongly believe that extraneous information should be collected on a strictly voluntary basis to avoid invasion of privacy of the American citizen.

As the gentleman from Ohio has explained, there is no supporting evidence that information gathered on a voluntary and cooperative basis is less valid than information extracted by compulsory means under duress.

Therefore, I wish to acknowledge my strong support for this corrective census

legislation, and to endorse the amendment by the gentleman from Ohio.

I believe that the American people will cooperate with our census takers to provide legitimate information, however, I do not wish to see our people confronted by compulsory interrogations on matters of private concern.

Mr. HAGAN. Mr. Chairman, I rise to support the amendment being offered by the gentleman from Ohio and to commend him for the fortitude he has exhibited in this legislative endeavor over the last few years.

During this Congress, I joined with a number of my colleagues in introducing similar legislation—H.R. 9286—which limited the number of mandatory questions to be answered under penalty of the law in the 1970 and succeeding decennial censuses.

Although several questions which were obviously an invasion of privacy have been removed, I am disappointed that the committee has failed to allow for a part voluntary census.

I believe we must stop and recall that the original intent of the census under the Constitution is to provide an accurate population count for an equitable apportionment of the House of Representatives. And, as far as I know, this is still the intent of the census.

It is my belief that unless we insist that the Census Bureau strive for an accurate headcount, especially in light of the recent Supreme Court decision, the apportionment of Congress will be jeopardized.

We, too, must remember that this is a decennial census, not an industrial or commercial census, which is an entirely different matter.

Unless this Congress exerts a strong influence on the quality and quantity of questions it so desires, the importance of an accurate headcount will continue to be underemphasized.

The folks in my district are resentful of the directive that they must answer all questions or be subjected to a $100 fine and I am here to represent my people.

We must take the lead in seeing that the decennial census retain its intended constitutional purpose, restore personal privacy rights to the American people through repeal of the criminal penalties, and acknowledge the fact that public cooperation is better than compulsion in seeking the valid information needed to make the forthcoming decennial census successful.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following date the President approved and signed a joint resolution of the House of the following title:

On September 24, 1969:

H.J. Res. 614. Joint resolution authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week."

The SPEAKER. The Committee will resume its sitting.

CONFIDENTIALITY OF CENSUS INFORMATION

The Committee resumed its sitting.

Mr. McDONALD of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in favor of the amendment offered by my good friend and colleague from Ohio. First, I would like to commend the members of the Subcommittee on Census and Statistics for their diligent interest in hearing all sides of the controversy concerning the 1970 census. I feel that their efforts to eliminate the jail penalty and to strengthen the confidentiality provisions are most encouraging. However, I deeply regret they did not take further action by limiting the number of questions requiring answers under penalty of law. I would like to point out that the fundamental problem of census reform is not one of governmental data collection versus noncollection. I am well aware of the significance such information has on many business activities. More important if public officials are to formulate programs responsive to the needs of the people it is imperative our decisions are based on up-to-date facts.

Nonetheless, we must answer the basic question of how to get the best data with the least amount of inconvenience and infringement on certain inalienable human rights, specifically, the individual's right to privacy. The computer can be a most valuable tool, but its use, especially by a governmental agency must be closely scrutinized. During the last few years, there have been extensive legal and other professional writings on the need and right of every citizen to maintain control over information about himself. A partially voluntary census would certainly help achieve this worthy goal.

I realize that there is unanimity in the executive branch that a voluntary approach to the census will not yield sufficient information. I am also aware that the census figures are used to design both public and private voluntary sample surveys. However, I am not familiar with any data supporting the contention that criminal sanctions are any more productive. In fact, my personal experience as a Director of the 1960 census in Wayne County, Mich., leads me to believe that, in general, people are most cooperative in responding without any reference to the possibility of criminal punishment for noncompliance.

The Census Bureau and many State agencies carry out various surveys on a voluntary basis with minimal difficulty. Furthermore, private opinion and marketing organizations often deal with most sensitive areas and they have indicated that they have a very low refusal rate.

Now it has been said that proposals for conducting a substantial part of the census on voluntary basis came predominantly from people with no evident credentials in sampling procedures or in survey techniques. However, several noted statisticians have strongly stated they favor the voluntary census. In addition I would like to elaborate some of the pragmatic considerations which have led me to my position on this important issue.

Within the last decade this Nation has experienced an unprecedented amount of turmoil and dissension leveled against "the establishment" by young people and minority groups. I am also quick to point out that the deep concern and frustration over the census expressed by the average citizen is something we Representatives in Congress feel everyday. With the exception of tax reform, I have received more letters on this subject since January than I have on any other issue.

This situation has relevance when we consider that the 19th decennial census will distribute 60 percent of its questionnaires on a mail-out, mail-back basis and the long forms involving from 66 to 89 questions will be asked of 20 percent of the population. The success of this operation will depend upon the cooperation of our citizens. Granted the threat of criminal sanctions is admittedly only that, since it is most unlikely it will ever be realized. However, in light of the indignant mood of the Nation's populace, many citizens may refuse to cooperate by failing to respond and challenge the Government to prosecute them. To make criminals out of a large number of otherwise law-abiding citizens seems to be misguided and unwarranted.

A good way to reduce this resentment and to promote an atmosphere of courtesy to encourage the needed cooperation would be to eliminate the mandatory nature for all but the six basic categories mentioned in the Betts amendment. I believe this approach is more likely to produce sound data as well as to restore some degree of confidence, respect, and understanding between the people and their Government.

It is important to remember that 5.7 million people were not counted in the 1960 census and that census data serves as the basis for the allocation of funds for many important social programs in addition to legislative redistricting. This latter factor has great importance in light of last year's Supreme Court ruling which requires mathematical precision in reference to the one-man, one-vote concept and extends it to even elected county governing units. Therefore, in light of vital need for public cooperation to insure sound statistical readings coupled with the necessity to protect the right of privacy, it would seem more desirable for the Census Bureau in 1970 to accurately fulfill the basic constitutional purpose of the census and more greatly satisfy congressional mandates by limiting the number of questions to be asked under penalty of law rather than to risk the public's wrath and fail to effectively or adequately achieve either of these goals.

For these reasons I plan to vote for this amendment.

Mr. CHARLES H. WILSON. Mr. Chair-

man, I rise in opposition to the amendment.

May I join those who have commended the gentleman from Ohio (Mr. BETTS) for introducing the original legislation in this field and agree with those who have spoken who said we would not have had legislation on the floor today had it not been for the legislation originally introduced by the gentleman from Ohio. I am one of those who feel this is true. As a result of his legislation and similar types of legislation introduced by more than 150 Members of the House, we did hold hearings on the matter. We were told in these hearings that it takes the Bureau of the Census about a year's leadtime to orderly prepare the census and have it printed and have the mailings taken care of so that it could proceed on schedule, as it is supposed to do, April 1 of 1970. We were able to get some delays in order to have a revision of some of the more controversial questions. I want to compliment the Secretary of Commerce for his cooperation with our committee and his understanding of the problems we have. I think we have gone too far, however, to make further changes which would affect the census to be taken in 1970. We have given assurance to the gentleman and to all of those who support his position that we intend to continue holding hearings and find out if there is not some reasonable way in which we can get a guarantee of a more responsive answer to the voluntary type of questionnaire. From the testimony of all of the witnesses we have, in spite of the fact that there is great opposition to the mandatory type of questions on so many items, we found no witnesses who could assure us that you could have a voluntary type of census which is of some substance. I would hope that those who are in agreement with the gentleman from Ohio (Mr. BETTS), would understand the position the Department is in in trying to prepare for this very important census and allow it to proceed with the questions now included in it. They have been modified and brought up to date. We have put into our bill the provision that there will be congressional approval required for future censuses. I think this is the guarantee the gentleman from Ohio has been seeking. We will only cause damage to a job that has been started and which has already proceeded in a very satisfactory manner. I would ask for the defeat of this amendment, Mr. Chairman.

Mr. BUCHANAN. Mr. Chairman, I rise in full support of the amendment offered by my distinguished colleague, the gentleman from Ohio (Mr. BETTS), which would limit the categories of census questions required to be answered under penalty of law. Under this amendment those questions which are pertinent to the constitutional purpose of the census—that is, name and address, relationship to head of household, sex, date of birth, marital status, and visitors in home at time of census—would retain their mandatory requirements. All other questions currently on the census form or planned for future use could still be included—but on a voluntary basis.

I have long shared my colleague's concern about the prospect of Federal census questions becoming an unwarranted intrusion into the right of privacy cherished by American citizens. Accordingly, I have already joined the gentleman from Ohio in introducing legislation containting the substance of the amendment which is before the House at this time.

Mr. Chairman, H.R. 12884 is a meritorious step in the right direction, for which I commend the committee. Among other things this bill eliminates all jail sentence penalty provisions for failure to answer census questions, it strengthens the confidentiality provisions of census law to further guarantee the protection of our citizens, it improves data collection procedures, and provides for congressional review and approval of questions 3 years before the census date. The House Post Office and Civil Service Committee and particularly its Subcommittee on Census and Statistics are certainly to be commended for their work on this legislation, which in my judgment deserves the support of the Congress.

I share Mr. BETTS' disappointment, however, over the committee's failure to include a provision which would limit the number of mandatory questions and provide for a partially voluntary census. Although I am certainly aware of the vital importance to the Federal Government—and indeed to many others—of the detailed and accurate information which is obtained through the decennial census, there is an urgent need to obtain a proper balance between the necessary acquisition of population data as provided for in the U.S. Constitution and the preservation of individual privacy. I firmly believe that the amendment offered by Mr. BETTS strikes this proper balance. I do not believe, furthermore, that by making part of the census voluntary the completeness, accuracy, and validity of the data obtained would be lessened.

Indeed there is reason to expect that the extensiveness of the mandatory questions in the 1970 census in its present form may substantially reduce the accuracy of the census data. For example, it has been reported that some 5 million people were uncounted in the 1970 census because of their own evasion and unwillingness to answer. The 1970 census may well leave millions more uncounted. By separating those personal questions which could lead to an increase in such census avoidance from those six questions related to the constitutional purpose of the Federal census, I am confident that the essential data obtained from the latter will be significantly more complete.

With respect to those more personal questions which would be made voluntary under this amendment, I believe there is reason to expect that here too the "answer rate" would be substantially improved. There are Americans who would refuse to answer certain census questions of a personal nature primarily because of the intimidation posed by their mandatory nature and the threat of penalties. I am confident that many of these people would not have objection to answering the same questions asked of them voluntarily. We have only to look at the tremendous growth in recent years of the private polling and marketing research industries to find evidence of the extent to which our citizens will cooperate in answering a wide variety of questions put to them on a voluntary basis. Why then should we assume that individuals who have shown themselves willing to cooperate in answering the questions of such private polling organizations would be unwilling to cooperate in equal measure with voluntary census questions?

I firmly believe that the large majority of our citizens would cooperate in answering voluntary census questions. But more important, I believe it to be our constitutional duty to give our citizens the right to cooperate voluntarily in divulging information of a personal nature—rather than demanding it of them under penalty of law.

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the gentleman from Ohio (Mr. BETTS) in his efforts to reform the 1970 census. My own bill, H.R. 8312, has the same objective as his amendment and, if not identical, is very similar to his amendment.

Authority for taking the census is found in article 1, section 2, of the Constitution which provides for an enumeration of the population every 10 years. It is significant that the original purpose of the decennial census was to provide a base for apportioning Representatives in Congress and imposing direct taxes. The first census taken in 1790 asked only for the head of the family, the number of free white males 16 years of age or older and the number of white free females and freed slaves. The same information was asked in all the ensuing 50 years. In 1840, it seemed important to ascertain the number of idiots and insane persons. That year was the first time they asked about the occupation of persons. With the passing of each 10-year period, bureaucracy grew a little more. By 1850 they were asking the number of deaf, dumb, and blind individuals. In this year they asked for the first time the question about the value of real estate held.

It is sufficient to say in the first 140 years of the census a lot of things have been asked other than the information needed to apportion the population in the congressional districts. Even so, the "big brother" questions did not come into being until within the last 30 years. In 1940, however, there was some questions which suggested that the census was becoming a way of policing the people. Included in the 18 questions of that year were questions such as "income last year." There was a census of bathroom facilities, toilet facilities, and amount of rent paid. In other words, this was the first census of housing.

No one can deny some of the questions have produced information of value to the Government, but the trend started in 1940 and continuing now until 1970 has gone beyond the realm of propriety. Commencing in 1950 the stage was set for future questions designed to go further and further from the census intent which was to apportion the population into congressional districts and for purposes of direct taxes.

Now, in 1970, it is proposed these questions be asked: First, dollar-by-dollar accounting of income from all sources including public assistance, alimony, unemployment and disability insurance, pension, and investments. It would seem that these questions would provide the opportunity and the temptation for the Internal Revenue Service to use census forms to cross-check tax returns. The American people are already overburdened with tax and Government forms as well as all other sorts of red-tape. I support the Betts amendment because I resent a further invasion of the rights of privacy of our people under the guise of census enumeration. None of this has anything to do with apportionment which is the only census authority. Second, the value of property or the amount paid for rent. Quite properly the question should be asked what do these things have to do with accurately counting the population? Third, educational, marital, employment, and military history. If questions such as these are asked, it would seem the argument made by some people is true that the census of the population has really become a way to establish a national data bank. The census has become an information file for keeping tabs on all people such as would be necessary if we were a police state. Fourth, the names of people with whom bathroom and kitchen facilities are shared. This question is offensive and out of place. It should not be a part of the census. Fifth, a listing of television sets, radios, dishwashers, automobiles, second homes, and a long list of household items. Now, the facts are that private industry does a good job of compiling this information. Is it proposed that the Government should take over this kind of statistical work from private industry? It is not beyond the realm of possibility that the purpose of this is to let the Government snoop into our homes for the purpose of double-checking a person's net worth. Sixth, a listing of birthplaces of citizens and their parents. Surely the information where each person and his parents are born will be found, one place or another in our paternalistic Government's recordkeeping. This information is already on file for each of us. Why ask for it again?

Mr. Chairman, I introduced H.R. 8312, my own bill, and I support the Betts amendment because my constituents are rebelling against the extent to which Government snooping has increased. But it is not only private individuals. The small businessman also has just about gone to the limit of his patience and endurance in the proliferation of informational returns he must complete and file. The number of these returns has reached unbelievable proportions. If we do not do something today, the time may very nearly be upon us when there will be a general rebellion of the amount of paperwork heaped upon the heads of our people.

It was encouraging to read a few months ago that the Commerce Department would consider a cutback in the number and kind of questions to be included in the 1970 census. The question we ought to ask is why should the Congress be dependent upon the executive branch? The congressional authority for enumerating the people provides the census shall be taken only in the manner Congress shall provide by law. What has happened is that Congress has abdicated its authority and the executive branch has stepped in. That is the reason the number and kinds of questions in the census questionnaires has proliferated. I understand that the 1970 census questionnaires which contain the many offensive questions have a warning that failure to answer and return the questionnaire exposes the person to a fine or imprisonment. Mr. Chairman, I introduced H.R. 8312 and support the Betts amendment because I believe the American people should not be faced with a $100 fine or 60 days in jail if they decline to reveal some overly personal information about themselves and their households. There is no justification for the mandatory requirement that forces citizens to provide all the detailed information about the questions I listed a moment ago.

If this amendment is not adopted, and unless there are extensive changes and deletions in the questionnaire now proposed, I predict the sensibilities of our people will be so offended as to cause widespread anger and indignant failure to return these forms.

I hope there will be no such failure of our people to return the forms. We do need accurate information as to the population count and such other information as can be developed by asking reasonable and pertinent questions in the enumeration. But, I most emphatically oppose the continuation of blanket authority of the Census Bureau to pose their own questions. We cannot let our country drift into the "big brother" overtones and "data bank" suggestions which attend the proposed 1970 census forms. If we do not do something to curb or limit the mandatory questions on the questionnaire to those questions which are essential to counting the population, the majority of our 62 million householders may respond to the census takers by saying, "it's nobody's business who shares my bathroom."

The title of H.R. 12884, the bill before us today is very interesting. It would seem to be a meritorious objective to assure confidentiality of census information. No one can argue that it does seem to represent a forward step toward involving Congress more directly in census policies and procedures. There has been an effort to strengthen the procedures designed to guarantee the confidentiality of census information.

But, there was no effort to limit the number of mandatory questions to the six questions provided in my bill, H.R. 8312, and as proposed by the Betts amendment. There are still approximately 113 questions in the official census questionnaire which are mandatory. H.R. 12884 does repeal the jail sentence just as our H.R. 8312 provided for the repeal of the jail sentence. But, there is no provision for voluntary questions or a limitation of questions. The bill actually goes in the opposite direction and leaves the door open for further expansion of questions and strengthens the statutory authority for asking these questions.

It is contended there can be no change in the questions which appear in the 1970 census form since the Government Printing Office is now printing these forms. I do not know, this may be true. But if we pass this bill today as amended maybe this will be a signal to the Printer or a flag raised which would slow down the printing as of right now.

Mr. Chairman, the principal thrust of my argument is that there is a feasible solution to the dilemma between the balancing of public needs for information obtained from the census on the one hand, and our inherent right of personal privacy on the other. We should set a limit for minimal basic data needed from the citizens for apportionment purposes which should be mandatory and the rest an entirely voluntary census which would be nonpunitive. Who can successfully argue that such would not be the better procedure? Certainly public cooperation is better than compulsion in obtaining accurate and valid information. We will have an improved bill if we adopt the proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BETTS).

The question was taken; and on a division (demanded by Mr. BETTS) there were—ayes 32, noes 22.

Mr. DULSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. DULSKI. Mr. Chairman, I demand tellers.

Mr. BETTS. Regular order, Mr. Chairman.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent to withdraw my point of order that a quorum is not present.

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

Mr. MONTGOMERY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRIES

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, will the Chair inform the members of the Committee where we are from the standpoint of the parliamentary situation so we can decide how to proceed?

The CHAIRMAN. The Chair will state to the gentleman from Michigan that if the Chair finds that a quorum is not present, the Chair will order the roll to be called.

Mr. GERALD R. FORD. Mr. Chairman, another parliamentary inquiry: As I understand it, since the gentleman from New York made a point of order that a quorum is not present, subsequent to that a demand was made for tellers and subsequent to that the gentleman from New York sought to withdraw his point or order that a quorum was not present and the gentleman from Mississippi (Mr. MONTGOMERY) objected; is that a statement of fact?

The CHAIRMAN. The Chairman will state to the gentleman from Michigan that that is the fact.

The Chair will proceed to count for a quorum.

Mr. GERALD R. FORD. To count for a quorum?

The CHAIRMAN. Yes.

Seventy-five Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 186]

Addabbo	Frelinghuysen	Pepper
Anderson, Tenn.	Giaimo	Pike
	Gilbert	Powell
Annunzio	Goldwater	Purcell
Baring	Griffiths	Quillen
Barrett	Grover	Reifel
Bell, Calif.	Hanna	Rivers
Bolling	Hansen, Wash.	Sandman
Brown, Calif.	Hays	Scheuer
Burton, Utah	Hébert	Sisk
Cabell	Hosmer	Slack
Cahill	Ichord	Smith, Calif.
Carey	Karth	Snyder
Celler	Kirwan	Staggers
Chisholm	Lipscomb	Steiger, Ariz.
Clay	Long, La.	Teague, Calif.
Cowger	McCloskey	Teague, Tex.
Daddario	McKneally	Udall
Dawson	Mailliard	Utt
Denney	Mills	Vander Jagt
Dent	Monagan	Watson
Edwards, Ala.	Morse	Whalley
Esch	Nix	Wiggins
Fallon	O'Hara	Wright
Fascell	O'Konski	Wyatt
Ford, William D.	Ottinger	
	Passman	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12884, and finding itself without a quorum, he had directed the roll to be called, when 353 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. CHARLES H. WILSON. Mr. Chairman——

The CHAIRMAN. The Committee will be in order.

Mr. CHARLES H. WILSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. CHARLES H. WILSON. Mr. Chairman, on the Betts amendment I demand tellers.

POINT OF ORDER

Mr. MONTGOMERY. Mr. Chairman, I make a point of order that the demand for tellers is out of order. The time is past for that. The Chair asked for a division vote and the vote was 32 to 22, and the amendment was agreed to. The Chairman announced that the amendment was agreed to. Then the chairman of the full Committee on Post Office and Civil Service made the point of order that a quorum was not present and there was a call of the House.

My point of order is that when the chairman of the Committee on Post Office and Civil Service made the point of order that a quorum was not present, that that cut off the teller vote.

Therefore, Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. CHARLES H. WILSON. Mr. Chairman, I just ask for tellers and I assume I am following the correct procedure in asking for tellers. There has been no intervening business, and it is my understanding that——

Mr. MONTGOMERY. There was intervening business. There was a 20-minute delay.

Mr. HALL. Mr. Chairman, may I be heard on this point of order?

Mr. GERALD R. FORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. GERALD R. FORD. May I be heard on the point of order?

The CHAIRMAN. The gentleman from Michigan is recognized on the point of order.

Mr. GERALD R. FORD. There was no intervening business between the division vote and the point of order being made that a quorum was not present. We went through the quorum call immediately, and subsequently the gentleman from California asked for tellers.

The CHAIRMAN. The Chair will state that is the way the Chair recalls the procedure.

Mr. HALL. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will recognize the gentleman from Missouri to be heard on the point of order.

Mr. HALL. Mr. Chairman, I submit that the point of order should not be sustained inasmuch as the record will indicate that the Chair had announced the division vote, but it had not said that the amendment was agreed to. The Chair had not made the final decision. The right of any Member of the House to ask for a teller vote, to ask for a reconsideration, or to ask for any other privileged motion had not inured; therefore the request, because the quorum call could not be interrupted, to ask for tellers is quite in order.

Mr. GERALD R. FORD. Mr. Chairman, would the Chair again recognize me for one other observation?

The CHAIRMAN. The Chair recognizes the gentleman from Michigan on the point of order.

Mr. GERALD R. FORD. Mr. Chairman, I was on my feet awaiting the opportunity to ask for tellers at the time the gentleman from New York made the point of order that a quorum was not present.

The CHAIRMAN (Mr. ANDREWS of Alabama). The Chair is prepared to rule on the point of order.

The Chair will state that the gentleman from Missouri is correct in his recollection. The Chair had not said that the amendment was agreed to, therefore no intervening business had taken place when the point of order of no quorum was made.

The Chair will read from Cannon's Precedents of the House of Representatives, volume 8, page 646, section 3104:

The right to demand tellers is not prejudiced by the fact that a point of no quorum has been made against a division of the question on which tellers are requested.

That precedent was established on December 13, 1917.

The Chair therefore overrules the point of order.

Mr. CHARLES H. WILSON. Mr. Chairman, I renew my request for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BETTS, and Mr. CHARLES H. WILSON.

The Committee again divided, and the tellers reported that there were—ayes 107, noes 123.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANDREWS of Alabama, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12884) to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes, pursuant to House Resolution 545, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CHARLES H. WILSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the RECORD on the bill H.R. 12884, to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes.

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

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 13827, UNTIL MIDNIGHT SATURDAY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency have until midnight Saturday to file a report on the bill, H.R. 13827, a bill to amend and extend laws relating to housing and urban development and for other purposes.

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

There was no objection.

AUTHORIZING APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4152), to authorize appropriations for certain

maritime programs of the Department of Commerce, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 4, strike out "$15,000,000;" and insert "$12,000,000;".

Page 2, line 9, strike out "$2,040,000;" and insert "$2,270,000;".

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

Mr. GROSS. Mr. Speaker, reserving the right to object, how does the conference report compare with the authorization bill passed by the House?

Mr. GARMATZ. The bill H.R. 4152 as passed by the House authorized $15 million for expenses necessary for research and development activities. The Senate reduced it to $12 million because they believed the agency would not be able to use the larger sum at this time.

The other change consists of a change in financial assistance to State marine schools. The House had a sum of $2,040,000, and it was increased to $2,270,000, an increase of $230,000, in order to authorize the appropriation of sufficient funds for the first year of operation of the Great Lakes Maritime Academy.

There was no other change in the House bill.

Mr. GROSS. How long has that maritime academy at the Great Lakes been in existence? Is that something new?

Mr. GARMATZ. According to the Senate report, I will say to the gentleman from Iowa, at present there is no maritime academy located at the Great Lakes. Neither the Federal Merchant Marine Academy at Kings Point, N.Y., nor the several existing State schools furnish graduates trained to the particular needs of Great Lakes commerce, where more than 200 U.S.-flag vessels of 1,000 gross tons or over are operated. The establishment of a Great Lakes Maritime Academy would serve to meet the manpower needs of this trade.

Mr. GROSS. When was the school established? How long has it been in existence?

Mr. GARMATZ. Since 1957, Northwestern Michigan College has been working to establish a Great Lakes Maritime Academy.

Mr. GROSS. Working to establish it—but has it been established? Have we been funding this academy?

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

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

Mr. GERALD R. FORD. Mr. Speaker, this academy was established about 3 years ago. It is in operation. They have gotten a grant vessel from the Coast Guard or Navy—I cannot remember. It is in operation and a going school and it is highly important to the whole Great Lakes area, the five large inland lakes. Although it is not in my district, I am familiar with it in general. I think it is a badly needed authorization.

Mr. GROSS. Has there been any diminution in the appropriation for the academy at Kings Point, under the circumstances of the establishment of another school?

Mr. GARMATZ. No.

Mr GROSS. Mr. Speaker, I thought we had a disappearing merchant marine.

Mr. GARMATZ. We do have several bills which will be coming before the committee shortly which will increase allowances for the Merchant Marine Academy and other State academies.

Mr. GROSS. We were told we have a disappearing merchant marine and that it is going downhill all the time. The American flag is going off the sea. Yet, we see another academy started. I am curious to know when and how many more academies it is contemplated to have in order to supply men for a merchant marine that is fast disappearing.

Mr. GARMATZ. Mr. Speaker, we hope this will help to build up our overall maritime picture. There is no question about the need for it in the Great Lakes region.

Mr. GROSS. Of course, they have been going to Kings Point and other State academies.

Mr. GARMATZ. But Kings Point is limited as to the number of students.

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

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. KEITH. Mr. Speaker, I would like to ask a question of the chairman. As the gentleman knows, I have been very much concerned about the amount of support that the students in the several maritime academies get. There has been no increase in allotment either to them as individuals or to the schools themselves for a period of several years. I have a bill that would give a sort of cost of living increase both to the schools that have the increased overhead and also to the students which also have increased overhead.

I firmly believe, as the gentleman knows, in the merchant marine and in the need for these academies. I share the concern of the gentleman from Iowa that we do not want to have so many of the schools spread around that we cannot get adequate numbers of students for those in existence. I do not think we have reached that point, but we are going to reach that point if we do not make it a little bit easier for the boys who go to these academies as contrasted with other educational institutions.

I would like to have some assurance that we are going to get some action on the bill that will adjust the allowances upward in modest amounts commensurate with the cost of operation and the cost of living—that is the budgets for the currently existing academies.

Would the gentleman from Maryland care to comment on that?

Mr. GARMATZ. As a member of the committee I assured the gentleman we would have hearings on his bill as soon as possible.

Mr. KEITH. That is a very open-ended observation. The gentleman sort of qualified it, if my memory is correct, if we could find a little more evidence of interest in this matter on the part of our constituents. My constituents have written me, and many have sent me copies of letters to the chairman and to the committee, indicating their great interest in this matter. It is a very natural thing, of course.

Mr. GARMATZ. I would hope by the middle of October, or a week or so later, there would be time for the bill.

Mr. KEITH. I thank the chairman very much.

Mr. GROSS. Mr. Speaker, I have no desire to prolong this colloquy, except to say in conclusion I am going to be very much interested in this subject, of which I was not aware until the Senate amendments came back, and very much interested in it when the appropriation bill surfaces in the House.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, SEPTEMBER 29, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adourns today it adjourn to meet on Monday next.

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

There was no objection.

SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–163)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

This nation must not break faith with those Americans who have a right to expect that Social Security payments will protect them and their families.

The impact of an inflation now in its fourth year has undermined the value of every Social Security check and requires that we once again increase the benefits to help those among the most severely victimized by the rising cost of living.

I request that the Congress remedy the real losses to those who now receive Social Security benefits by increasing payments by 10 per cent.

Beyond that step to set right today's inequity, I propose that the Congress make certain once and for all that the retired, the disabled and the dependent never again bear the brunt of inflation. *The way to prevent future unfairness is to attach the benefit schedule to the cost of living.*

This will instill new security in Social Security. This will provide peace of mind to those concerned with their retirement years, and to their dependents.

By acting to raise benefits now to meet the rise in the cost of living, we keep faith with today's recipients. By acting to make future benefit raises automatic

with rises in the cost of living, we remove questions about future years; we do much to remove this system from biennial politics; and we make fair treatment of beneficiaries a matter of certainty rather than a matter of hope.

In the 34 years since the Social Security program was first established, it has become a central part of life for a growing number of Americans. Today approximately 25 million people are receiving cash payments from this source. Three-quarters of these are older Americans; the Social Security check generally represents the greater part of total income. Millions of younger people receive benefits under the disability or survivor provisions of Social Security.

Almost all Americans have a stake in the soundness of the Social Security system. Some 92 million workers are contributing to Social Security this year. About 80 per cent of Americans of working age are protected by disability insurance and 95 per cent of children and mothers have survivorship insurance protection. Because the Social Security program is an essential part of life for so many Americans, we must continually re-examine the program and be prepared to make improvements.

Aiding in this Administration's review and evaluation is the Advisory Council on Social Security which the Secretary of Health, Education and Welfare appointed in May. For example, I will look to this Council for recommendations in regard to working women; changing work patterns and the increased contributions of working women to the system may make present law unfair to them. The recommendations of this Council and of other advisers, both within the Government and outside of it, will be important to our planning. As I indicated in my message to the Congress on April 14, improvement in the Social Security program is a major objective of this Administration.

There are certain changes in the Social Security program, however, for which the need is so clear that they should be made without awaiting the findings of the Advisory Council. The purpose of this message is to recommend such changes.

I propose an across-the-board increase of 10% in Social Security benefits, effective with checks mailed in April 1970, to make up for increases in the cost of living.

I propose that future benefits in the Social Security system be automatically adjusted to account for increases in the cost of living.

I propose an increase from $1680 to $1800 in the amount beneficiaries can earn annually without reduction of their benefits, effective January 1, 1971.

I propose to eliminate the one-dollar-for-one-dollar reduction in benefits for income earned in excess of $2880 a year and replace it by a one dollar reduction in benefits for every two dollars earned, which now applies at earnings levels between $1680 and $2880, also effective January 1, 1971.

I propose to increase the contribution and benefit base from $7800 to $9000, beginning in 1972, to strengthen the system, to help keep future benefits to the individual related to the growth of his wages, and to meet part of the cost of the improved program. From then on, the base will automatically be adjusted to reflect wage increases.

I propose a series of additional reforms to ensure more equitable treatment for widows, recipients above age 72, veterans, for persons disabled in childhood and for the dependent parents of disabled and retired workers.

I emphasize that the suggested changes are only first steps, and that further recommendations will come from our review process.

The Social Security system needs adjustment now so it will better serve people receiving benefits today, and those corrections are recommended in this message. The system is also in need of long-range reform, to make it better serve those who contribute now for benefits in future years, and that will be the subject of later recommendations.

THE BENEFIT INCREASE

With the increase of 10%, the average family benefit for an aged couple, both receiving benefits, would rise from $170 to $188 a month. Further indication of the impact of a 10 per cent increase on monthly benefits can be seen in the following table:

	Present minimum	New minimum	Present maximum	New maximum
Single person (a man retiring at age 65 in 1970)	$55.00	$61.00	$165.00	$181.50
Married couple (husband retiring at age 65 in 1970)	82.50	91.50	247.50	272.30

The proposed benefit increases will raise the income of more than 25 million persons who will be on the Social Security rolls in April, 1970. Total budget outlays for the first full calendar year in which the increase is effective will be approximately $3 billion.

AUTOMATIC ADJUSTMENTS

Benefits will be adjusted automatically to reflect increases in the cost of living. The uncertainty of adjustment under present laws and the delay often encountered when the needs are already apparent is unnecessarily harsh to those who must depend on Social Security benefits to live.

Benefits that automatically increase with rising living costs can be funded without increasing Social Security tax rates so long as the amount of earnings subject to tax reflects the rising level of wages. Therefore, I propose that the wage base be automatically adjusted so that it corresponds to increases in earnings levels.

These automatic adjustments are interrelated and should be enacted as a package. Taken together they will depoliticize, to a certain extent, the Social Security system and give a greater stability to what has become a cornerstone of our society's social insurance system.

REFORMING THE SYSTEM

I propose a series of reforms in present Social Security law to achieve new standards of fairness. These would provide:

1. *An increase in benefits to a widow who begins receiving her benefit at age 65 or later.* The benefit would increase the current 82½% of her husband's benefit to a full 100%. This increased benefit to widows would fulfill a pledge I made a year ago. It would provide *an average increase of $17 a month to almost three million widows.*

2. *Non-contributory earnings credits of about $100 a month for military service* from January, 1957 to December, 1967. During that period, individuals in military service were covered under Social Security but credit was not then given for "wages in kind"—room and board, etc. A law passed in 1967 corrected this for the future, but the men who served from 1957 (when coverage began for servicemen) to 1967 should not be overlooked.

3. *Benefits for the aged parents of retired and disabled workers.* Under present law, benefits are payable only to the dependent parents of a worker who has died; we would extend this to parents of workers who are disabled or who retire.

4. *Child's insurance benefits for life* if a child becomes permanently disabled before age 22. Under present law, a person must have become disabled before age 18 to qualify for these benefits. The proposal would be consistent with the payment of child's benefit to age 22 so long as the child is in school.

5. *Benefits in full paid to persons over 72,* regardless of the amount of his earnings in the year he attains that age. Under present law, he is bound by often confusing tests which may limit his exemption.

6. *A fairer means of determining benefits payable on a man's earnings record.* At present, men who retire at age 62 must compute their average earnings through three years of no earnings up to age 65, thus lowering the retirement benefit excessively. Under this proposal, only the years up to age 62 would be counted, just as is now done for women, and three higher-earning years could be substituted for low-earning years.

CHANGES IN THE RETIREMENT TEST

A feature of the present Social Security law that has drawn much criticism is the so-called "retirement test," a provision which limits the amount that a beneficiary can earn and still receive full benefits. I have been much concerned about this provision, particularly about its effects on incentives to work. The present retirement test actually penalizes Social Security beneficiaries for doing additional work or taking a job at higher pay. This is wrong.

In my view, many older people should be encouraged to work. Not only are they provided with added income, but the country retains the benefit of their skills and wisdom; they, in turn, have the feeling of usefulness and participation which employment can provide.

This is why I am recommending changes in the retirement test. Raising the amount of money a person can earn in a year without affecting his Social Security payments—from the present $1680 to $1800—is an important first step. But under the approach used in the present retirement test, people who

earned more than the exempt amount of $1680, plus $1200, would continue to have $1 in Social Security benefits withheld for every $1 they received in earnings. A necessary second step is to eliminate from present law the requirement than when earnings reach $1200 above the exempt amount, Social Security benefits will be reduced by a full dollar for every dollar of added earnings until all his benefits are withheld; in effect, we impose a tax of more than 100% on these earnings.

To avoid this, I would eliminate this $1 reduction for each $1 earned and replace it with the same $1 reduction for each $2 earned above $3000. This change will reduce a disincentive to increased employment that arises under the retirement test in its present form.

The amount a retired person can earn and still receive his benefits should also increase automatically with the earnings level. It is sound policy to keep the exempt amount related to changes in the general level of earnings.

These alterations in the retirement test would result in added benefit payments of some $300 million in the first full calendar year. Approximately one million people would receive this money—some who are now receiving no benefits at all and some who now receive benefits but who would get more under this new arrangement. These suggestions are not by any means the solution to all the problems of the retirement test, however, and I am asking the Advisory Council on Social Security to give particular attention to this matter.

CONTRIBUTION AND BENEFIT BASE

The contribution and benefit base—the annual earnings on which Social Security contributions are paid and that can be counted toward Social Security benefits—has been increased several times since the Social Security program began. The further increase I am recommending—from its present level of $7800 to $9000 beginning January 1, 1972—will produce approximately the same relationship between the base and general earnings levels as that of the early 1950s. This is important since the goal of Social Security is the replacement, in part, of lost earnings, if the base on which contributions and benefits are figured does not rise with earnings increases, then the benefits deteriorate. The future benefit increases that will result from the higher base I am recommending today would help to prevent such deterioration. These increases would, of course, be in addition to those which result from the 10% across-the-board increase in benefits that is intended to bring them into line with the cost of living.

FINANCING

I recommend an acceleration of the tax rate scheduled for hospital insurance to bring the hospital insurance trust fund into actuarial balance. I also propose to decelerate the rate schedule of the old-age, survivors and disability insurance trust funds in current law. These funds taken together have a long-range surplus of income over outgo, which will meet much of the cost. The combined rate, known as the "social security contribution," already scheduled by statute, will be decreased from 1971 through 1976. Thus, in 1971 the currently scheduled rate of 5.2% to be paid by employees would become 5.1%, and in 1973 the currently scheduled rate of 5.65% would become 5.5%. The actuarial integrity of the two funds will be maintained, and the ultimate tax rates will not be changed in the rate schedules which will be proposed.

The voluntary supplementary medical insurance (SMI) of title XVIII of the Social Security Act, often referred to as part B Medicare coverage, is not adequately financed with the current $4 premium. Our preliminary studies indicate that there will have to be a substantial increase in the premium. The Secretary of Health, Education and Welfare will set the premium rate in December for the fiscal year beginning July 1970, as he is required to do by statute.

To meet the rising costs of health care in the United States, this Administration will soon forward a Health Cost Control proposal to the Congress. Other administrative measures are already being taken to hold down spiraling medical expenses.

In the coming months, this Administration will give careful study to ways in which we can further improve the Social Security program. The program is an established and important American institution, a foundation on which millions are able to build a more comfortable life than would otherwise be possible—after their retirement or in the event of disability or death of the family earner.

The recommendations I propose today, which I urge the Congress to adopt, will move the cause of Social Security forward on a broad front.

We will bring benefit payments up to date.

We will make sure that benefit payments stay up to date, automatically tied to the cost of living.

We will begin making basic reforms in the system to remove inequities and bring a new standard of fairness in the treatment of all Americans in the system.

And we will lay the groundwork for further study and improvement of a system that has served the country well and must serve future generations more fairly and more responsively.

RICHARD NIXON.

THE WHITE HOUSE, *September 25, 1969.*

DELINQUENT TAXES, A SHOCKING NEW TAX LOOPHOLE

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

Mr. VANIK. Mr. Speaker, every day turns up a shocking new tax loophole which increases the tax burden on the average taxpayer who must foot the bill.

According to the latest Internal Revenue Service figures provided to my office, interest on delinquent taxes owed to the U.S. Treasury by individuals and corporations in fiscal year 1969 amounted to over $567 million. This amount of interest would indicate a $9.5 billion tax delinquecy in fiscal 1969: At this rate, the tax delinquency will increase in fiscal year 1970 by 12 percent—over $11 billion.

There is no joy to the American taxpayer in Treasury collection of this interest at a 6-percent rate. Who can get money cheaper than that? The delinquent taxpayer can invest these funds in absolute security at 8 percent or 12 percent. The delinquent taxpayer can profit by arbitrage at the expense of all other taxpayers who pay their bills.

It is incredible—but the delinquent taxpayer has another useful gimmick. He can get a tax writeoff against his current taxes for the interest he pays the Internal Revenue Service on his delinquent tax bill. This reward for delinquency adds a cruel insult to the average taxpayer who has to pay his tax bill before it is due.

Following is a table on interest received by the Treasury on tax delinquency in fiscal years 1967 and 1969:

	Fiscal year 1967	Fiscal year 1969
Interest on current assessments:		
Individual and OASDI withheld	$22,805,671	$45,248,522
Individual, other	40,493,167	56,270,714
Corporation	34,391,853	56,826,673
Excise	7,176,318	7,665,066
Estate and gift	13,017,332	19,341,523
Carriers' tax	338,306	1,045,712
Federal unemployment	1,532,283	1,767,477
Total	119,802,932	188,165,690
Interest on returns which have been audited:		
Individual and OASDI withheld	1,265,526	2,931,425
Individual, other	93,351,541	100,289,019
Corporation	208,052,317	233,279,121
Excise	6,497,014	4,725,364
Estate and gift	26,714,476	38,293,106
Carriers' tax	10,855	11
Federal unemployment	106,294	57,792
Total	335,998,028	379,575,842
Grand total, all interest	455,800,960	567,741,532

STUDENT LOANS CUT $35 MILLION

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

Mr. KOCH. Mr. Speaker, I regret to say, this year President Richard Nixon is holding out on our Nation's college students. In an incredibly shortsighted move, the President proposed to the Congress that the funding level of the National Defense Education Act—NDEA—loan program be cut to $155 million, $35 million less than the $190 million appropriated last year.

Education should be the last place to suffer the President's budget slashes. What we are talking about are loans—not scholarships—which determine for most recipients whether or not they will go to college. The President's answer may be that the students can go to a local bank to get a loan, but with today's tight monetary situation, banks simply are not lending money to students.

Last week Representative NEAL SMITH, the distinguished gentleman from Iowa and a member of the Appropriations Committee, pointed out that the President, by a stroke of the pen can immediately release $35 million to our colleges for these loans; he need only to write a letter to the Congress revising his budget figure to the level of last year's appropriation. Under the continuing resolution a Department's spending cannot exceed the

previous year's appropriation or the President's recommendation, whichever is lower. In this case, the President's recommendation was lower. And so, while the House has already approved $222 million for an expanded loan program, the Department has to hold its spending to the President's $155 million while it waits for the Senate to act on the House approved bill.

The President knows that the final appropriations bill to be approved by the Congress will provide at least the amount appropriated last year, $190 million, and probably more. The President's negligence in failing to act at this time affects the scholastic lives of an estimated 50,000 students, and this country should not let him get away with it.

The President has talked a lot recently about providing training for anyone who wants to work and needs a skill. I concur. At the same time we must not forget those students who need financial help to go to college. Education is not the place to save money, it is an investment in the future—an investment in our country's resources.

Mr. Speaker, I believe that the President can be persuaded to amend his budget request on this item if the students, professors, and college administrators of this country will only deluge him with letters urging him to do so. The time for action is here, surely the President will take this small step so important to the young people of this country.

CRIME CAPITAL

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

Mr. ROGERS of Florida. Mr. Speaker, it comes as no surprise, since neither the new administration, the city, or Congress has done much about it, to learn that crime continues to rise here in Washington about four times higher than the national average.

Murder is up 42 percent since January; robberies, 46 percent; rape, 50 percent; larceny, 58 percent. Although Washington is the Nation's ninth largest city, it ranks sixth in murder, fifth in robberies and eighth in assaults.

Hearings on crime proposals are now underway in the House and Senate, but it took the administration so long to send up its proposals it may be difficult to get final action before the end of the year. Congress cannot put the blame for legislative delay solely on the new administration, although the inaction and lack of concern has shocked many who expected swift recommendations after the inauguration. Congress should have shown more concern on its own part after it became apparent, when the President reappointed Walter Washington as mayor of the city, that city government and the White House would not change direction and face the realities of the crime crisis.

While much of the attention has been focused on changes in law and in court reform, both of which are necessary steps, too little has been done by the city, the Justice Department or the White House within existing law to halt the crime wave. I realize that the President said many things during the campaign last fall that may be difficult to accomplish. And the demands on his time and attention are great. Yet he did make crime in Washington an important part of his campaign. He did appoint the Mayor and City Council Chairman, and the Attorney General of the United States and the District Attorney for Washington. Surely the President does not want to see Washington the deserted city it has become after dark.

The nature of the President's high office requires that he live behind iron gates, but surely he does not want to see iron gates on every storefront in the Capital of this great republic. I cannot believe he wants to see citizens arm themselves and live behind double locked doors, afraid to venture outside. Yet that is exactly what is happening, within the shadow of the White House.

Crime is like a cancer, spreading throughout the city, affecting the poor, the rich, the local resident, and the tourist.

It directly affects the cost of living, by increasing the cost of doing business here. Every customer of a Safeway grocery store, People's drug store, or High's dairy store pays the added cost of the almost daily robberies at these places of business. It is no wonder that Washington's cost of living increases well ahead of the national average when the crime rate also exceeds the national average by such a large percentage.

The President's own private secretary has been a victim of a burglary. A U.S. Senator was attacked in the elevator of his apartment house. FBI secretaries are attacked leaving the FBI building. And a third grade classroom in a public school was invaded by armed robbers who threatened the class while taking money from their teacher.

Mr. President, how can you tolerate these conditions in your Capital? Why not order a full crackdown on crime similar to the one you ordered on illegal drugs? Why not bring into Washington whatever manpower is necessary to do the job now? Put more policemen on the street. Take them off office jobs, and traffic work, even if you must bring in military police to take over these duties. Why not call in all of the officials, city and Federal, who are answerable to the President of the United States and tell them to put a stop to the crime wave now, or pack their bags and look for jobs elsewhere.

PRESIDENT'S INACTION ON TAX REFORM CRITICIZED

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

Mr. OBEY. Mr. Speaker, since my election on April 1, I have purposely tried to withhold strong criticism of the President because he, like I, has only been in his new job for a few short months. I share the sentiment voiced by the distinguished gentleman from Missouri, Congressman JAMES SYMINGTON, who stated recently:

> I would prefer not to add to the burden of any President more than conscience and honest difference require.

I have planned and I continue to plan to give to the President all the support I can, consistent with the dictates of my conscience and the needs of the Seventh District of Wisconsin. But the action of the President on the issue of tax reform requires me, in good conscience, to speak out because it is obvious that the President's recommendations to the Senate Finance Committee amount to little less than a sabotaging of the House-passed tax reform bill.

The House-passed bill contains some bad features, but I had hoped we would have the assistance of the President in the drive for tax reform so that the efforts of a good many Members of Congress from both sides of the political aisle, would not be wasted. But a review of newspaper headlines the day after the Secretary of the Treasury, David Kennedy, presented to the Senate Finance Committee President Nixon's suggested changes in the House-passed tax reform bill, reveal that the President has clearly not come down on the side of the public interest. In the 2 days after Secretary Kennedy testified on the tax reform bill, these headlines appeared in newspapers across the country:

"Nixon Presents Tax Bill That Would Limit Reform and Trim Levy on Corporations"—New York Times, September 15, 1969;

"Tax Bill Cheered by Wall Street"—New York Times, September 6, 1969, and the article went on to say:

> Wall Street reacted with undisguised glee yesterday to the Nixon Administration's tax bill announced on Thursday that would limit the reforms approved by the House.

"Nixon Tax Bid Gives Firms Bigger Break"—Washington Post, September 5, 1969.

"Administration To Seek Corporate Tax Cut to 46 Percent From 48 Percent—Sharp Battle Expected With Democrats"—Wall Street Journal, September 5, 1969, and that headline was followed by the following comments:

> The Nixon Administration headed into a big fight with Democrats by proposing that Congress cut the regular corporate income tax rate to 46% from 48% over a 2-year period starting in 1971 . . . The Administration would do this by reducing many of the tax benefits the House voted last month for low and middle-income persons.

These newspaper comments indicate just how far the administration has retreated from its promise in April to close tax loopholes that were causing a taxpayers' rebellion throughout the country.

What changes in the House-passed bill did the President recommend that caused such startling comments:

First. The House-passed bill contained $7.3 billion in tax relief for individual taxpayers. President Nixon asked Congress to eliminate $2.5 billion in tax reductions to individual taxpayers and substituted a 2-percent tax reduction for corporations instead.

Second. Under the House-passed bill, the average tax for a family of four with an income of $4,000 would be $65. President Nixon would raise it to $81. A family of four with an income of $7,500 would

pay $576 in taxes under the House-passed bill, but would pay $616 under the President's recommendations.

Third. The capital gains loophole, which was slightly tightened by the House bill, would be lessened again under the President's recommendations.

Fourth. The House bill would raise the 10-percent standard deduction for individual taxpayers to 15 percent, but the President would cut it back to 12 percent.

Fifth. The municipal bond loophole, which presently allows the wealthy to escape taxation by investing their income in tax-free municipal bonds, was closed by the House bill. The President weakened the House attempt to close this unconscionable loophole.

The impact of the President's changes on the individual taxpayer can be clearly seen by the following United Press International tax table, which shows the difference in taxes which would be required under the House and the administration bills:

TAX PLANS COMPARED

WASHINGTON, D.C.—The treasury department Thursday showed the senate a table to demonstrate the effect beginning in 1972 of the administration's tax reform proposals and the house passed tax reform bill on a family of four with nonbusiness expenses totaling 10% of income:

Adjusted gross income	Present tax	House	Administration
$3,000	0	0	0
$3,500	$70	0	0
$4,000	140	$65	$81
$4,500	290	200	253
$7,500	687	576	616
$10,000	1,114	858	1,012
$12,500	1,567	1,347	1,417
$15,000	2,062	1,846	1,951
$17,500	2,598	2,393	2,451
$20,000	3,160	2,968	2,968
$25,000	4,412	4,170	4,170

Bad as the President's recommendations are, they did at least have two redeeming features:

First. The President did make good suggestions for narrowing the hobby-farming loophole and for correcting a House mistake in the area of cooperative taxation.

Second. The President d'd support the House move to cut the oil depletion allowance from 27½ to 20 percent.

But the blockbuster came on Wednesday when the Associated Press revealed that Harry S. Dent, Deputy Counsel to the President has written a letter to the county board of oil rich Midland County in Texas promising administration reversal of its position in support of a cut in the oil depletion allowance. Mr. Dent wrote:

The recent testimony before the Senate Finance Committee is to be corrected very soon by the Secretary of the Treasury. The President continues to stand by his campaign commitments.

The Associated Press article stated that the commitment Dent referred to was made by President Nixon in a Texas speech last fall when he said:

I oppose reduction of that 27½ percent allowance.

Such a reversal in the administration position would mean that the administration has taken even the last remaining step away from tax reform. And even if that reversal does not take place, the mere knowledge that the President privately prefers not to reduce the depletion allowance makes it more difficult to win the fight for that reduction.

One Member of this House warned in July that we could paint the most beautiful tax reform bill in the world, but that by the time the bill left the Senate it would look like someone has been fingerpainting it with boxing gloves. Little did we know at the time that the fingerpainting would be done by the Secretary of the Treasury on the instructions of the President.

The weakness exhibited by this administration on the whole question of tax reform becomes more clear each day. It is testimony to the correctness of those of us in the Congress who opposed extension of the surtax without prior action on tax reform in the belief that if the surtax was extended, tax reform would never come.

The House-passed tax bill still contains loopholes that need to be closed further, not widened. That cannot happen with weak administration action.

I do not like saying what I have said today. I do not believe that any Member of Congress likes to say things like this about the President of the United States, but the stakes in this issue for the American taxpayer are too high to be submerged by other considerations.

The American taxpayer has throughout the years compiled a truly remarkable record of responsibility and generosity. He has reached into his pocket to help support not only his own society, but many others as well all around the globe. And he has done it largely on a self-assessment basis, despite his knowledge that for years special privilege loopholes in tax laws have given help to the rich and powerful at the expense of the lobbyless American taxpayer.

The American taxpayer does not ask much of his Government. He does not, by and large, seek to avoid his responsibility as a citizen so long as he knows that everyone else is also doing his fair share. He has a right to expect Congress to insure that everyone is doing his share and he has certainly, above all, the right to expect his President to be doing the same.

DISGRACEFUL SPECTACLE WITH REFERENCE TO PENDING TRIAL

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

Mr. RARICK. Mr. Speaker, the disgraceful spectacle that the news media are parading before the American people of U.S. soldiers pending trial for activities connected with their military operations against the enemy requires careful evaluation and consideration, and not a premature and emotional overreaction.

I, like most men on the street, do not favor the aspect of trying U.S. servicemen in a time of war for murder or conspiracy to murder an enemy agent—double agent or not. But I am constrained to accept that there are recognized military legal channels which must be followed. As a former combat infantryman, I also understand that the accepted conventional standards of the continental United States in peacetime may differ from those in a foreign country in a time of war, where even the simplest everyday action may mean sudden death. The most serious consequence of the whole situation has been that an all-out operation to sensationalize the incident seems to have generated a public opinion which has confused known facts with suppositions and half-truths so that the Green Berets have become but pawns in the game. Attention has been so skillfully diverted that the defendant on trial now appears to be the military services, military justice, and every man in uniform.

I do not pretend to know the facts, but as a former judge I do know that hearsay and newspaper stories of what is supposed to have occurred are not evidence either for or against anyone accused of wrongdoing.

As an attorney, I know that the ethics of the legal profession condemn wild public claims instigated by attorneys with the suspect purpose of molding opinion in a case, thereby preventing a fair and impartial trial. Legal ethics forbid such self-serving conduct by attorneys for while it may benefit the lawyer, it does irreparable damage to the client. The appropriate bar associations should examine the activities—not of our soldiers in Vietnam—but of the attorneys whose flamboyant accusations and wild charges represent an exploitation—not a defense—of their clients. These attorneys' conduct and statements are as disgusting as what they claim are the improprieties of the military.

Under the Constitution, this Congress is charged with the responsibility for making rules for the government of the Armed Forces of the United States. We have made these rules. We have not seen fit to provide for trial of military offenses in either the press or in civilian courts, but the courts-martial.

I urge an open mind in this matter unless and until the real facts are represented as we have provided by law.

If there is reason to believe that an offense punishable under the Uniform Code of Military Justice, an enactment of this Congress, has occurred then it is the duty of the appropriate military authorities and the President as Commander in Chief to take proper steps to see that the accused are accorded our traditional presumption of innocence and their rights to be preserved throughout, while the case is handled before a competent tribunal.

Certainly, no one can remain unmoved by this incident, for not one of us would sit back and permit a military fighting man of our country to be used as a scapegoat or a sacrifice for political expedience. Nevertheless, wisdom would have us subdue our emotions and safeguard against that possibility by observing the proceeding with keen interest, refraining from intermeddling, and allowing the machinery of military justice to operate as we have provided by law.

THE ISSUE OF SOCIAL SECURITY

(Mr. BOGGS asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I had the very difficult task of serving as the chairman of the Democratic platform committee last year. We wrote into that platform language calling for the automatic revision of the social security program as the cost of living advanced.

Mr. Speaker, I think the time has come for us to take action on social security payments.

Eighty-three percent of all our senior citizens—approximately 15,000,000—have only one source of income; namely, social security payments. I would hope that the Committee on Ways and Means on which I serve as the ranking member will begin hearings on this question very soon and that we raise social security benefits by at least 15 percent across the board, effective December 1 of this year.

Mr. Speaker, when I served as chairman of the platform committee at the Democratic National Convention just over a year ago, one of the most important issues we faced in drafting the platform was the issue of social security.

At that time, we wrote about our senior citizens:

> A lifetime of work and effort deserves a secure and satisfying retirement.
>
> Benefits, especially minimum benefits, under Old Age, Survivors, and Disability Insurance should be raised to overcome present inadequacies and thereafter should be adjusted automatically to reflect increases in living costs.

The time has now come for action on this pledge. We have seen President Johnson recommend a 10-percent increase in social security benefits before he left office, and we have seen President Nixon recommend that the benefits be raised.

Speaking as the ranking majority member on the Committee on Ways and Means, which will soon begin hearings on this vital subject, I would like to say that I believe it is imperative that we increase benefits across the board by at least 15 percent, effective December 1, 1969.

The compelling reason for this increase is to immediately rectify the decrease in the real buying power of social security payments that has come about in the rise in the cost of living. Since we last increased social security benefits, the cost of living has gone up 8.2 percent and the prospects are that it will continue to go up.

In addition, the Ways and Means Committee and each individual Congressman has been deluged with mail from the 25 million social security beneficiaries who are pleading for an increase to keep up with the rising cost of living.

The Democrats are responsible for the social security program. We enacted it in 1935 and we have sustained it ever since. We have made it work, we have made it our country's largest income maintenance program. Through it, we are approaching our goal of providing every elderly American citizen with a decent retirement income. And, more and more widows, young children and disabled persons are meeting their special challenge out of the depravity of poverty.

This magnificent system is being threatened today by the price spiral. And it is the time for all of us to stop this erosion of purchasing power of our senior citizens.

NATIONAL GUARD TECHNICIANS

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

Mr. FRIEDEL. Mr. Speaker, I am today introducing a bill which would correct inequities in the crediting of National Guard technician service and extend certain benefits to National Guard technicians.

The National Guard Technicians Act of 1968, clarified the status of National Guard technicians and made them Federal employees. My bill would correct certain inequities in the crediting of National Guard technician service in connection wth civil service retirement and would provide such rights as a uniform merit promotion program for technicians, as well as certain benefits, particularly applicable to these technicians. It also would provide that a National Guard technician who is separated from service after becoming 50 years of age and completing 20 years of service in the performance of such duty, would receive an annuity if the Secretary of the military department concerned recommended retirement and the Civil Service Commission approved the recommendation.

I am pleased to state that this bill has received the strong endorsement of the National Federation of Federal Employees, which has many technicians among its membership and also a large and growing list of locals composed of these employees, who are, in my judgment, properly and urgently hopeful that Congress will take the action provided under the terms of this constructive legislation.

There is a definite need for legislation giving these rights and benefits to the National Guard technicians. By every yardstick it is proper to treat National Guard technicians in a manner befitting the responsibilities which they have, and accord them the rights and benefits to which they are entitled as skilled Federal employees. Mr. Speaker, I urge prompt and favorable action by Congress on this bill.

REPORTS OF MISTREATMENT AND ABUSE IN THE ARMED FORCES

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

Mr. MESKILL. Mr. Speaker, today I rise to bring a matter to the attention of the Members of this body which has given me a great deal of concern.

In recent days the press has contained a number of reports of Armed Forces recruits being mistreated and abused. If these reports are substantiated, they certainly raise some very serious questions about the conduct and procedures used in training our recruits for military duty.

I am prompted to speak to you on this subject today as a result of a matter that came to my attention early this week. On Monday evening, I was notified that Pvt. David L. Swanson, of my hometown of New Britain had committed suicide. Private Swanson was found Sunday morning by his father at their home in New Britain.

I have written to the Secretary of the Army, Stanley R. Resor, demanding an immediate investigation into the death of Private Swanson, a recruit at Fort Dix, N.J.

The details of the case are as follows:

On August 25, I was notified that Mrs. Arvid Swanson, mother of the boy, had contacted my office expressing her concern for her son's welfare. She informed my secretary that her son had attempted to commit suicide by slashing his wrists.

Immediately, my office contacted Army officials at the Army liaison office at Fort Dix advising them of Private Swanson's suicide attempt. I asked officials at Fort Dix to be alerted to the possibility that the boy might try to take his life again as he was still in an apparently depressed state of the mind.

On August 28, I received a letter from Private Swanson, himself, explaining his suicide attempt and confirming my concern that he might try again. The boy said he could not stand Army life, and indicated that he had been the object of abusive treatment by Army superiors. He reported that sergeants had made privates eat their cigarette butts and that Army personnel had threatened to "put an electrode on my arm and give me a good shock to wake it and me up." Private Swanson went on to say that he knew he would try to kill himself again and vowed that this time he would not fail.

After reading this letter, my office immediately called Fort Dix to advise them of the seriousness of this case and of my belief that this boy was in a suicidal state. Again we asked for continuing psychiatric counseling for Private Swanson.

I then wrote to Fort Dix and requested a health and welfare report on the young man, and again I repeated that I felt the boy should be receiving psychiatric counseling on a continuing basis. I also requested an explanation of the allegations made by Private Swanson relative to certain practices at Fort Dix.

I received a routine acknowledgment on September 8 from the Congressional Affairs Division at Fort Dix. I have never received a report or the information that I requested from the Army.

As far as I know, from a second letter that I received from Private Swanson on September 11, the young man saw two psychiatrists for about 5 minutes each.

It is too late to help Private Swanson now. The young man was successful in his third suicide attempt over the weekend.

It is my belief that the Army was grossly negligent and responsible for this young man's death for a failure to give assistance to this obviously disturbed young man. I have demanded a complete investigation of the way in which this matter was handled by the Army. It is incredible to me that a threat, so obviously serious, could be taken so lightly by Army officials.

In my opinion, there is no excuse for this kind of negligence. With this kind of treatment, it is no wonder that many of our young people oppose service to their country in the Armed Forces. If the military service is to ever be an attractive career, permiting the development of a professional military, the abuses, mistreatment, and negligence which this case exemplifies, will have to be eliminated.

TRUTH AND POSTAL LEGISLATION

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

Mr. DERWINSKI. Mr. Speaker, on Tuesday, September 23, my colleague, the gentleman from Montana (Mr. OLSEN), took the floor to offer some comments about postal legislation which is buried in a subcommittee of the Post Office and Civil Service Committee.

His remarks are interesting because at first blush I thought he might be admonishing Republican Members for what he terms "little actual interest or support for these rate increases." However, after doing a little research, I believe he must have the chairman of the Committee on Post Office and Civil Service in mind and perhaps what we are witnessing is the beginning of an internecine battle within the monolithic ranks of our Democrat colleagues. I should point out that the chairman of the Committee on Post Office and Civil Service on April 15 of this year issued a widely circulated press release which said:

> Let's get our priorities straight. Postal reform should be first and then we'll deal with the matter of postal rates. First things first and that means postal reform first. Only then will we take up the matter of postal rates. I do not intend for our Committee to consider the Department's rate increase proposal until after we make some real progress on postal reform.

Knowing our chairman as I do, I am sure he meant what he said and so it will be interesting to follow the zig and zags of our Democrat friends.

The remarks of my colleague from Montana are also interesting when related to Democrat tactics in committee to frustrate the consideration of the administration's postal reform bill, H.R. 11750. While the Democrats may have felt they were rebuffing the present administration by their tactics, they were also desecrating the image of their great Democrat leader, Lawrence F. O'Brien, who as Postmaster General himself promoted the concept of postal reform through a corporation approach. During Mr. O'Brien's tenure as Postmaster General, the Democrats of our committee hung on his every word.

Since the remarks of the gentleman from Montana (Mr. OLSEN) were entitled "Truth in Postal Rates," I must clear up one other point. Between June 24 and September 19, seven subcommittee hearings on postal rates were scheduled by the subcommittee chairman, Mr. OLSEN, and one of these was canceled. Of the remaining six, the subcommittee chairman found time to give his full attendance to only three. Three other hearings were turned over to an acting chairman for all or a substantial part of each hearing. Except for one meeting—on September 15—Republican representation was prompt and uninterrupted.

Frankly, I do not know why the subcommittee chairman should be concerned about Republican attendance. At the organizational meeting of the committee, the Democrats defeated on a straight party-line vote an amendment to the committee rules which would have required that one majority and one minority member constitute a quorum of subcommittees for the taking of testimony. The rule as it stands simply states that any two members constitute a quorum for receiving testimony in a subcommittee and the obvious intent of this rule is to permit the majority members to run the show. So far the show has not gotten past opening night.

EXPEDITING ACTION ON APPROPRIATIONS

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

Mr. GIAIMO. Mr. Speaker, I rise in support of the resolution of the gentleman from New Hampshire which proposes to expedite action on appropriation bills. I am pleased to have cosponsored the resolution.

Mr. Speaker, last week this House expressed great concern about the deteriorated condition of the west front of the Capitol. Should we be less concerned about the deteriorated condition of our appropriations procedures?

As we near the end of the first quarter of fiscal 1970, only one appropriations bill is ready for Presidential approval. After approximately 8 months of study and debate, we are unable to tell most of the executive departments what resources will be available to them in a fiscal year already 3 months old. As we repeatedly call for improved planning and operational procedures by the executive agencies, these very agencies are threatened with administrative chaos because of our failure to act promptly.

I have never advocated rubberstamp treatment of appropriations bills or any other measures before this body. I have never urged approval of any legislation without first providing the opportunity for thorough consideration. I have never supported the idea that Government agencies should receive appropriations simply for the asking. Yet I and many of my colleagues are becoming thoroughly disillusioned with the delay in approving vital appropriations; a delay which seems to grow longer each year.

How can we call for fiscal responsibility in the executive branch, Mr. Speaker, when we do not allow the various agencies to know what their budgets will be until after they have started paying their bills? How can we demand efficient use of manpower when our Government personnel people have no idea how many men will be available to them? How can we even dream of long-range planning and problem solving when those in charge of our Government programs must worry more about what was spent yesterday than what should be spent tomorrow?

As a member of the Committee on Appropriations, I am certainly aware of the difficulties involved in enacting appropriations bills. Yet I see no valid reasons why, in most cases, authorizing legislation cannot be completed in the 6-month period between the beginning of the session and the beginning of the next fiscal year. Yes, there may be exceptions, but these should be reduced to a minimum. These can be either held over until the next fiscal year or, if the urgency is great, can be included in a supplemental appropriations bill.

I would expect strong conservative support for this proposal, since our adherence to it will result in better fiscal management by Congress and less inefficiency and waste in the executive branch. This proposal should also have strong liberal support, since it will make possible better planning and more effective programs to solve this Nation's present and future problems. I am confident, in fact, that this proposal will be supported by all who realize that we must use 1970 procedures if we are to solve 1970 problems.

For it would be ironic, Mr. Speaker, if we were to spend millions of dollars to repair the walls of the U.S. Capitol while the fiscal structure of our Government crumbled in our midst.

SECRETARY OF THE ARMY RESOR'S LETTER ON CHEMICAL WARFARE TESTS IN HAWAII

(Mrs. MINK asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, last week in reply to my letter the Army disclosed that tests of chemical warfare agents and munitions have been conducted in Hawaii. I have previously placed in the RECORD correspondence concerning this disclosure.

In response to my letter of September 16, the Honorable Stanley R. Resor, Secretary of the Army, has given further information concerning these tests. Mr. Resor also discloses that contrary to the Army's statement of September 11 that the testing "was done with the concurrence and knowledge of State officials," in fact the Governor of Hawaii was not so informed.

This admission and Secretary Resor's expression of regret that inaccurate and misleading information was given to Members of Congress is a laudable effort to restore credibility. I believe that the people of Hawaii and of the entire Nation are entitled to the full truth concerning this matter and I will continue my efforts to insist upon full disclosure of all matters relating to testing of chemical and biological agents anywhere in America.

For the RECORD I enclose Secretary Resor's letter:

DEPARTMENT OF THE ARMY,
Washington, D.C., September 20, 1969.

Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: This is in response to your letter of 16 September 1969 concerning testing of chemical warfare agents and biological research agents in Hawaii. You question the consistency of certain responses you have recently received in correspondence with the Department of the Army.

Please note that the 11 August 1969 paper entitled "Information to Members of Congress" states quite clearly that "the Army has conducted limited chemical tests under strict safety precautions to obtain defensive information." This statement is true and more detailed information concerning these tests was provided to you by letter dated 11 September 1969. In the answer to Question D in the 11 August 1969 paper, the initial "No" response is misleading and the further statement that the Army is not conducting tests of munitions is, unfortunately inaccurate. Munitions were exploded, although they were not fired from military weapons. Due to an administrative error, the misleading information was given to Members of Congress. The Public Affairs officials in Hawaii were informed to respond to the Hawaii Star-Bulletin query by answering only that "the Army has conducted limited chemical tests under strict precautions to obtain defensive information." I regret that misinformation was provided to you.

As you have been informed by letter of September 11, four separate tests of chemical-warfare-agent-filled munitions were conducted on the leased land. Three of the tests involved the non-persistent nerve agent, GB, and were conducted during April-June 1966, March-April 1967, and April-May 1967. One test involved the non-persistent chemical warfare incapacitating agent BZ and was conducted during May-June 1966. All of the testing was open-air and was conducted in a fenced 1.5 square mile area under rigorous safety precautions. The nearest down-wind habitation was 7 miles through thick jungle. The agent remained within the fenced area on every trial.

The test site was required in order to test agent-munitions effectiveness in a tropical jungle environment. The nature of the tests and the mission of the test facility were classified for national security reasons at the time the lease was negotiated and during the test period. Consequently, full public disclosure was not made.

Although the terms of the lease stated that the land was to be used for "classified meteorological and related tests", I regret that the Governor of Hawaii was not informed of the precise nature of the tests or of the precise mission of the test facility.

During the period May 1965 to February 1968 the Army also conducted tests with chemical and biological simulants on the Islands of Oahu and Hawaii; these substitutes for lethal agents simulate some of the characteristics of the agents, but in fact are harmless. I raise the question of simulants in order to avoid confusion between lethal agents and harmless simulants. All of the tests were related to our endeavors to maintain an adequate deterrent capability.

As indicated, the Army has conducted in Hawaii open-air tests of toxic chemicals at the test site. However, there are presently no such tests being conducted by the Army in your State and there are no plans to do so in the future. The Army has not conducted tests with lethal biological agents in the State of Hawaii and there are no plans to do so.

I assure you that the tests presented no danger to the welfare of the people of the State of Hawaii.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

THE METS—THE IMPOSSIBLE DREAM

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

Mr. RYAN. Mr. Speaker, last night, what the New York Times called the "impossible dream" came true.

The New York Mets, after 7 years of frustration, have finished first in the eastern division of the National League.

The Mets have not only shown that the same team that lost 120 games in its first season and finished ninth in the National League last year can bring pennant fever back to New York. The Mets have also restored a feeling of joy and excitement to New York which has been missing for too long.

Today the city of New York is in a state of euphoria. This team, whose fans have held on loyally all these years, has generously rewarded them.

It was once said by a newspaper sportswriter that the Mets had as much chance of winning the pennant as the man in the moon. We have already seen that impossible feat. And as the Washington Post said this morning:

> Last night the New York Mets completed their version of a great leap by mankind.

The Mets have renewed faith in the old idea that men, working together, can surmount any obstacle and reach the heights. The teamwork that helped the Mets climb to the top has brought to all New Yorkers an extraordinary sense of pride in their city and its team.

This feeling is going to be around New York for awhile. There still are the playoff games and the world's series.

I congratulate the Mets on their victory, and I look forward to the pennant, and hopefully, the world's series.

PRIORITY SHOULD BE GIVEN TO PEOPLE, NOT SUPERSONIC PLANES

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

Mr. ALEXANDER. Mr. Speaker, there has been a great deal of discussion in recent months concerning our national priorities. At a time when we are seeing our collective buying power disappear through inflation, when we continue our involvement in a war that President Nixon says we do not want to win and others say we cannot win, and when we see the limits of our economic and political power more clearly than ever before, this discussion on priorities has been particularly timely.

I was pleased earlier this year when President Nixon, announcing that budgets would have to be cut and our fiscal belts tightened, said that the policy of his administration would be to give top priority to programs that are people oriented.

But now I am confused. If that is still the goal of the administration, then there must be some grand design to administration policy or some aspects of it that I either do not see or do not understand.

I have tried to follow the President's advice and judge his administration by what it is doing rather than what it is saying. As a practical matter, this is the only approach that can be taken for to try to judge the administration by what it is saying would be something akin to determining which way a centipede is pointing.

On the basis of the decisions that have been made during the first 9 months of the new administration, however, I have a very great concern over the future course of our Nation.

A most disturbing development came Tuesday when President Nixon announced that the SST is going to be built. This proposal for the U.S. Government to subsidize the development of a supersonic transport aircraft would not bother me perhaps on another day or under other circumstances.

Putting this development into the perspective of the times, however, disturbs me a great deal.

Now let me make it clear that I do not want to put stumbling blocks in the path of technological development in any area of this country. I want to see the airlines industry develop, just as I want to see all of our industries develop to their full potential and capability. And I would be pleased to see this country lead in the development of the SST just as I was proud when we led the way to the exploration of the moon.

We must come back to the question of priorities, however.

The administration has decided that it is more important to spend $1.3 billion to develop the SST than it is to continue our construction projects in northeast Arkansas and other areas of the country. I find no justification in a 75-percent construction cutback that could wreak havoc in the construction industry when the President is proposing to go ahead with the development of the SST. I find myself in vigorous opposition to the administration priorities in this area.

The administration has decided that the construction of the SST has a higher priority than the continued development of libraries throughout the country or the development of our elementary, secondary and higher education systems.

I find no justification in building an airplane that has already been banned from overland flights at the expense of our educational system. I find myself in vigorous opposition to the administration priorities in this area.

The administration has concluded that it is more important to build a new supersonic airplane than it is to control flooding in northeast Arkansas that affects thousands of people two and three times a year. I find myself in vigorous opposition to the administration if it is their feeling that airplanes are more important than people.

The administration has given a higher priority to tax increases than to tax reform, and a higher priority to tax breaks and benefits for corporations than for middle- and lower-income citizens. These are priorities that neither I nor the people of northeast Arkansas that I represent can agree with.

I, too, would like to see the United States "continue to lead the world in air transport" as the President said, but

I do not want to see that goal reached at the expense of the people of Arkansas or the people of California or of any other State.

It is rapidly appearing to me that the "forgotten American" is destined to remain forgotten for at least another 3 years at the present rate.

A BILL TO PROTECT AMERICAN INDUSTRY

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

Mr. PELLY. Mr. Speaker, today I am reintroducing legislation similar to a bill I introduced last year to encourage the growth of international trade on a fair and equitable basis. This bill would provide for other nations to share the growth of America and under certain conditions provide U.S. industries protection against serious injury and to protect the domestic economy.

I have in mind, for example, the case of steel imports. Last year Japan agreed to help maintain an orderly steel market in this country and refrain from dumping low-wage steel products which would disrupt our steel industry. More and more U.S. plants have been losing out to Japanese, Canadian, and European bidders. The issue is one of setting quotas on imports to the United States that would preserve domestic competition but not do violence to our high cost of living standards or penalize our labor and its livelihood. We have a steel plant in my hometown of Seattle that was closed due to foreign imports.

My bill is designed to encourage fair and reasonable imports and at the same time to prevent injury to our domestic economy.

Mr. Speaker, I believe the enactment of this legislation would be helpful, especially to our domestic fishing industry. Foreign fish products now represent 70 percent of the fish consumed in the United States.

As I said in testimony before the House Ways and Means Committee on June 4, 1968, actually what has been going on is that world production of fish has increased from 40 billion pounds in 1948 to 125 billion pounds in 1967. Meanwhile, our domestic production has decreased to 4 billion pounds, the lowest since 1943. And, while our domestic production has decreased, our consumption of fish is at an alltime high. In 1948, we produced 80 percent of our domestic needs; now, we only produce 29 percent and the balance of 71 percent consists of ever-increasing imports from some 116 nations.

The United States has subsidized by foreign aid and has supported the improvement and expansion of foreign fishing fleets and the foreign fish industry. As a result, we brought on ourselves the invasion and destruction of fishing resources in the waters traditionally fished by our own American fishermen adjacent to our coastal waters.

As to my bill, under its formula the Tariff Commission would report to the President that an industry is at a serious competitive disadvantage in relation to imports and would establish a ceiling to apply to imports of that particular product based on the foreign share of the domestic consumption. This is a reasonable formula and there would be safeguards in the event of any deficiency or surplus so new ceilings could be set after investigation and public hearings.

The bill lays down two sets of criteria for determination of the question of serious injury or a threat thereof. One is for use when sufficient statistical evidence is available for the Tariff Commission to determine what share of the market—that is, of domestic consumption—is supplied by imports. The other is to be followed when the statistical evidence is not good enough to permit the calculation of the share of the domestic market being supplied by imports. In either approach, any industry, labor union or trade association alleging serious injury would file a petition before the Tariff Commission, even as in the past under the escape clause or for adjustment assistance. The Tariff Commission would make a preliminary survey to determine whether available statistics make it possible to determine the share of domestic consumption supplied by imports—market penetration. Should this result affirmatively, the Commission would proceed to determine the share of domestic consumption supplied by imports since 1960, as just stated.

Upon finding of serious injury or threat thereof, the Commission would in this type of proceeding recommend an increase in duty to the President or an import limitation, that in its judgment would prevent or remedy the injury. The duty could not be placed at a level higher than 25 percent of the 1930 rate; and no quantitative limitation—import quota—could reduce imports below the average of the 2 most recent years.

If the President were opposed to putting the Commission's recommendation into effect, he would send his reasons to Congress, and if either House by a majority vote of those present and voting sustained him within 90 days, the Commission's recommendation would be set aside. Otherwise, it would be put into effect.

By controlling their exports to this country, the foreign countries could avoid triggering the imposition of an administrative quantitative limitation—import quota. If after such a limitation were imposed, imports for a whole calendar year should fall below the ceiling, the President would rescind the administrative quantitative limitation—import quota.

The ceiling for each article for which one had been established would be revised each year to adjust the quantity to any increase or decrease in domestic consumption, thus permitting imports to grow in proportion to the domestic consumption of the article. This proportion might be 10, 12, 20 percent or whatever had been found by the Tariff Commission to be the ceiling as prescribed in the law for the particular level in each case according to the extent of market penetration.

No quantitative limitation would remain in effect over 5 years if it were imposed upon a finding of serious injury, and not over 3 years if it were imposed upon a finding of a threat of serious injury. After a year subsequent to the ending of the quantitative limitation, the industry in question could petition the Tariff Commission for a new ceiling.

Mr. Speaker, I believe in increased foreign trade and exchange of surplus goods between nations. On the other hand, I oppose the destruction of American industry due to foreign dumping on our market.

My legislation recognizes that foreign imports in some instances threaten to destroy some of our industries and likewise our way of life. At the same time, my bill would provide a fair basis for sharing the growth of the American market with other nations.

LET US GET ON WITH THE SST

(Mrs. MAY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MAY. Mr. Speaker, for 50 years the United States has led the world in air transport. Today we find ourselves at the crossroads, however, and we are faced with two major questions: Will the people of the world be flying in American supersonic transports or in the transports of other nations; and, will the United States, after starting and stopping our supersonic transport program, after stretching it out, finally decide to go ahead?

I applaud the courage and determination of our President to recommend immediate steps toward the construction of an American supersonic transport. I endorse his conviction wholeheartedly.

Building the SST will keep America in its position of leadership in civil aviation.

But beyond that, there are additional considerations. Airplanes and airplane parts are, today, among our best export products. The manufacture of SST's is especially suitable to American enterprise. The recognition of our skill is worldwide. And, of course, our aircraft industry and its many components spread throughout our land provides high-paying jobs.

Building an American SST will bring to maturity a nonmilitary dividend of military research and development. The military has been flying supersonically for 20 years, and we in America have invested substantially to keep our military second to none in the world. The SST will enable us to reap tremendous nonmilitary benefits from this investment.

The President has my full and unqualified support for the SST program. I say let us get on with it, and the sooner the better.

THE SST AND TRANSPORTATION LEADERSHIP

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

Mr. CLANCY. Mr. Speaker, the President's decision to go ahead with the de-

velopment of the SST is a clear-cut effort on the part of the administration to retain our Nation's leadership in aviation. This program will not only keep the United States in the forefront of world aviation, but will result in numerous other benefits to the Nation as well.

The prospects of a supersonic transport in commercial airline operation are both exciting and unique. Perhaps equally unique, however, is the development approach which has been worked out. Because of the sheer magnitude of the program, private industry cannot undertake the task alone.

It is perhaps most important to point out that the initial investment of the taxpayers in this program will be repaid. Unlike many other projects receiving Government assistance, the SST program proposes to assure the return of the research and development expenditure, with interest. The Government's investment will be recovered through a royalty on the aircraft and engine sales to the airlines and to other countries.

We live today in a transportation-oriented society. The quality of transportation or its availability determines our mobility, affects our capacity for commerce, and even influences the ability of people to get and hold jobs. On the international scene, transportation has taken on a new importance with the advent of the jets, and now the supersonics promise to further compress traveltime and again increase the consumer demand for air travel.

History demonstrates that improvements in the ease or speed of transportation have always resulted in tremendous increases in the amount of travel. History also shows a direct relationship between improvements in travel and the betterment of the society. The link between transportation and a nation's progress is especially evident in the United States, where the waterways, railways, highways, and airways have sequentially and substantially promoted the growth of America's commerce.

As well as a mover of commerce, transportation is also a maker of jobs. The supersonic transport program which President Nixon has endorsed is expected to provide 50,000 jobs directly, and perhaps a quarter of a million new jobs will be created as a result of the SST's impact on our economy. Many of these will be high-technology jobs, of the type which the space program has fostered in the past.

The availability of a supersonic transport will give the United States a new degree of flexibility and versatility, not only in our transportation options but in our bid for world markets and in our efforts to strengther our export markets.

I hope that the great majority of the 50 million Americans who will be taking international flights by 1980—compared to the 15 million today—will be riding SST's made in the United States, and that millions of travelers on foreign airlines will also enjoy the superiority of the U.S. SST.

As I pointed out before, it is most important to note that the development of the supersonic transport will significantly improve the balance-of-payments situation by the industry-Government cost-share arrangement in the prototype phase and the recoupment arrangement in the investment phase.

I am confident that all of us in Congress will support the President's decision in order that the United States may maintain her leadership in the field of aviation.

ENACTMENT OF APPROPRIATION BILLS BEFORE THE FISCAL YEAR

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

Mr. WYMAN. Mr. Speaker, there is no excuse when we are almost into the second quarter of fiscal year 1970 that the Government of the United States should be operating on a continuing resolution.

I think it goes without saying that it is important that Government agencies and departments should know what their appropriations are going to be in advance. The logjam on appropriations must be broken.

Accordingly, I am today introducing a resolution to change the Rules of the House and to provide an amendment to rule XXI, paragraph 2, to the effect that after June 1 of each year, appropriation bills may be acted upon on the floor of the House without being subject to a point of order because of no previous authorization.

There are no valid reasons, in most instances, why authorizing legislation cannot be completed in the 5-month period between January and June 1 in future years for the operation of the Federal Government and its agencies for the ensuing fiscal year. The hang-up on appropriations is squarely due to the provisions of this rule that prohibits bringing appropriations bills to the floor of the House until a separate authorization has been passed. This is not a matter of statutory law. It is merely a rule of this body and it ought to be modified to the extent of allowing the House of Representatives to get its appropriations measures through before the beginning of the fiscal year.

Some have suggested changing to a calendar year basis and this suggestion may have merit. But such a change involves an amendment to the United States Code. It would also create the specter of possible delay on appropriation action until November and December in future years and for this reason could further protract and stretch out our already virtually annual sessions of Congress. In election years it might even require post-election sessions that would invariably for one reason or another include a number of Members in the "lame-duck" category. So, changing to a calendar year for the entire Federal Establishment is a big subject and ought to be separately considered.

In the meantime this resolution would break the logjam in this body and would go a long way toward expediting the handling of authorizing legislation as well as appropriations. I want it to be understood that I am by no means proposing the abolition of the function and power of authorizing committees after June 1 of each year. An authorization subsequent to appropriation may well be in order if the Rules Committee sees fit to amend the rule to so provide. But it should be made clear, in this event, that the subsequent authorization cannot exceed the amounts appropriated although the authorizing committees would continue to have the authority to deny authorizations by categories in which event the appropriation would abort for that item as of the date of passage of such subsequent authorization.

Such a procedure would materially expedite the appropriating process and materially assist the House in getting its work done in each session of Congress. It would also have the happy effect of informing the various departments and agencies of the Government what their appropriation is going to be for the fiscal year ahead subject to reduction or veto by authorizing committees that have not acted prior to June 1 or the date of passage of the appropriation, whichever is subsequent. It would virtually eliminate the vexatious device of the so-called continuing resolution that for agencies having appropriations that vary substantially from year to year presently find the continuing resolution confusing and even wasteful.

Sponsorship of this proposal is bipartisan. It would be a substantial and constructive reform that would demonstrably improve both the efficiency and quality of the legislative process. I sincerely hope it will have the prompt approval of this body. The text of the resolution and the names of Members cosponsoring follows:

Resolved, That (a) rule XXI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. The Committee on Appropriations shall, to the maximum extent practicable in the determination of the Committee, take such action as may be necessary to report all general appropriation measures for each fiscal year (other than measures for supplemental and deficiency appropriations) to the House for its consideration by such time before the beginning of that fiscal year as will permit the enactment of all such measures into law before the beginning of that fiscal year."

(b) The second sentence of clause 2 of Rule XXI of the Rules of the House of Representatives is amended by adding at the end thereof the following: *"Provided, further*, That after June 1st of each calendar year appropriations measures providing funds for the operation of any branch of the federal government or its independent agencies for the ensuing fiscal year shall be in order for consideration notwithstanding the provisions of this Rule."

COSPONSORS

Mr. Wyman, for himself and: Mr. Abbitt Mr. Anderson of Illinois, Mr. Beall of Maryland, Mr. Betts, Mr. Blackburn, Mr. Brotzman, Mr. Cederberg, Mr. Clancy, Mr. Cleveland, Mr. Conable, Mr. Conte, Mr. Cowger.

Mr. Fisher, Mr. Flynt, Mr. Gerald Ford of Michigan, Mr. Fuqua, Mr. Giaimo, Mr. Goodling, Mr. Halpern, Mr. Hammerschmidt, Mr. Harvey, Mr. Keith, Mr. King, Mr. Kleppe, Mr. Kuykendall, Mr. Langen, Mr. Leggett, and Mr. Lloyd.

Mr. McCloskey, Mr. Culloch, Mr. McDade, Mr. Pollock, Mr. Pryor, Mr. Railsback, Mrs. Reid of Illinois, Mr. Rhodes, Mr. Riegle, Mr. Ruppe, Mr. Ruth.

Mr. Satterfield, Mr. Schadeberg, Mr. Scherle, Mr. Thomson of Wisconsin, Mr. Vander Jagt, Mr. Weicker, Mr. Wold, Mr. Wylie, Mr. Zwach.

WANTED: A RHODESIAN POLICY

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

Mr. CULVER. Mr. Speaker, the United States is pursuing a contradictory position in Rhodesia—on the one hand, condemning the illegal regime and endorsing United Nations economic sanctions, while at the same time maintaining our consulate general in Salisbury.

Today's New York Times emphasized the inconsistency of our alleged policy and its effects on our relations with those African nations attempting to establish nonracial states.

I urge the President to take immediate steps to clarify our position toward Rhodesia, by closing our consulate-general, and ask unanimous consent to include at this point in the RECORD the editorial from this morning's Times:

WANTED: A RHODESIAN POLICY

The United States claims that it adheres more strictly than any other country to the mandatory sanctions invoked against Rhodesia by the United Nations Security Council. At the same time, Washington continues to maintain a consulate general in Salisbury, seat of the white-minority regime, it says is illegal and immoral.

For most black African governments the explanation for such schizophrenia is simple—and cynical: they do not believe the United States is really opposed to the regimes seeking to perpetuate white domination at any cost in southern Africa.

The valid explanation, however, is even simpler—and equally inexcusable: in Rhodesia, as in other critical areas, the Nixon Administration, after eight months in office, has no policy. In this as in other areas, the much-maligned State Department is not to blame. The responsibility for a policy of no-policy rests with the White House.

Mr. Nixon himself reportedly ordered the sanctions maintained despite some business and Congressional pressure for relaxation. But the White House to date has failed to act on the recommendation of Counsul General Paul O'Neill and the State Department that the consulate general in Salisbury be closed.

It is not only the black Africans who are offended by this situation. Britain recalled its Governor General and ended diplomatic and consular ties with Salisbury in July, after Rhodesia's white electorate had approved a racist, despotic Constitution under which Prime Minister Ian Smith will soon proclaim a republic.

The British are astonished that the United States, while agreeing that the Smith regime is illegal, maintains its consulate in what seems to be a fundamental break with London. France, West Germany, Italy, and the Netherlands have also kept their consulates open, reportedly awaiting the American decision.

If the Administration has an interest in retaining some influence in black Africa, as well as in upholding the principles of nonracialism, majority rule and the rule of law on that continent, there is only one decision it can make. It ought to be made without further delay.

A 15-PERCENT INCREASE IN SOCIAL SECURITY IS A MUST—NOW

(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, hearings on amendments to the Social Security Act are tentatively scheduled to begin October 20. The future welfare of our senior citizens depends on a significant increase in monthly benefits, not next year, not 5 years from now, but now. The immediate attention of Congress to the proposals currently before the Ways and Means Committee is imperative.

During the major portion of the summer recess at home in my district I found that one of the most urgent issues on the minds of my constituents was an increase in social security benefits. According to statistics compiled by the Social Security Administration, monthly benefits are virtually the sole support of at least 50 percent of the aged recipients. Statistics also reveal that 80 percent of the beneficiaries rely on their checks for most of their financial support.

An editorial which appeared in the Cleveland Plain Dealer of September 19, 1969, stated, and I quote:

The elderly who exist on pensions and Social Security benefits are hard hit by the rising costs of food, shelter and medical care. Unless their income keeps pace with living costs, even a minor increase in grocery or local taxes can throw their tight budgets out of whack.

On May 21 of this year, I introduced H.R. 11554, a bill to amend title II of the Social Security Act, which will provide a 15-percent across-the-board increase in monthly benefits and will provide subsequent cost-of-living increases in social security benefits and a minimum benefit of $80 per month. The bill would provide for a review of the level of benefits every 3 months so that the social security benefits would be raised when the cost-of-living increases 3 percent above the previous base period.

I have also requested the gentleman from Arkansas (Mr. MILLS), chairman of the Committee on Ways and Means, and the other members of his committee, to act favorably on my bill, H.R. 1106, which, among other provisions, will provide full benefits, upon retirement, to be payable to men at age 62 and women at age 60.

During considerations beginning October 20, I urge all members of the Committee on Ways and Means to act favorably on the issues I have discussed.

THE GREEN BERETS

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

Mr. RODINO. Mr. Speaker, the confusion and contradictions surrounding the case of the Green Berets continues to grow and grow.

I have just received a news release quoting Secretary of Defense Laird as stating:

When I found that these men were being unfairly confined, I immediately contacted the Secretary of the Army and action was taken within a matter of 24 hours to free the Green Berets from individual cells.

Frankly, we continue to be baffled.

The Green Berets were arrested on July 20 and their solitary confinement was obviously kept secret for a whole month from the Secretary of Defense even though one of the prisoners was the commanding officer of the entire Special Forces in Vietnam.

When I learned on August 14, through a telephone call to my constituent, Capt. Robert Marasco—one of the accused persons, that the Green Berets were in solitary confinement in 5- by 7-foot cells, I immediately contacted Secretary of Defense Laird.

In a letter dated August 19, the Acting Secretary of the Army, Thaddeus R. Beal, replied to me at the request of the Secretary of Defense. He in no way indicated that the Secretary of Defense had intervened or that the confinement was considered to be improper. Instead, Mr. Beal attributed the release from confinement solely to the fact that, "isolation of the prisoners which was necessary during one phase of the investigation was no longer required."

I commend Secretary of Defense Laird for having intervened—but continue to be shocked by the position taken by the Secretary of the Army. He persists in his position that despite the confinement, the handling of this case to date has been entirely proper. He has refused to assert his jurisdiction in this case as civilian authority over the Army.

Still another shocking feature of this case is reported today in the press. Immunity from prosecution is being forced on two of the Green Berets—whether they want it or not. The choice being given them is to testify against their fellow servicemen or go to prison. Has our system of military justice really come to this, Mr. Speaker? Will these men not be given the same basic constitutional rights that are granted every day in our courts to even the most wanton criminals? Can we allow field commanders to "make deals" with accused prisoners—or coerce servicemen to turn against each other—servicemen who have fought together in combat against our Nation's enemies and who now wish to stand together in a courtroom?

To bring an end to the bungling in this case and to assure that all further proceedings will be free of the unfairness and bias already demonstrated by the military commanders in the field, I, and other Members of Congress have requested a meeting with Secretary of Defense Laird. We shall continue to press for simple justice. We are hopeful that in view of the urgency the Secretary of Defense will meet with us promptly.

Mr. Speaker, I insert into the RECORD the news dispatches referred to:

GREEN BERETS

WASHINGTON.—Secretary of Defense Melvin R. Laird disclosed today he sought the release of the eight Green Berets accused of murder from small cramped cells in Vietnam, saying he felt that they were being "unfairly confined."

It was the first official word that Laird had become involved directly in the controversial Green Beret case which supposedly involves the slaying of a South Vietnamese double agent.

In a question and answer session following a speech at the National Press Club, Laird expressed concern that some people have apparently decided in advance of scheduled court martials for six of the Green Berets that they are guilty.

"These men are innocent until convicted by a court," he declared.

From accounts he said he had read, Laird said, "it seems that some people have convicted these gentlemen already."

But Laird said that "every effort will be made to guarantee that fair procedures are followed" in the case.

"When I found that these men were being unfairly confined, I immediately contacted the Secretary of the Army . . . and action was taken within a matter of 24 hours" to free the Green Berets from individual cells, he said.

The accused Green Berets have since been placed in a status of what the Army calls "installation parolees" at a base in Vietnam which gives them some amount of movement.

GREEN BERETS

LONG BINH, VIETNAM.—A warrant officer and a sergeant arrested in the Green Beret murder case face prison terms of up to five years if they refuse to testify at the courts-martial of six superior officers, military sources said today.

The Army, the sources said, has declared CWO2 Edward M. Boyle of New York and Sgt. 1C. Alvin L. Smith Jr., Naples, Fla., immune from prosecution on charges of murder and conspiracy to murder a Vietnamese agent.

"Immunity is being imposed on these men whether they want it or not," one informant said. "Their choice is to testify or risk going to prison."

The Army had previously ordered charges against Boyle and Smith held in abeyance.

Army spokesmen refused to confirm or deny the reports that Boyle and Smith had been declared immune from prosecution.

Defense lawyers have indicated they expect the Army to use testimony by Boyle and Smith to win convictions of the six Green Beret officers, awaiting trial on murder and murder conspiracy charges.

Boyle's civilian lawyer, Henry B. Rothblatt of New York, said he had been notified formally that his client has been declared immune from prosecution of the murder charges. A similar notice concerning Smith is reported to have been conveyed to his lawyers.

GREEN BERETS

LONG BINH.—Sources said the order to rule the two immune from prosecution was issued by Maj. Gen. G. L. Mabry Jr., after Boyle rejected the offer of immunity in exchange for his testimony. Mabry, commander of all U.S. support troops in Vietnam, is the convening authority in the case.

Rothblatt, who represents two of the accused in addition to Boyle, said two days ago that the warrant officer had "refused all tenders" by the Army for his cooperation as a witness against the others.

At the same time, Rothblatt said he would file a motion to have Boyle sent home to the United States on grounds that his Vietnam duty tour expired about two months ago.

Boyle and Smith are free of confinement but restricted to this big Army headquarters base, 15 miles northeast of Saigon, where the six officers remain in custody.

AVAILABILITY OF WORKERS SHOULD BE DETERMINED IN THE LOCAL LABOR MARKET

The SPEAKER. Under a previous order of the House the Gentleman from Ohio (Mr. FEIGHAN) is recognized for 10 minutes.

Mr. FEIGHAN. Mr. Speaker, today I have introduced H.R. 13999 which will amend section 212(a)(14) of the Immigration and Nationality Act, as amended. Section 212(a)(14) presently requires special labor certification for most potential immigrants other than relatives of U.S. citizens or of permanent resident aliens. The labor certification primarily affects prospective immigrants in the sixth preference and nonpreference categories. The sixth preference provides for individuals who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which sufficient workers are not able, willing, qualified, and available in the United States at the time the alien files a visa application.

The labor certification provision also applies to many prospective immigrants seeking third preference visas. The third preference is available for professional persons or persons with exceptional ability in the arts or sciences.

Several years of operation of the act of October 3, 1965, have clearly demonstrated that the traditional patterns of immigration have been significantly altered since its effective date. Immigration from countries which enjoyed large quotas under the national origins quota system has fallen off drastically. Under the old law, there was no labor certification requirement. To a great degree, imposition of this requirement has resulted in the changing patterns of immigration. Traditionally, the countries with large numerical quotas sent many young adults, possessing no particular skill or experience. These "new seed" immigrants then took jobs as laborers, railroad workers, waiters, and numerous other unskilled positions. From such humble beginnings, many subsequently achieved great fame and great wealth, while contributing immeasurably to the growth of the United States.

The abolition of the national origins quota system coupled with the advent of the labor certification provision drastically reduced the flow of immigrants from the previously favored nations. Labor certifications were not issued for the types of unskilled labor previously performed by the "new seed" immigrants. The U.S. Department of Labor had determined that there was not a shortage of domestic labor in these unskilled occupational categories.

Regulations promulgated by the Department of Labor pursuant to section 212(a)(14) designated four classes of jobs for labor certification purposes. The first of these are contained on schedule A which is a listing of jobs for which there are not sufficient workers in the United States. Schedule B contains a listing of jobs for which sufficient domestic labor is available. Schedule C contains a list of occupations for which a determination has been made that there are not sufficient workers in certain States of the United States. Finally, individual determinations as to the availability of domestic labor are made by the Department of Labor for occupations not listed on schedules A, B, or C.

The occupations formerly filled by young immigrants coming to the United States to embark on a new life are those contained on the "unavailable nationwide list," which is schedule B, and also those unskilled jobs not contained on any list for which the Department of Labor customarily denies granting labor certifications throughout the country on an ad hoc or individual basis. Because the Department of Labor finds aliens seeking these jobs to be ineligible to qualify for a labor certification they are denied entry to the United States.

The labor certification provisions were included in the 1965 bill to protect the domestic labor force, particularly during periods of high unemployment. It was the desire of Congress to prevent an influx of aliens who would deny citizens of the United States gainful employment. I wholeheartedly supported inclusion of the labor certification provision in the act of October 3, 1965, and support its continued existence. Our country's foremost obligation is to assure optimum employment of its citizens.

However, it has become clear that occupations considered to have a surplusage of domestic workers and, therefore, no need for immigrants on a national level often have a deficit on a local level. Thus, although a certain occupation is listed on schedule B, there frequently exists a great deficit of workers and a great demand for workers in certain localities to fill these positions. This is the result of the Labor Department viewing manpower needs on a nationwide level as opposed to a local level. An effort to make a local determination has been made in the new schedule C which looks at the employment situation within a specific State. Even a State is too large a unit for a meaningful determination. For instance, the help-wanted ads from the Cleveland Plain Dealer show that a need for employees existed fairly consistently over a period from March 1969 to September 1969 in Cleveland in the following occupations: busboys, hotel clerks, charwomen, cook's helpers, hotel maids, day domestics, porters, general factory help, janitors, guards, warehousemen, handymen, stockmen, general laborers, dishwashers and truck driver helpers. The New York Times help-wanted ads from March 1969 to August 1969, show the following occupational needs in New York City: bookkeeper assistants, guards, warehousemen, stockmen, dishwashers, porters, mailroom and messengers, truckdriver helpers, kitchen helpers, and hotel clerks. The majority of these occupations are listed on schedule B. Application for labor certifications in the categories mentioned that are not on schedule B is seldom approved. Moreover, the demand in a given area for workers generally surpasses the demand for workers reflected through help-wanted ads. Clearly, work in numerous occupations is available and actively sought locally where there is purportedly no need nationally.

The purposes of the inclusion of the labor certification provisions into the law is being frustrated by its present operation. Aliens desiring to fill certain jobs where there is a definite need for such workers locally are barred from doing so because workers are deemed to be available nationwide for jobs of that description. This has contributed signifi-

cantly to the decline in immigration from numerous nations previously having high annual quotas. The pattern of immigration was not intended by Congress to be so markedly disrupted as has occurred by the present application of section 212(a)(14).

H.R. 13999 will remedy this highly undesirable situation. It will amend section 212(a)(14) so that the availability of sufficient workers who are able, willing, qualified, and available to fill a certain position is determined at the place to which the alien is destined to perform such skilled or unskilled labor.

Under the provisions of H.R. 13999, the Labor Department would be required to view local employment needs in light of employment programs. In areas where there are significant efforts to place the unemployed in low skilled occupations in which manpower shortages exist, clearly aliens should not be permitted to fill these job vacancies. The hard core unemployed must have a definite priority. For instance, if there is a shortage of porters in New York City and programs to train the hard core unemployed to work as porters, aliens should not be accorded labor certification to fill these positions. The Department of Labor must evaluate the labor situation on a national basis in determining the availability of sufficient workers at the place to which the alien is destined. Where there are persons in one area who are trained in a certain occupation but unemployed because there is no need for their services in that locality at that time, but there is a need for such persons in another labor market, efforts should be made to relocate such persons so that they may be gainfully employed. Aliens should not be allowed to fill such positions.

So that there is no confusion, it is intended that the phrase "at the place to which the alien is destined to perform such skilled or unskilled labor" be interpreted to mean a labor market area. A labor market area is interpreted by the Department of Labor to consist of the central community and the surrounding territory in which there is a concentration of economic activity or labor demand and in which workers can generally change jobs without changing their residence. Thus, if an alien were destined to an unskilled job in a factory in Montgomery County, Md., and unemployed persons who could fill these positions were available in Washington, D.C., the labor certification would be denied.

It also must be understood that aliens will not be granted labor certification to work in the place to which they are destined, if their employment in that local labor market would result in adversely affecting wages and working conditions of workers similarly employed in that particular labor market. Such aliens must be employed at the prevailing wage rate for that type of work within that labor market.

Enactment of H.R. 13999 would result in lessening the present practice of aliens entering the country with a labor certification to work in a particular occupation with a specific employer and soon after their entry seeking employment in a different occupation and locality.

Generally, aliens engaging in this practice seek employment, different from that for which they received labor certification to enter the United States, in occupations classified as unavailable nationally or listed on schedule B. Very often, in the specific locality to which they soon migrate, there is actually a deficit of workers in these occupations even though they are contained on schedule B.

H.R. 13999, in most instances would allow the alien to be granted labor certification for the job that he ultimately desires. Thus, the alien would be much less likely soon after entry to assume employment different from that for which he originally entered.

If enacted, H.R. 13999 would assure that the original intention of Congress in enacting labor certification is effected. Aliens would be able to immigrate to fill vacant positions without injuring domestic labor.

The Department of Labor should have no difficulty in adapting to this new procedure inasmuch as the Department is affiliated with State employment service agencies which generally have compiled data on job demands in given localities, particularly in our large metropolitan areas.

Listings by the Department of Labor of available employment on a local basis would result from enactment of H.R. 13999. This would undoubtedly reflect more fully the actual situation in the labor market.

COALITION FARM BILL

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. PURCELL) is recognized for 60 minutes.

Mr. PURCELL. Mr. Speaker, today I am introducing in the House a good bill for farmers and all Americans. Joining me in introducing this bill are the gentlemen from Texas (Mr. ROBERTS), Colorado (Mr. EVANS), Missouri (Mr. RANDALL), Montana (Mr. OLSEN), Oklahoma (Mr. STEED), Washington (Mr. FOLEY), Colorado (Mr. ASPINALL), Washington (Mr. MEEDS), Oregon (Mr. ULLMAN), Colorado (Mr. ROGERS), Illinois (Mr. GRAY), Texas (Mr. BURLESON), Pennsylvania (Mr. VIGORITO), Wisconsin (Mr. OBEY), North Carolina (Mr. HENDERSON and Mr. LENNON), Hawaii (Mr. MATSUNAGA), Arkansas (Mr. PRYOR), Texas (Mr. WHITE), North Dakota (Mr. ANDREWS), South Dakota (Mr. REIFEL), North Carolina (Mr. JONES) and the gentleman from Texas (Mr. FISHER).

With only minor changes, the bill was actually drafted by a coalition of general farm and commodity organizations. The coalition is made up of 22 such organizations. These organizations are as follows: National Farmers Union, National Grange, Midcontinent Farmers Association, National Farmers Organization, Grain Sorghum Producers' Association, Soybean Growers of America, National Association of Wheat Growers, National Milk Producers Federation, Pure Milk Products Cooperative, Peanut Growers Cooperative Marketing Association, North Carolina Peanut Growers Association, Virginia Peanut Growers Association, Western Cotton Growers Association, National Potato Council, National Corn Growers Association, American Rice Growers Cooperative Association, United Grain Farmers of America, Webster County Nebraska, Farmers Organization, National Wool Growers Association, Farmers Cooperative Council of North Carolina, Virginia Council of Farmers Cooperatives, and National Rice Growers Association.

Like many of you, I have urged great unity among farm organizations. Too often in the past, farm organizations have chartered a course of action which results in what one farm leader once called a "babble of voices."

The "babble of voices" in agriculture no longer exists for this group of farm organizations. They speak to the Congress with one voice. I commend the leaders of these organizations for their success. I urge them to continue to give the Congress their views on legislation relating to congressional efforts to help them solve their problems.

It was my privilege to join the chairman of the House Agriculture Committee earlier this year in a meeting with members of the coalition. At that time, there were 17 members. This 17-member committee met in Washington July 8 and approved the draft of the legislation I am introducing today.

When the coalition first met in Washington in January, there were many problems to be solved. Bringing unity to agriculture is not an easy task. The fact that the present coalition of 22 members can unanimously agree on the provisions of this bill reflects a highly significant coordinated effort. The dedication and work that went into building the farm coalition cannot be ignored. They have succeeded in doing what they have been urged to do. The Secretary of Agriculture has urged farm organizations to unify. The coalition met with Secretary of Agriculture Hardin on September 15 to report on what they had accomplished.

At the time a member of the coalition told the Secretary, "Mr. Secretary, we took you at your word when you said farm groups ought to get together and decide what kind of legislation is needed. We have gotten together and we have decided." I am sure that the Secretary was impressed as I am.

The coalition support for improving the 1965 Farm Act stems from their belief that it embodies the best combination of administrative tools necessary for coping with the problems that beset agriculture.

The bill that I am presenting to the House today embodies the so-called package approach to farm legislation. It permanently extends the commodity programs authorized by the 1965 Food and Agriculture Act with some income improvements and additional provisions.

Before discussing details of the bill, I want to comment on income versus cost.

The total cost of income improvement is expected to be approximately $660 million. Its effect on net farm income is expected to be an increase of from $1.3 to $1.4 billion.

But I want to point out that the administration's farm program budget anticipates a cut next year of some $600 to $700 million. This reduction is expected because of savings resulting from the readjustment in the national wheat allotment and lower cost of the soybean program.

Therefore, the income improvements in this bill could take place with no increase over the 1969 farm program budget.

Where additional costs are involved they are shown in the summary which I am including in the RECORD at this point in my remarks:

SUMMARY OF COALITION FARM BILL BACKED BY 22 ORGANIZATIONS

TITLE I—DAIRY

(No additional costs.)

Extends Class I Base Plan with clarifying amendments of Lloyd Meads and others.

Provides authority for self-financing of advertising, research and promotion programs.

Changes procedure for support of manufacturing—support would be based on all components of milk instead of butterfat.

TITLE II—WOOL

(No additional costs.)

Extends Wool program.

TITLE III—FEED GRAINS

(Total additional cost—$350 million.)

Increased price support loan from $1.05 to $1.15 per bushel.

Increases direct payment from $.30 per bushel to $.40 per bushel.

Limits amount "projected yield" can be adjusted as result of natural disaster.

TITLE IV—COTTON

(No additional costs.)

Extend Cotton program.

TITLE V—WHEAT

(Total additional cost—$275 million.)

Provide authority for export certificate between 90 and 85 percent of parity (Cost is calculated on 65 percent of parity return or $.55 per bushel by 500 million bushels).

Limits amount "projected yield" can be adjusted as result of natural disaster.

Provided that one-half of wheat certificate value can be paid at time of sign up.

TITLE VI—SOYBEANS AND FLAXSEED

(Total addition cost $25 $35 million.)

Authorizes acreage diversion program for soybeans and flaxseed for such year as the total stocks of soybeans—CCC, Farm Reseal and Commercial—exceed as of Aug. 31, 150 million bushels or 15 percent of the previous year's utilization whichever is less.

(On August 31, 1969 soybeans stocks approximated 300 million bushels. This relatively small carryover would trigger a program in 1970 but only involving the diversion of 2 to 3 million acres of soybeans. Cost is based on this diversion level.)

Provides 75 percent of parity price support loan for participants in the acreage diversion program.

VII—CONSUMER PROTECTION RESERVE

(No additional costs.)

	Reseal on farms	Farmers contracts	CCC publicly owned
1. Amount of reserve:[1]			
Wheat	150,000,000 bushels	150,000,000 bushels	200,000,000 bushels.
Feed grains	7,500,000 tons	7,500,000 tons	15,000,000 tons.
Cotton			3,000,000 bales.
2. Maximum acquisition price	None	None	None.
3. Minimum resale price:			
a. Wheat	Producer option—no minimum price.	[2]	[2].
b. Feed grains	At release date	[3]	[3].
c. Soybeans		[4]	[4].
d. Cotton		[5]	[5].
4. Reserve held by farmers		Farmers	CCC.
5. Provision for emergency release at prices other than above.	None	[6]	[6].
6. Expiration date		Permanent	

[1] When estimated consumption, including exports, exceed production by more than 10 percent, reserve levels under both resale and in CCC reserves will be increased by 100,000,000 bushels of wheat, 7,500,000 tons of feed grains, 15,000,000 bushels of soybeans, and 1,000,000 bales of cotton.
[2] CCC stocks below above levels; parity price less 75¢ certified ($2.02 per bushel).
[3] CCC stocks below above levels; parity price less adjusted payment ($1.42 per bushel on corn).
[4] CCC stocks below above levels; parity price $3.64 per bushel.
[5] Stocks below above levels: Parity price 47.9¢ per pound (Upland Middling, 1 inch).
[6] In addition to minimum resale price, natural disaster, low production, military action would control release.

TITLE VIII—MARKETING ORDERS

(No additional costs.)

Extends market order authority to any commodity subject to approval by majority of affected producers.

Sets up advisory committee to help write market orders. Order may provide:

a. Market supply control ranging from grading standards to marketing allotments subject to approval of ⅔ of affected producers.

b. Pooling of sale proceeds where commodity is sold on use-classification basis.

Public hearings on terms and conditions of the market order.

Secretary of Agriculture would develop market order following public hearings.

Producer referendum with ⅔ vote required for operation of the market order.

TITLE IX—CROPLAND ADJUSTMENT

Remove limit of $245 million on amount of funds that can be appropriated for the Cropland Adjustment Program.

TITLE X—RICE

(No additional costs.)

An acreage diversion program for rice is authorized if the national rice allotment is established at less than that for 1965.

(The Title provides stand-by authority which has not been used to the present time.)

Mr. Speaker, we cannot weaken our farm program. We dare not. The Secretary of Agriculture is charged with carrying out the intent of Congress with respect to agriculture. I want to quote for you what that intent is. I quote from the declaration of policy of the Agricultural Adjustment Act of 1938, as amended—which stands as our present policy:

It is hereby declared to be the policy of Congress to continue the Soil Conservation and Domestic Allotment Act, as amended for the purpose of conserving national resources, preventing the wasteful use of soil fertility, and of preserving, maintaining and rebuilding the farm and ranch land resources in the national public interest; to accomplish these purposes through the encouragement of soil-building and soil-conserving crops and practices; to assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide an orderly, adequate, and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing quotas, assisting farmers to obtain, insofar as practicable, parity prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices.

This is a big order. We must provide the Secretary of Agriculture and the U.S. Department of Agriculture with the tools to do this job. We cannot expect it to be done with bare hands.

If each of us should be asked to submit a bill to accomplish this, I am sure that we would get almost as many different bills as there are Congressmen. Nearly everybody has a different, at least a somewhat different, idea. To whom can we look then for the answer? Who knows best what kind of a farm program will work? I believe farmers themselves know best. We have had a farm program in this Nation for more than 30 years. Farmers have lived with it. They have seen its successes and they have seen its failures.

One of the most impressive characteristics of this piece of legislation is that it builds on what we have. The Congress of the United States has struggled throughout the years to provide sensible answers to the problems of agriculture, as well as other important segments of our economy. We have not always succeeded to the extent we would desire. But neither have we failed. I do not believe that just because we have not done as well as we wanted to that we should quit and go home; although there are some people in America who would be very glad of that.

I think it is a tribute to this impressive coalition of farm groups that they recommend that we build on what we have. They recognize that much that the Congress has done over the years is good. Now they—along with most of us, I think—want to make it better.

The bill I am introducing today extends the 1965 Food and Agriculture Act. It makes this historic legislation permanent. And it seeks to improve it in several ways. These improvements are based on experience. They are designed to strengthen the 1965 act in places where it is not working as well as it should. It seeks to correct inequities. It seeks to strengthen the far meconomy in sectors where there is hardship and suffering.

Why make the 1965 Food and Agriculture Act permanent—as the first step toward improving it? Year after year those of us interested in the welfare of agriculture have had to return to the Congress and ask for passage of legislation already approved before. Time is taken from pressing new problems. Every session of Congress brings new Members who must listen to arguments their senior Members have heard many times before.

What we should be doing instead is bringing improvements to a permanent farm legislative base to the Congress. No other segment of the American economy is faced with this situation. Permanent legislation is passed. And then the ener-

gies of Congressmen, and representatives of the people, can be used to alter the legislation to fit changing conditions, or improving it to sharpen its tools for dealing with old problems. Legislation can always be repealed, if it no longer works at all.

It is of crucial importance that we make our farm program permanent. Then we can devote ourselves to improving it.

Agriculture is—like every business in our Nation—unique. It requires special skills. It requires special capital resources. Above all, it is a business that produces a broad variety of commodities. Each commodity has its own growing season. Each commodity has its own marketing system. Indeed, the commodities of American agriculture have only one thing in common. They are vital—as no other kinds of products in our economy are vital—to the welfare of the American people.

The essence of the 1965 Food and Agriculture Act is that it recognizes the pluralism of American agriculture. It deals with its problems on a commodity-by-commodity basis.

Let me emphasize again the sense of this bill. It extends what we know is good. It improves what we know is weak. It is all based on experience. It is supported by 22 general farm and commodity organizations.

Now I want to summarize its provisions, title-by-title.

Title I of the bill contains provisions to improve dairy legislation.

Section 101 contains authority to include in Federal milk marketing orders, what has become known as "Class I base plans" for distributing returns from the sale of milk among dairy farmers supplying a market regulated by a Federal milk marketing order.

The provisions are not the same, in many respects, as appeared in the Agricultural Act of 1965. Under the terms of my amendment, authority for class I base plans would have no termination date. The authority would provide for established dairy farmers to share the benefits of market growth which, under the 1965 amendment, is set aside for the benefit of new producers and for the alleviation of hardship. Under the terms of my bill, the Secretary of Agriculture in promulgating a class I base plan, would develop through the public hearing process, provisions under which new producers could obtain class I bases and provisions for alleviating hardship and inequity among dairy farmers.

The amendment also would reinsert into the Agricultural Marketing Agreement Act of 1937, as amended, authority for incorporating in Federal milk marketing orders base plans for distributing returns among dairy farmers that are not related to the fluid milk requirements of the market.

These provisions were superseded by the 1965 amendment. There is some doubt as to whether or not the Act would provide for base plans of any type in the event the 1965 authority were allowed to lapse without extention and modification of the dairy provisions.

The bill also provides authority under which orders can contain provisions for adjusting prices seasonally to dairy farmers, without adjusting prices seasonally to handlers. These price adjustments encourage higher milk production during periods of the year when milk is in short supply and discourage production during periods of the year when milk, normally, is more plentiful. Such price adjustments are now used in many markets, but should be specifically authorized rather than to rely on the general provisions of the act.

The bill provides authority, such as was contained in the Food and Agriculture Act of 1965, to specifically authorize orders for milk used for manufacturing on the basis of a "production area" rather than a "marketing area." Also, the language of the 1965 act pertaining to producer-handlers is in my bill.

It also contains a new paragraph for inclusion in the Agricultural Marketing Agreement Act of 1937, as amended, authorizing use of pool funds under a Federal milk marketing order for establishment of research and development projects, advertising, sales promotion, educational and other programs designed to improve or promote the increased consumption of milk and its products.

An additional section of the bill amends the Agricultural Act of 1949, as amended. This amendment would remove the present mandatory requirement to support the price of butterfat, but would, in no way, change the present requirement to support prices paid farmers for milk.

The purchasing of butter, under the price support program, would not be eliminated. The deletion of butterfat, however, will allow the Secretary of Agriculture to establish purchase prices for butter, nonfat dry milk and cheese, under the price support program, at discretionary levels of price, so long as the final result is to assure farmers of the support level for milk which they market. This amendment was developed as a means of improving the competitive position of butterfat on one hand, and of increasing returns to dairy farmers for the skim milk contained in milk on the other.

TITLE II—WOOL

This has been a successful program. The bill would extend it on the same basis as in the 1965 act. It will involve no additional costs.

TITLE III—FEED GRAINS

Here we come to one of the areas that needs strengthening. There is hardship on farms that produce feed grains.

The bill provides for an increase in price support loans for corn from $1.05 to $1.15 per bushel, and an increase in direct payments for corn from 30 cents per bushel to 40 cents per bushel. Equivalent increases for other feed grains are provided.

Natural disaster stalks the feed grains producer. These crops—most of them producing enormous bulk during short, intensive growing seasons—are particularly susceptible to the natural disasters of flood, drought, and storm. Supply-management under our law requires the projection of yield based on the history of a farm's production. Crop failures as a result of natural disasters can drastically, though temporarily, affect the production history of a farm. This bill provides that in estimating "projected" yields, there can be no more than a 5-percent reduction following natural disasters.

The additional cost of the feed grains program is estimated at $350 million.

TITLE IV—COTTON

This program is working well. Cotton surpluses have been reduced. My bill would extend the program—at no additional costs.

TITLE V—WHEAT

Wheat is another crop where there is trouble. There is hardship on wheat farms.

Basically, our legislation is sound. One of its successful aspects is the certificate payment for wheat used in this country.

The basic need is for more income. My bill provides for the following:

An export certificate. Wheat accompanied by export certificate to be supported at between 65 percent—$1.80—and 90 percent—$2.49—of parity.

National average support price loan value of $1.25 per bushel at harvest time rather than at loan maturity time.

No reduction of projected yield for any farm by over 5 percent of the preceding year by reason of natural disaster.

Payment of at least 50 percent of value of domestic and export marketing certificates at time of program signup.

There are no proposed changes in the domestic certificate, the substitution clause, the overseeding privilege of any other of the 1965 Farm Act provisions pertaining to wheat.

In way of explanation and justification for these four proposed changes, I will comment briefly:

Despite desirable features of the wheat portion of the 1965 Farm Act, the commercial wheat farm economy is deteriorating rapidly. The domestic certificate assuring 100 percent of parity on domestically consumed wheat has been an important bulwark against the cost-price squeeze the farmer is suffering. However, even the domestic certificate has been unable to hold wheat returns at a survival level. In the three years since the certificate program went into effect, the blend price for compliers—national average market price per bushel plus returns for certificates—has been: 1966, $2.22; 1967, $1.87; 1968, $1.79.

Using this year's parity price and also this year's domestic certificate percentages, a complying farmer would receive:

Domestic, $2.77 per bushel for 43 percent of his normal yield.

Export, $1.80 per bushel for 40 percent of his normal yield—if minimum 65 percent of parity was used.

Noncertificated, $1.25 per bushel for 17 percent of his normal yield.

The blend price to farmers would be $2.12 per bushel for the normal yield on allotted acres.

It is now the practice to subtract 10 cents per bushel storage cost from the support loan price if the wheat is in commercial storage. The bill provides that the full loan rate be paid when the wheat is put into storage at harvest time and then make the farmer responsible for paying his own storage liability when his

wheat is either sold or turned over to the Commodity Credit Corporation. This would have the effect of setting the market price floor, which is dependent on the loan level, 10 cents higher at harvest time.

There is presently no protection from having a very low per-acre yield caused by fire, hail, flood or other natural disaster, used as part of formula setting a farm's projected yield. This, of course, can drastically reduce the number of domestic certificates a farm is eligible for. The bill sets a limit of 5 percent as the most a projected yield might be reduced as the result of any one bad year due to natural disaster.

Farmers need operating money at time of signup, and high interest commercial loans are the only alternative. Advance payment at time of signup in the program involves no additional cost.

The export certificate provided in the bill would cost $275 million. Other program changes would involve no additional costs.

TITLE VI—SOYBEANS AND FLAXSEED

Early this year, with overproduction and other problems facing soybeans, the Secretary of Agriculture found it necessary to announce a significant cut in support prices. The result will be a cut in soybean income of over $250 million. But the tragedy is that cutting the loan rate is not an effective means of balancing production with utilization.

My bill authorizes an acreage diversion program for soybeans and flaxseed. It would be operative only as needed. This program would be available when total stocks of soybeans—held by the Commodity Credit Corporation, in farm reseal, and in commercial warehouses—on August 31 exceed 150 million bushels, or 15 percent of the previous year's utilization, whichever is less.

To illustrate this provision, let me point out that on August 31, 1969, soybean stocks were approximately 300 million bushels. This would, of course, trigger a program for 1970. It would involve the diversion of only 2 to 3 million acres. But it could prevent serious overproduction.

My bill would provide for price support loans of 75 percent of parity to participants in the acreage diversion program.

TITLE VII—CONSUMER PROTECTION RESERVES—WHEAT, FEED GRAINS, SOYBEANS, AND COTTON

I want to give special emphasis to this title. In my opinion, no title is more important. It recognizes the unique character of agriculture. It is suggested on the basis of experience.

We know the problems of adjusting production of crops to fit market requirements. The most difficult aspect of planning is that nobody knows at the beginning of the growing season what the harvest will be. How can we plan the threat of shortage that may result from crop failure or a poor growing season? Nobody wants to risk the possibility that consumers might have to do without essential products of food and fiber. We dare not count on a bumper crop every year. Yet when we count on less, one comes along and oversupply increases the costs of farm programs, while market prices turn sharply downward.

If reserves are in storage, consumers can be assured of adequate supplies no matter what happens during the growing season. Real planning for market needs can be carried out.

I will not go into details of how much reserve of each commodity we propose. Those figures are in the summary. But I call attention to the fact that these reserves will be maintained both on farms and in Commodity Credit Corporation stocks. The bill also provides for increasing those reserves when consumption warrants it.

This is a vital part of the bill. It will involve no additional costs to the program.

TITLE VIII—MARKETING ORDERS

This is a classic example of drawing on successful experience in order to make the farm program more workable. One of the most successful sections of our farm legislation has been marketing orders. They have been used by dairy farmers to help maintain and improve milk prices. They can work effectively in other commodities.

We should extend market order authority to any commodity where a majority of producers want it. My bill provides for setting up advisory committees to help write market orders. It provides that market orders may provide market supply control, ranging from grading standards to marketing allotments, subject to approval of two-thirds of affected producers. Orders may provide for pooling of sale proceeds where commodities are sold on use-classification basis. The bill provides for public hearings on the terms and conditions of such market orders. It provides that the Secretary of Agriculture will develop market orders following public hearings and before the operation of a marketing order a referendum must result in a two-thirds vote of producers in favor of it.

This title, like most of the titles of the bill, will result in no additional cost to the program.

TITLE IX—CROPLAND ADJUSTMENT PROGRAM

A cropland adjustment program does have a place in the farm program. It can be useful as an auxiliary lever to help provide stability of prices and income in agriculture.

This bill extends this program. It removes the $245 million limit on the amount of funds that can be appropriated for the program.

TITLE X—RICE

Rice is not in trouble at this time. However, we should strengthen the tools available to dealing with problems. This bill authorizes a standby acreage diversion program when needed. Specifically, it is authorized when the national rice allotment is established at less than that for 1965.

The Food and Agriculture Act is a good law. Its most important aspect is that, while putting major responsibility on the shoulders of the Secretary of Agriculture to maintain a stable farm economy, it provides him with machinery to do it. This machinery has never been used as effectively as it could be. But if used effectively, it can regulate production to prevent prices from falling to disastrous lows, and it can keep the farm program from being prohibitively expensive to the Nation's taxpayers.

The supply-management devices for voluntary programs include acreage diversion payments, direct payments and processor certificates. For mandatory programs mechanisms include acreage allotments, marketing quotas, direct payments, and penalties for non-compliance. The cropland adjustment program is a board approach to supply-management. Most of these levers will be denied to the Secretary if the commodity programs in the 1965 act are allowed to expire.

What kind of programs would be available to farmers in the absence of legislative action for the 1971 crop year and beyond?

Wheat: Under law in effect prior to 1965, the Secretary of Agriculture would determine whether the supply of wheat is excessive. If he found it to be so he would proclaim a marketing quota program subject to a grower referendum. Based on an approved national marketing quota, individual farm quotas would be established in terms of acreage allotments.

If marketing quotas are approved for wheat, penalties for overproduction would apply for failure to make mandatory diversion. The wheat marketing certificate program would be in effect. The Secretary would set the rate for domestic certificates plus the loan at not less than 65 percent nor more than 90 percent of parity. We would have variable export certificates, as at present. Processors would be required to pay the full value of domestic certificates. There would be no diversion payments.

If, on the other hand, marketing quotas were disapproved, price supports through loans and purchases to producers who comply with their allotment at 50 percent of parity would be available. There would, of course, be no quotas, penalties, wheat certificates, nor diversion payments.

If, as the law permits, marketing quotas were not proclaimed and put to a vote, the price support through loans or purchases to producers who comply with allotment would be 75 to 90 percent of parity, the maximum level depending on the supply percentage. Again, of course, there would be no marketing quotas, penalties, certificates, nor diversion payments. There would be no authority to substitute wheat for feed grains.

Feed grains: If we do not extend the 1965 act for feed grains, there would be no diversion or direct price support payments. The price support through loans or purchases for corn would be not less than 50 percent nor more than 90 percent of parity. The Secretary would determine the level in order not to result in increased CCC stocks of corn. Price support for other feed grains would be set at a level which is fair and reasonable in relations to the level for corn.

Cotton: The old law provides that the Secretary determine and announce whether the total cotton supply would

exceed normal levels. If so, he would proclaim a marketing quota program subject to grower referendum. Such quotas would be established in terms of acreage allotments.

If marketing quotas are proclaimed and approved by two-thirds or more of the farmers voting in a referendum, marketing quotas would go into effect. There would be no diversion or price support payments. Price support to producers who comply would be through loans or purchases at no less than 65 percent or more than 90 percent of parity as determined by the Secretary of Agriculture. The law provides no authority to make cotton available to domestic mills at the world price if such price were lower than the legal minimum price for unrestricted use.

If cotton marketing quotas were disapproved in the referendum, the price support through loans or purchases to producers who comply with their allotments would be at 50 percent of parity. There would be no diversion or price support payments.

If the Secretary did not proclaim marketing quotas, price support would be at 65 to 90 percent of parity—as determined by the Secretary. Compliance with allotments would be required as a condition of eligibility for price support. There would be no diversion or direct price support payments.

Under the old law there is no authority to sell, lease, or transfer cotton allotments.

Wool: The old law provides for price support through loans or purchases at the discretion of the Secretary at not more than 90 percent of parity. There would be no direct price support payments.

Finally, there is no authority in prior law to conduct a cropland adjustment program.

The issue before us concerning extension of the 1965 Food and Agriculture Act is whether the welfare of rural America shall be subject to the collective judgment of the Congress, or turned over to the administrative judgment of a U.S. Department of Agriculture that is denied effective machinery for supply-management.

The old law is singularly long on responsibility for the Secretary of Agriculture, but it is short on the leverage required to do the job. The Secretary's job is difficult enough because he is beset on all sides by political forces that seem quite willing to make peons of American farmers. He does not want this and the Congress does not want it.

The need for this bill is deeply grounded in the economic plight of the farmer. Let me turn now to explain briefly why the farmer is entitled to the additional income provided by the bill.

The gross national product has increased 282.2 percent since 1947 with nonfarm sectors of the economy sharing substantially in the increase in the Nation's growth.

Interest of creditors is up 567.1 percent.

Dividends parallel the gross national product's increase about in direct ratio—up 292.3 percent.

Rental income of landlords is up 227.7 percent.

Other sectors have increased their income accordingly. This not only reflects inequity but rank injustice for the farmer.

The simple story is that while the consuming public has paid for the increasing technology and production in nonfarm sectors, farmers have given to the Nation since 1947 virtually all of the technology and expanded productivity in agriculture.

Failure of the farm sector of our economy to be rewarded commensurate with other sectors of our economy has resulted in the farm population being cut in half from 20 years ago—a decline of 24.3 million in 1947–49 to 10.5 million in 1968. Likewise, as would be expected the number of farms has been cut virtually in half—down from 5.8 million to 3 million.

A sound agricultural economy is essential to a healthy national economy. Farm work has failed to attract today's youth. The average age of farm operators continue to escalate. Let us not fail to extend opportunities for young people who want to stay in agriculture on a par with opportunities for nonfarm endeavor.

Escalating prices of the items farmers must buy to stay in business must be given more attention as budgets for agriculture are decided upon. Farmers simply cannot continue to stay even by cutting their costs of production through improved technology.

Moving more people into cities is not helping solve the problems on the farm nor in the cities.

The farm real estate debt in 1968 is $25.5 billion. In 1960—8 years ago—it was less than one-half that amount—only $12.1 billion.

Total farm liabilities amounted to $50.4 billion in 1968, over twice the liabilities of 1960—$24.8 billion.

Prices paid by farmers for commodities and services, interest, taxes, and wage rates have increased 54 percent since the 3-year average—1947–49. The cost of these items has gone up 5 percent since August 1968—1 year ago.

Now let us look at what has happened to farm prices since 1947–49: Comparing the price of all farm products as of August 15, 1969, with the earlier 3-year period, 1947–49, I find that farm prices have increased only 2.9 percent.

During this same period the number of persons fed and clothed per farmworker have increased from 14.5 to 45.

During this period, the parity ratio dropped from 108 to 75.

During this period of time, farm output per man-hour has increased more than three times.

During this period gross farm income increased from $33.5 billion to $51 billion. But realized net income dropped from $15.6 billion to about $15 billion in 1968.

These simple and uncomplicated statistics based on official USDA data tell the success story of our century.

Our farm families have given to the Nation an abundant production of agricultural commodities with farm prices virtually unchanged from 20 years ago. And with no increase in net farm income.

The management, perseverance, and skill of our farmers is recognized throughout the world. Their contribution to the Nation's economic welfare is better understood overseas than it is here at home. We take an abundance of food for granted while hunger and malnutrition continue to plague many areas.

My prediction is that farm families and their economic welfare will not be overlooked in this session of the Congress. Members from city, urban and rural areas representing both parties will come to appreciate and understand the need for the legislation being placed before this House.

I commend the organizations who acting in concert have drafted a farm bill. I respect them for their new dedication to the cause of unit in agriculture.

Their bill is a good bill for farm families.

It is a good bill for main street businessmen.

It is a good bill for all America.

DO WE NEED A NEW, MULTIBILLION-DOLLAR DEFENSE AGAINST SOVIET BOMBERS?

The SPEAKER. Under a previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Senator JOHN STENNIS, the distinguished chairman of the Senate Armed Services Committee, explained in the RECORD on September 18 his committee's action in cutting funds requested for a new, multibillion-dollar defense of the continental United States against Soviet-manned bombers.

He said:

> The Soviet-manned-bomber threat, is limited and will probably decrease. . . . It makes no sense to spend billions of dollars to protect against the relatively small fraction of the nuclear threat represented by manned bombers without a thick defense against ICBM's.

The Senate therefore reduced the $60 million requested for R. & D. funds for a new airborne warning and control system—AWACS—to $15 million, and the $18.5 million requested for R. & D. on a new manned interceptor to $2.5 million.

I include the text of Senator STENNIS' speech in the RECORD at this point:

> Matters involved in the defense of the continental United States against manned bombers were considered by a special ad hoc subcommittee comprised of myself, as Chairman, and Senators Inouye, McIntyre, Smith, Dominick and Murphy. The subcommittee primarily studied and examined the following:
>
> 1. The existing continental air defense system and its present and future capabilities;
>
> 2. The threat presented by the present and projected manned bomber force of the Soviet Union;
>
> 3. The $60 million FY 1970 request for R&D funds for an airborne warning and control system (AWACS); and
>
> 4. The $18.5 million request for R&D funds for an improved manned interceptor.
>
> The only existing manned bomber threat is, of course, posed by the Soviet Union.

There is sharp disagreement between the Air Force and the rest of the intelligence community as to the nature, extent and gravity of this threat. According to the National Intelligence Estimate, the Soviet bomber threat is limited and its heavy bomber force is expected to continue its gradual decline. The Air Force dissents and portrays a threat of significantly greater proportions.

The proposed airborne warning and control system (AWACS) aircraft would provide surveillance, warning and control for the interceptor force. It would have a look-down radar capability and would patrol hundreds of miles beyond our borders. It would be tied in with the Over-The-Horizon radars and other warning systems to provide early warning of a mass bomber attack. The estimated research and development and investment cost involved the proposed force could ultimately involve billions of dollars. Both the Secretary of Defense and the Department of the Air Force supported the AWACS proposal.

However, there was a sharp division on the improved interceptor. The FY 1970 budget statement by former Secretary of Defense Clifford recommended the research and development program for the F–700X as the approved interceptor. The F–106X was also supported by the Chairman of the Joint Chiefs of Staff and by the Director of Defense Research and Engineering. However, it was not supported by the Air Force. General McConnell, the Air Force Chief of Staff, indicated that he wanted an interceptor with a greater capability than the F–106X, such as the F–12 or something similar. Secretary Seamans stated that he had not had sufficient time to study the problem adequately so as to be able to arrive at a firm recommendation. Under these circumstances it is difficult to see how the Congress can approve a manned interceptor at this time since the cost of an F–12 force would be several times that of the F–106X. An F–12 type interceptor would, of course, be much more expensive than the F–106X.

The Committee concluded that it should not authorize a full-scale go-head on either AWACS or an improved interceptor at this time because we feel the manned bomber threat is limited and will probably decrease; there is no evidence of a new Soviet bomber or long-range air-to-surface missile in either development or production; it makes no sense to spend billions of dollars to protect against the relatively small fraction of the nuclear threat represented by manned bombers without a thick defense against ICBMs; and the cost and technology of the proposed systems are still uncertain. In addition, we do not think that these programs have a sufficiently high national priority at this time to justify a full-scale go-ahead.

On the other hand, we believe that the promising new radar concept involved in AWACS as proposed should be kept alive and that the matter of the improved interceptor should be further explored. Therefore, we have recommended a reduction in the AWACS authorization from $60 million to $15 million. We believe that this latter amount, together with FY 1969 funds, will permit the pursuit of the new radar concept and keep the technology alive. We have recommended a reduction in the improved interceptor request to $2.5 million. This will only provide funds for necessary cost and design studies and analyses so that firm and specific recommendations can be made next year.

We have also recommended that the relatively small amounts requested for modifications and engineering services for the Nike-Hercules system ($19.6 million) and research and development on the Over-The-Horizon (OTH) "backscatter" radar system ($3 million) be approved. This latter system is designed to provide long-range surveillance, detection and in tracking and identification of aircraft.

Before leaving the subject of continental air defense, I would like to point out that much greater funding is involved in this area than is generally recognized. The Air Force portion of this system has a total research and development and investment cost of about $11.3 billion. The annual operation and maintenance cost of the Air Force portion of the continental air defense system is about $1.4 billion. The Army's Hercules force had a total of investment cost of about $2 billion and an annual operating and maintenance cost of about $150 million.

Because of the large amounts involved, and the uncertainty about the threat and in the other areas, I am calling on the Department of Defense to make a special review and analysis of the entire matter. This should include an assessment of the bomber threat, the need for an air defense system, and the size and type of system required.

In this review, I think it would be proper for the Defense Department to rely primarily on the National Intelligence Estimate to measure the extent and gravity of the threat but, of course, the differing views of the Air Force and other defense agencies, if any exist, should not be entirely ignored.

As a part of its study, the Defense Department should make a judgment as to the mission of continental air defense both now and for the future, the weapons and systems required and proper to fill the mission, and estimates of the research and development, investment and ten year operating cost of the proposed system. I want to see a reassessment of the entire bomber defense program with respect to its relative priority in defense spending, and a conscientious effort to resolve the differences of opinion which now exist with respect to the bomber threat and air defense requirements, and the proper mission.

I expect the Department of Defense, after completion of its study and analysis, to submit to the Committee on Armed Services a written report containing its findings, determinations and recommendations. I hope that this will enable us to make an intelligent decision which will contribute to a solution of this perplexing problem. At the same time, the military should be warned not to consider this as an invitation to submit a shopping list for expensive new systems which are militarily unsound and economically unfeasible. We will insist on realism, prudence and sound judgment based on facts and hard requirements.

ADDITIONAL SPONSORS FOR A PRESIDENTIAL COMMISSION ON MARIHUANA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am reintroducing my bill providing for the establishment of a Presidential Commission on Marihuana. Joining me today in sponsoring this legislation are 27 Members of the House, bringing the total bipartisan sponsorship to 37.

The bill provides for a 1-year study by a blue ribbon panel of experts on the medical, sociological, and legal factors related to the use of marihuana. The establishment of the Commission in no way would prejudge the findings of the panel whose participants would represent all disciplines involved in the issue and both Government and private officials.

The use of marihuana, particularly among our college students has grown tremendously in the past few years; it has been estimated that 12 million people have tried it at least one time and that on some college campuses 60 percent of the students have used marihuana. But, there is a lot of smoke clouding the pubilc's understanding of marihuana, and the "pot revolution" among our young people has been a major contributor to the generation gap. I believe it is time that we—of all generations—get the facts on "pot."

One of the basic misunderstandings arises from the customary lumping of marihuana with narcotics. While in scientific and medical lexicons it is classified not as a narcotic, but as an hallucinogen, because of the marihuana scare of the late 1930's the Marihuana Act of 1937 was passed imposing severe penalties for the sale and possession of marihuana. Today, among those conversant with the subject, it is widely agreed that the penalties are excessive and that the punishment and criminal record for anyone, but particularly a young college student, who is arrested for the possession of marihuana are far more devastating than any medical consequences which may flow from the act of smoking pot. Such feeling is perhaps best expressed in the words of Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs, who recently said:

> I think the penalties for marihuana are punitive, vindictive, and utterly out of relationship to the importance of marihuana.

Under Federal law, the first offense for the possession of marihuana is punishable by a minimum sentence of 2 years and a maximum sentence of 10 years. This compares to the Federal penalty for manslaughter, which carries no minimum and a maximum of 10 years in prison. Not only are the penalties out of proportion with the crime, they also usurp the power and jurisdiction of the courts in making individual determinations in sentencing and the judge's decision on whether he has before him a chronic offender or a college student experimenting for the first time.

We must decide where to go from here. While, as I have indicated, many believe that the criminal penalties should be reduced and perhaps eliminated with civil penalties being imposed for users as opposed to pushers, there are questions about the long-term effects of the drug on the individual and the effect on society because of its widespread use. We have to ask the question and find the answer to how much protection we are obliged to give the individual against his own acts visited on himself if he is not engaged in antisocial behavior. This is a question for philosphers as well as medical practitioners—and a question for sociologists, legal experts, and most all legislators. That is why it is so important that we have a broad-based panel and not simply settle for the medical studies being performed by the National Institute of Mental Health.

Some say that we do not need a Commission because studies have been and are being conducted on the medical aspects of marihuana. But only a Presidential Commission can give this subject the total examination it requires and bring forth conclusions and recommendations that will receive wide acceptance

by the public which will be necessary if such recommendations are to be acted upon. Acted upon by individuals on their own personal lives—acted upon by legislators desirous of enacting laws that deal with the realities rather than reacting to panic and fear which come from a lack of knowledge.

A list of sponsors follows:

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A GOOD BEGINNING

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, a well reasoned editorial "A Good Beginning," which supported the recent action of the House in voting to endorse the constitutional amendment which would pave the way for direct voting appeared in the Meriden Morning Record of September 20, 1969. I applaud the logic of this editorial and I appreciate the support for my position expressed therein and I am happy to include the editorial with my remarks:

A GOOD BEGINNING

The election of a president by direct popular vote is still a long way from accomplishment, but a significant step was taken Thursday when the House of Representatives voted 339–70 to bring about this basic constitutional change.

The proposed amendment would do away with the Electoral College, that cumbersome intermediary which thwarted and sometimes even distorted popular choice as expressed by the voters.

To Rep. Emanuel Celler, veteran New York Democrat, who heads the Judiciary Committee, and to the leaders of both parties in the House, goes the credit for the sizeable support which the measure received, far more than the two-thirds vote required.

Now, the bill goes to the Senate. If it is approved there it must be approved also by the legislatures of 38 states. The going will not be easy. There is already formidable opposition shaping up in the Senate. Getting approval of 38 states will be even more difficult, despite the reasonableness of the amendment. Eliminating the Electoral College has been talked of for years, about every four years, coinciding with national elections, especially. But until this year, the movement never got off the ground.

What gave particular impetus to reform at this time was the spectre of chaos raised last fall by the campaign of George Wallace. Had Wallace received sufficient votes, the election would have been made a political football.

The Electoral College is an archaic institution which has far outlived its usefulness. It is a relic of the days of poor communications and a lingering distrust of the electorate. But neither of these arguments justifies preserving a potential barrier between the electorate and the nation's chief executive.

Rep. Monagan, who represents the Fifth District in Congress, was one of the early sponsors of election reform. To him and to the other five Connecticut Congressmen who supported the measure, thanks are due. One may hope that the state's two Senators will give their full support, not only their votes, but the use of their influence with other Senators. The House has shown the way. Now it's up to the Senate and the state legislatures to buttress American democracy at the most basic level by establishing a one-man, one-vote relationship of direct election for president.

FRANK LOESSER

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, several weeks ago Frank Loesser died and with his passage we lost one of the most delightful and important figures in the American theater and in the field of national popular music as well.

No one could see "Guys and Dolls" without feeling that it was one of the most perfect fusion of music and lyrics that exist, nor could anyone listen to "The Most Happy Fella" without being charmed by the variety of Loesser's musical inspiration.

From "Praise the Lord and Pass the Ammunition"—which I never liked, believing the lyrics particularly corny—to "Standing on the Corner Watching All the Girls Go By," he produced songs which made their way into the national consciousness and raised the Nation's spirits.

Along with millions of other Americans I am grateful to Frank Loesser for the relaxation, the inspiration and the sheer enjoyment that he gave to us and while I feel a loss at his passing I cannot help but feel envious of a life which has contributed so much to elevating the spirits and warming the hearts of his fellow men.

The New York Times of August 10, 1969, contained an eloquent and moving appraisal of Frank Loesser by Abe Burrows, who certainly was in a position to know him. As a tribute to Frank Loesser I am happy to include the Burrows tribute in my remarks:

FRANK LOESSER, 1910–69

(By Abe Burrows)

When "The Most Happy Fella" was trying out in Philadelphia, Frank asked me to come down and take a look. This was his first show since "Guys and Dolls." He had been working on it for three years. We had done "Guys and Dolls" together, but this time he was flying solo. Music, lyrics and libretto. Pretty nervous about it, too. And so was I, for him. The show was remarkable. New kind of musical? Opera? Whatever it was, it was something special. I came out of the theater in great excitement, dashed up to Frank and began chattering away about the marvelous, funny stuff. Songs like "Standing on the Corner Watching All the Girls Go By," "Abbondanza," "Big D." Suddenly he cut me off angrily. "The hell with those! We know I can do that kind of stuff. Tell me where I made you cry."

This was Frank. The public Loesser was a cerebral, tough, sharp man with wit and charm. In a working relationship, he was a demanding perfectionist with a short fuse on his temper, his anger directed against himself as much as anyone else. But all of these qualities were surface. Somewhere, buried very deep, was a gentle something that wanted to "make them cry."

Here was one of the greatest writers of musical comedy songs of all time. Yet he was never completely happy with his work or its effect on people. He kept reaching out and up in a passionate striving for something else. In his reaching he sometimes casually dismissed the value of many of the great things he had done. "Guys and Dolls" had many ballads that were lovely and moving, but most of the raves were for the comedy songs. I think this bothered him. So he proved he could do the other things in "The Most Happy Fella." I remember how it was in "How to Succeed in Business Without Really Trying." His work was brilliant, musically and lyrically. A tough, abrasive score. The satire was savage and funny. He and I got a Pulitzer for that one. But a week later, when we met at lunch to search out a new project, he was once more hunting for romance and tears. I respected him for this. That big talent had to be respected.

Frank was one of the song men in the musical theater who "did it all." A man with the technique and talent to cover the whole range of what is needed to get a musical show on. Ballads, character things, group songs, comedy numbers, and anything else, including a good overture. There haven't been many men who could "do it all" and, among the few who could, Frank ranks with the greatest.

Outside of his musical and lyrical genius, the thing that placed him among the greatest was the tremendous range of his interests. He was intellectually curious, a great reader, a language buff, a skillful painter. He even made fine furniture. He knew something about everything and something from everything always found its way into his work. To cap it all, he was a man of deep emotion. In whatever he wrote, ballad, comedy or marching song, these emotions always came through.

I remember the first time we met. It was in California. He was Private Frank Loesser. This was after Pearl Harbor and he had just written "Praise the Lord and Pass the Ammunition." He was a cocky private, dressed in a tailored uniform that a general would have given four stars for. I began to tease this slick, songwriting private by improvising a few songs which kidded the maudlin sentiments of many songwriters. One of the songs I did was "I Am Strolling Down Memory Lane Without a Single Thing to Remember." This was at a party and all of us were drinking. The next morning I had completely forgotten all of the lyrics. Two days later I saw Frank and he handed me a sheet of paper with all my words typed out. He encouraged me to do more. I did. We became friends and for the next almost 30 years we saw each other,

helped each other, worked together, fought together. And now . . .

THE BLACK MANIFESTO CONTROVERSY

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASHBROOK. Mr. Speaker, in the September 10 issue of the CONGRESSIONAL RECORD I inserted the text of the black manifesto which demanded of various religious denominations a sum of $500 million as a reparations payment to the Negro people for the wrongs done them in the past. The manifesto, as many now know, along with the prefacing remarks of James Forman who delivered it at the National Black Economic Development Conference—NBEDC—in Detroit on April 25, is an epistle of violence, revolution, and totalitarianism in which any means will be utilized to realize their demands.

Ironically, Forman, in his opening remarks, denies the Negro people the freedom of choice. If they elect to advance themselves through "all types of schemes for black capitalism," they are "contributing to the continuous exploitation of black people all around the world."

As for the churches, they have no alternative either. The manifesto states:

> We call for the total disruption of selected church sponsored agencies operating anywhere in the U.S. and the world. Black workers, black women, black students and the black unemployed are encouraged to seize the offices, telephones, and printing apparatus of all church sponsored agencies and to hold these in trusteeship until our demands are met.

Recently, the Episcopal Church agreed to give $200,000 to the National Committee of Black Churchmen with some of the funds eventually going to the NBEDC, according to press accounts. Because of the extreme nature of the black manifesto and the participation of the NBEDC, opposition among Episcopal churchmen has arisen, if an article in the New York Times of September 21 is any indication. The Reverend Albert H. Palmer, rector of St. Thomas Episcopal Church in Farmingdale, Long Island, made a salient point of objection when, according to the Times article, he stated:

> There are more than enough legitimate areas where such a sum could be applied and really help the black man.

At this point I insert the above-mentioned article "Manifesto Fund Is Proving Vexing," by George Dugan in the RECORD at this point:

MANIFESTO FUND IS PROVING VEXING—CHURCHGOERS FEAR MONEY WILL BE SPENT UNWISELY

(By George Dugan)

Clergymen and laymen on the diocesan level of the Episcopal Church are expressing fear that the Black Economic Development Conference, the source of James Forman's "Black Manifesto," will receive thousands of dollars of church money and spend it irresponsibly. Denominational leaders, however, are trying to allay that fear.

Early this month, in a special convention at South Bend, Ind., the three-million-member denomination agreed to give the National Committee of Black Churchmen $200,000 in extrabudgetary funds to use as it saw fit in the economic development of the black community.

The committee is an independent group of more than 600 black clergymen representing a number of Protestant bodies. Inevitably, according to church spokesmen, the committee will channel some funds into the Black Economic Development Conference.

The convention called its action "an expression of unity" with black clergymen, in line with the principles of self-determination as expressed by the Black Conference.

"What we did," a church official said last week, "was to show that we have faith and trust in the black clergy."

CONCEPT REJECTED

The convention, however, firmly rejected the concept of "reparations" and much of the ideology of the Black Manifesto. The manifesto demands $3 billion from churches and synagogues for past injustices inflicted by whites on blacks. It also includes threats of violence if conditions do not improve.

Even so, grass-roots opposition to the convention's action mounted.

The Rev. Albert H. Palmer, rector of St. Thomas Episcopal Church in Farmingdale, L.I., said last week that "there are more than enough legitimate areas where such a sum could be applied and really help the black man."

"To give it to James Forman's group, by whatever devious means," he said, "marks an abject surrender on the part of the church to threats of violence, blackmail and intimidation."

The Rev. Graham H. Walworth, rector of Trinity Episcopal Church in Northport, L.I., said in a letter to parishioners that he and his two associates "unanimously believe that for the Episcopal Church, or for any diocese, to use either the authority or the funds entrusted to them by the faithful for the spread of the Gospel, or even contrary to and destructive of it, is a violation both of a sacred trust and of the sacramental nature of giving."

One church in Seattle, St. Dunstan's, will withhold a percentage of its contributions to the denomination. The Rev. W. Robert Webb, rector, said he was "shocked" to discover that the church could be "blackmailed."

"We in the parishes," he said, "are the little people, but we are called upon to pay the bills of the church and this is one program that is just too preposterous to offer even one cent."

Among church leaders who have sought to clarify the convention's action were the Right Rev. John E. Hines, Presiding Bishop of the church and chairman of its House of Bishops; the Rev. Dr. John B. Coburn, president of the convention's House of Deputies and rector of St. James Church here; the Right Rev. Jonathan G. Sherman, Bishop of Long Island, and the Right Rev. Leland Stark, Bishop of Newark.

In letters to their clergymen and in public statements they made these points:

The money raised will be voluntary and will not come out of diocesan quotas assigned by the national church.

No funds may be used for the benefit of any group or individual advocating violence.

The Episcopal Church is committed to the principle of self-determination for minority groups.

Mr. Forman is no longer actively associated with the Black Economic Development Conference, which is rapidly becoming more and more church-oriented.

In a recent letter to the New York Times, Bishop Hines and Dr. Coburn emphasized that the focus of the convention "was upon present and future attitudes and actions rather than upon the acknowledgment of a right to compensation for injuries in the past."

CRAMER SUPPORTS INCREASE IN SOCIAL SECURITY PAYMENTS AND BROADENING OF BENEFITS

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, as one who has urged the President to recommend an increase in social security payments I was glad to see the request submitted and it is my hope that it will trigger congressional action this year. One of the subjects I receive most of my mail on is related to social security problems and specifically relating to the increased cost of living. This is an extremely serious matter for those who are drawing payments in the lower brackets and for everyone on fixed incomes.

I am hoping the Congress will consider favorably a 15-percent increase retroactive to January 1 of this year, which is more consistent with the increased cost of living since the last legislation.

I have, for a long time, been an advocate of automatic increases in social security as the cost of living increases; this pattern having been set for civil service employees by legislation. I firmly believe those who are retired should be treated in the same manner with automatic increases as those who are presently employed because the hardship is equal in both cases.

I would also hope for a major overhaul of social security benefits included in a number of bills I have introduced calling for an automatic cost-of-living increase, an increase in the outside earnings permitted without loss of benefits, and inclusion of prescriptions and medicine costs under medicare, as examples.

There is no excuse for Congress to wait until next year. Social security recipients are feeling the pinch now. I have been sorely disappointed that the leadership in Congress has been unwilling to consider this matter despite the President's statement early this year that social security increases were justified and should be approved.

CRAMER CALLS FOR CONGRESSIONAL RESOLUTION CONDEMNING INHUMANE TREATMENT OF CUBAN PRISONERS

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, yesterday I introduced a resolution calling for the United States to urge the United Nations and the International Red Cross to condemn the inhumane treatment of Cuban political prisoners. This resolution calls attention to the fact that the Castro Communist government has starved, beaten, executed at random, humiliated, and inhumanely treated some 800 political prisoners beyond human endurance and that a large number of prisoners have, since August 28, been on a hunger strike, crying for deportation or death in protest.

I was personally visited by some 10 Cuban refugees and U.S. citizens who have sons, brothers, or other relatives in

La Cabana Prison, most of whom are on the hunger strike and they have personally advised me of incidents of unbelievably inhumane treatment in the prison. These are documented cases. Already some six deaths have occurred since the August 28 starvation protest started. Other deaths undoubtedly are occurring and hundreds are likely to occur unless world opinion is marshalled against the Castro Communist government's disregard for human dignity and human life.

These mothers, brothers, sisters, and relatives brought their tear-filled story to Washington begging for an audience and for an arousing of the American conscience.

Documented incidences of brutality, beatings, bayonetings, executions, and completely inhumane degradation are so numerous that they triggered the starvation protest. The prisoners are forced to remain naked in damp medieval cells, often without any outside contact. Visitors, when they were permitted, were stripped naked and humiliated. All visitations have now been terminated and all telephone calls ended. Protesting relatives outside the prison are being bludgeoned and buildozed away. Rancid food under starvation conditions is causing deaths by dysentery and disease.

The world should know of these dastardly deeds and yesterday I introduced a resolution, a copy of which follows, calling the world's attention to this disgrace and asking for U.S. leadership in marshalling world opinion in hopes of saving the lives of these hunger-stricken prisoners.

The plea of the relatives have been made personally to the Department of State and to representatives of the White House in keeping with the American tradition of the right to be heard. The text of the resolution follows:

H. CON. RES. 379

Whereas Fidel Castro's government is inhumanely treating thousands of political prisoners languishing in Cuban prisons by keeping such prisoners in isolation cells, by beating and torturing them, by summarily executing many of them, by causing them to remain naked at all times, by providing them with rancid starvation diets, and in other ways subjecting them to shame, embarrassment, humiliation as well as extreme physical and mental pain and suffering; and

Whereas such political prisoners have gone on a hunger strike to protest such treatment and to generally protest Castro's Communist government; and

Whereas numerous deaths caused by beatings and starvation have already occured among these political prisoners; and

Whereas additional deaths are certain to occur unless Castro's inhumane treatment of these political prisoners is halted immediately; Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, the Department of State, and all other concerned departments of the United States Government urge the United Nations and the International Red Cross to take all steps as may be appropriate to insure that Fidel Castro's Communist government in Cuba abide by the humane treatment of political prisoners mandated by the basic standards of human decency as well as doing all possible to secure the release and deportation of said political prisoners.

IMPORTS AND JOBS

(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, one of the leading figures in the age-old battle to protect the jobs of America's workingmen, Mr. O. R. Strackbein, has written a perceptive letter to the Wall Street Journal outlining a responsible approach to the subject of imports. I want to bring that letter to the attention of my colleagues because it boldly states what many have forgotten—the real concern in the argument between the so-called freetraders and protectionists is jobs—American jobs.

We should not have to be reminded that the high standard of living we all enjoy is based in direct proportion to the high wages which America's workingmen have attained. Yet there are those who would encourage a national trade policy which could seriously undermine the wage base of this Nation's workers. The free-trade lobbyists are doing just that with their continual battle against measures aimed at offering some minimal and equitable protection to jobs in those industries threatened by unfair competition from abroad.

Mr. Strackbein does not advocate making the United States a tight little island of protected industries, nor do any of us who are concerned with this problem. We do ask that there be a recognition of the problem of the adverse effects of imports on American jobs and that such causes be eliminated. Perhaps many Members have not yet felt the impact of imports in their respective districts—I will leave you with one personal example in this regard to make the same point that Mr. Strackbein does in his letter. In the absence of steel imports, Pennsylvania's steel industry would have employed an additional 29,000 workers last year.

The letter follows:

LETTERS: THE PROTECTIONIST ARGUMENT

Editor, The Wall Street Journal:

According to David J. Steinberg, in his article "Pique, Panic and Protectionism" (Aug. 7), the falling and faltering of our trade balance is not due to the emasculation of our tariff hand-in-hand with cost-raising domestic economic policies; rather it is suddenly attributable to "huge extraordinary increases in domestic demand that tend to slow our export drive by diverting business attention from export opportunities to sales opportunities at home."

If this factor truly caused our trade debacle (which is actually even worse than our padded official statistics allow the public to see) why did not Japanese and West German trade suffer in like degree?

Japan, West Germany and Italy have outpaced this country in domestic industrial expansion, but their exports have grown apace. Japan has succeeded in converting a deficit in her trade with us as recently as 1964 into a handsome surplus in 1968 of over $1 billion. West Germany accomplished a similar but less spectacular feat, with Italy only a little behind.

Domestic prosperity did not temper the export climb of these countries, but promoted it. Why should domestic prosperity have an opposite effect in the United States? Obviously the reason must be found elsewhere, and we do not have to look very far.

The fact is that this counrty has grown steadily weaker as a competitor in world markets and within our own borders vis-a-vis imports. The explanation is quite simple. Our wages are by far the highest in the world (Canada excepted) and our former productivity lead over our foreign competitors has been narrowing. The sharp technological advancement recorded by the other industrial countries has shrunk our former lead.

This development, however, does not mean as some economists and commentators would have us believe, that American industry has stood still. We are still ahead of our foreign industrial competitors but our lead is not great enough to overcome their growing cost-advantage, which is traceable to their lower wages and enhanced productivity.

It was the loading of heavy cost burdens on our industries, along with cost-rigidities in the form of labor and agricultural policies, hand-in-hand with the virtual dismantling of the tariff, that melted away our competitive margin and sucked in imports while holding exports to a lower level of growth. The export figures would look yet leaner if we should strip them of our foreign aid, food-for-peace and subsidized agricultural shipments abroad.

The wage differential between us and our competitors has been pooh-poohed assiduously by an assortment of economists whose economic insight comes principally from college texts. The economic classicists have succeeded in creating an ideal of trade that finds little or no counterpart in the world today. Indeed since the Great Depression the free market idea that so entrances the free-traders has been buried under heavy layers of governmental interferences, controls and regulations, beyond exhumation. Competitive flexibility, which is so fundamental to the free-market concept, has been and continues to be inhibited and straitjacketed.

What has happened is no mystery. The American electorate has underwritten by heavy majorities economic and social policies that heap cost-burdens on production. At the same time, they turn around as consumers and look for bargains. Who volunteers for a wage or salary cut? Yet all wish to buy consumer goods from sources where low wages make possible bargain prices.

High wages, yet no one doubt, are necessary to the high consumer purchasing power that alone can absorb the torrent of goods rolling from our production lines.

Yet relatively high wages hand-in-hand with productivity cannot be written off as of no consequence in determination of ability to compete. Employee compensation in this country represents close to 80% of the corporate outlay for production. If wages are several times as high here as in other countries our productivity must also be several times as high if we are to compete, because employee compensation represents such a high portion of total cost. As other countries, with their wages still far below ours, come closer to our output per manhour, their competitive advantages improve.

Those who say that American industry if unable to compete with imports should sharpen their efficiency or shift to some other product seem unaware of what is involved. The best and indisputable example of the costs of greater efficiency in terms of employment is offered by our coal industry. Faced with peremptory demand to become competitive or go out of business circa 1950 the industry exerted itself very effectively to achieve greater efficiency by ruthless mechanization. By 1965 American coal was competitive with gas and oil and also overseas. We now export 10% of our coal.

The price in terms of employment? Two out of every three coal miners lost their jobs. Employment fell by 340,000 in 15 years, leaving only about 140,000 at work. The result was what we know painfully as the Appalachian problem.

Recently the steel industry became af-

flicted with the import problem. From net exporter it was converted in ten years to a sharp deficit position. A 10% cost reduction which might make the industry competitive would involve the displacement of some 200,000 steel workers and supporting workers, all the way to the iron mines and coal pits.

The "protectionists," so-called, need not be driven by pique, panic, fear or selfishness. With the tariff virtually dismantled they have turned toward flexible ceilings and market sharing devices. Their case for such reasonable limits on imports is substantial.

With import ceilings, we would retain import competition and its benefits but would prevent imports from running wild, thus keeping displacement of workers within manageable limits.

Escalating the efficiency of our industries, on the other hand, would effect the necessary cost reduction to achieve competitiveness, but as in the case of the coal industry, at the cost of labor displacement. This could run into many hundreds of thousands of jobs considering the number of industries involved.

The effect of increased domestic efficiency on foreign exporters to this country might be as restrictive as outright import limitation, if such limitation were reasonable and flexible. The net difference would be the displacement of workers caused by greater domestic efficiency.

Surely this difference is worth pondering: Import limitation with little displacement of labor or similar limitation through greater efficiency and its attendant wholesale destruction of jobs in this country.

O. R. STRACKBEIN,
President, the Nation-Wide Committee on Import-Export Policy.
WASHINGTON.

THE MARVELOUS METS WIN A SWEET TITLE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, some years ago, two baseball teams whose names and owners now escape me, left the city of New York for lusher pastures somewhere in the Western portion of the continent. Since that time, little has been heard from them, save the ringing of cash registers, and even that has been diminishing in recent eras. The good people of New York were left with a sports vacuum which has been filled in a unique manner by the New York Mets.

They combined the drama of our beloved Dodgers with the hectic activity of the Giants. Fans turned out in roaring legions to observe their behavior, which has been the subject of much speculation and even more wonderment. Suffice it to say that the uniquely great city of New York took the uniquely entertaining club called the Mets to its lonesome heart. Never has a marriage turned out more happily, in spite of certain elements of disaster on the playing field.

Balls were dropped. Pop flies were lost in the sun. Grounders slipped through infielders legs. Pitchers served up gopher balls in staggering quantities. Batting averages sank to new lows. Pitchers could not find the plate. It made no difference. A love affair is a love affair, and that is that. For every season of existence, they dwelled in the cellar, reaching hopefully but in vain for the heights of second last place. Such is not the case today.

As of this morning, the New York Mets have vindicated the faith of all their fans, winning the championship in the Eastern Division of the National Baseball League. Bring on the Braves or whoever. We will mow down the Orioles or Twins. Killebrew? Who is he?

No matter what happens, we have had this day. The Mets are champs. All of New York is enormously proud. The greatest city of them all has the finest team of them all.

WE MUST RAISE SOCIAL SECURITY BENEFITS IMMEDIATELY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, the Nixon administration has utterly ignored most domestic needs since taking office. No single group, however, has suffered more and is undergoing worse hardships than America's 20 million older citizens, who are watching inflation tear their fixed incomes to pieces. These people are going without daily necessities, and their cry is ignored by a President who just the other day could commit another $96 million of taxpayer money to subsidize a supersonic transport. We all knew President Nixon was not favorably disposed to the problems of the elderly, but no one could predict such a callous attitude.

Social security is the main bulwark of support for millions upon millions of senior citizens. This Government must act immediately and approve a minimum 15-percent rise in such benefits to every older American receiving them. There is no time for idiotic bumblings and mumblings about balanced budgets and national debts. The social security fund can absorb such an increase. Furthermore, if the Nixon administration is so concerned about the costs of such a raise, let them tell the major corporations of this country, which have been raising prices madly and coining profits in massive quantities, to trim their sails.

Twenty-five million Americans receive social security. Twenty million are the elderly in our midst. A series of recent statistics recently released on these citizens should be shouted from the housetops of this Nation. They are a searing indictment of the richest Nation in the world.

Three out of every 10 people over 65 live in poverty, compared with one out of every nine younger citizens. Fifty percent of older poor families have incomes under $4,000 annually. Twenty percent receive less than $2,000 per year.

Many of these older Americans were not poor when they reached retirement age. Lifetimes of effort went into creating security and financial stability that has been mercilessly wiped out by inflation. Further, they are the least able to physically alter their unbearable situations. Problems of aging automatically compound problems of poverty. Further, the number of people on poverty levels among our elderly is rising swiftly, contrary to all other national trends. And while the drug companies mercilessly raise prices, President Nixon's economists speak soothingly of absorbing painlessly an inflation rate of perhaps 2 percent annually. They overlook the fact that this would cut a fixed income by 10 percent in just 5 years.

Social security, private pensions and other forms of retirement income are not filling the vacuum. Additionally, municipalities on all levels are raising or initiating new use taxes such as sales taxes, which pinch and erode older citizens' incomes.

Social security, every pension plan, every retirement program and every annuity must possess an automatic adjustment-to-inflation proviso. We must prevent further payment to older Americans in cheaper dollars for rights they purchased with dearer dollars. How unfair for people to work for a lifetime to buy security that disappears before their eyes, reducing them often to the status of public charges. How utterly degrading to make such substantial people, who have labored to build this Nation, objects of public concern and charity. They never asked for this. Nor can we as a Nation tolerate such treatment of them.

If we can go to the moon, fight an endless war in Asia, and build the world's most massive military machine, we can make life secure for our elderly.

Other bills have been introduced by myself and other Members of the Congress which would not only increase social security, but flesh out the full range of benefits these citizens must have. They would enlarge medicare to cover drugs, annual checkups, eyeglasses, hearing aids, dentures, and other similar necessities. The same is true of subsidized housing and reduced transportation fees.

Studies have been made until they are running out of our ears. It is now a question of whether the administration wishes to act accordingly, do what is in their power and make the essential adjustments to make their lives meaningful.

America's conscience must be allowed no rest until justice has been done. The present administration sits there, babbling platitudes while these older citizens are nailed to the wall by inflation. They suffer in silence while the President vacations, travels, allows major price hikes by almost every major corporation, and spouts news releases about God, mother and country.

STATUS REPORT, CAMP LEJEUNE, N.C.

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, recently the Commandant of the Marine Corps issued a message to be read to all marines. This directive has been the subject of numerous news articles and editorials. In order that the record may be set straight, I feel the editorial in the September 24, 1969, edition of the Navy Times correctly analyzes this message. I am, therefore, inserting it in the RECORD in order that all Members of Congress

may know that at least one publication believes we are on the way to a better spirit of comradeship at Camp Lejeune:

LAYING IT ON THE LINE

The commandant of the Marine Corps is not about to see the efficiency and the spirit of comradeship which have been hallmarks of Marines for nearly two centuries damaged by actions committed upon or by members of racial minorities in the Corps.

On the heels of the interracial brawls at Camp Lejeune and elsewhere, Gen. Chapman has taken the rather unusual, but necessary step of "telling it to the Marines" himself.

His message is to be read to every Marine, Regular and Reserve, except to those in combat "by immediate commanding officers personally."

It lays it on the line.

On the one hand, there is to be no discrimination, and there is to be an all-out effort to explain policies and to hear grievances so that such discrimination as has been practiced will end, and so that what members of minorities believe wrongly to have been discrimination—through misunderstanding or through false report—will be explained.

On the other hand, members of minorities are told plainly that the strict standards of the Corps apply to them too. Nonregulation gestures, salutes, items of clothing, haircuts are out! Afro-style haircuts tapered at the sides can be, and are regulation, the Commandant stressed (as did the commanding general of the 2d Division earlier).

This haircut business is a typical example of the extremism which, Gen. Chapman says, has got to end. For on the one hand there was the barring by local authority of all versions of a hairstyle of which a considerable number of people are very proud. And on the other hand there were the attempts by some (whites as well as blacks) to wear their hair in styles just too extreme to be tolerated in a military organization.

Only if the Commandant's injunctions are obeyed by all Marines, from COs through privates, will the Marine Corps continue to be the two things which Gen. Chapman rightly insists it must be:

"A band of comrades in arms, a loyal fraternity with a traditional esprit that spans an era of nearly 200 years."

A Corps which "has always demanded the highest standards in military appearance, military courtesy and proficiency and . . . will continue to do so. These high standards breed pride, and pride in turn builds the kind of discipline that is essential to battlefield success with minimum casualties."

COMMANDANT'S MESSAGE TO ALL MARINES

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, shortly before the recent recess, the Honorable L. MENDEL RIVERS, chairman of the House Committee on Armed Services, appointed a Special Subcommittee To Probe Disturbances on Military Bases. The subcommittee assumed as its first task a visit to Camp Lejeune, N.C., where an incident of major proportions occurred on July 20, 1969. At Camp Lejune, the members of the subcommittee conducted an inquiry, talking with numerous military personnel from privates to the commanding general, and including almost every rank in between. We were impressed with the attitude of the marines, both black and white, toward the goal of eliminating prejudicial feelings between marines of different races. I am happy to say that the efforts of the marine leaders together with marines of all ranks, have been successful in reducing the tensions that heretofore existed. So that the true situation might be reviewed by each Member of Congress, I am inserting in the RECORD a letter dated September 15, 1969, from Maj. Gen. M. P. Ryan, commanding officer, 2d Marine Division, stationed at Camp Lejeune:

U.S. MARINE CORPS,
Camp Lejeune, N.C., September 15, 1969.

Hon. WILLIAM J. RANDALL,
Committee on Armed Services,
Washington, D.C.

DEAR MR. RANDALL: Thank you for your letter of 4 September. This entire Division was impressed with the dedication of the Committee Members on their visits to Camp Lejeune.

I am happy to report that the actions we have taken at Camp Lejeune have resulted in a positive decline in the number of racial incidents involving Marines. So far this month we have not had a single incident that upon investigation was determined to be a racial assault.

I am attaching to this letter a list of some of the actions and activities that have been re-emphasized within the 2d Marine Division. The actions listed reflect nothing more than implementation of the Commandant of the Marine Corps' ALMAR 65, of which I am certain you have a copy.

Besides the decline in assaults and racial incidents, we have more positive indications of improved morale and attitudes within our units. The 1st Battalion, 6th Marines, which is the unit involved in the incident of 20 July, has been performing in a superb manner in the Mediterranean. The Commander has informed me that while the unit was on liberty in the French Riviera ports no incidents of any type occurred and the conduct of personnel ashore was exemplary in every respect. The appearance of the troops and their performance was the subject of laudatory comments by the American Ambassador to France. In addition, the new Caribbean Battalion landing team, the 3d Battalion, 8th Marines, has prepared for deployment and will sail tomorrow without one serious incident of assault since lock-on date six weeks ago. This represents a substantial change from past deployments.

We have noted other tangible indicators. Our brig population in the 2d Marine Division has declined from a high of 279 in July to 150 today. The number 150 includes 23 men currently under investigation in relation to the incident of 20 July 1969. The number of personnel in an unauthorized absence status at the end of August is the lowest since September of 1967, approximately 300 today which represents a decline from a high of 600 of 1 January 1969. This is still too high, but I hope and believe we can make this a continuing trend.

The requirements and conditions under which this Division is operating are unique. We have a high personnel turnover (100% in number since January 1969). Units must be rapidly formed (in six weeks to two months) for deployment to the Caribbean and Mediterranean, often requiring Marines who have just returned from WesPac (Vietnam), to endure another family separation. These conditions enhance the problem of building a unit esprit. It is significant that after battalions have been together for awhile on a deployment, disciplinary and racial problems tend to decline or disappear. Where unit loyalty is not completely established individual disagreements may tend to polarize along racial lines. When unit loyalty is established disagreements have a greater tendency to be expressed by a unit reaction. Our problems are exacerbated, of course, by an underlying racial tension. By reciting these problems I do not mean to imply that they are insolvable. Far from it—we are meeting them successfully and I believe that the current situation as reported in the press has been overstated.

There has been so much discussion about haircuts that I am enclosing pictures of a Marine which I have stated, indicate an acceptable cut. These pictures are being placed throughout the Division and I am sure you will agree they do not reflect a decline in the traditional Marine Corps appearance.

I am also enclosing a copy of the Platoon Leaders Pamphlet which I am sure you have and which is currently being employed within the Division. Discussion groups have been established within the battalions and have been useful in airing complaints, identifying real or imagined problems, and improving communications to all our Marines. The Division Chaplain reports to me that impact on the black Marines has been excellent. I cannot say which action we have taken has contributed most to the control or reduction of our problem. However, I believe that each action indicates the requirement for continuous energetic supervision and leadership at all levels on a twenty-four hour basis.

Our program is under continuous evaluation and unit commanders have been directed to submit monthly reports. We intend to improve and refine the program that we have established. I have every confidence that it will be successful. I should be happy to keep you apprised.

In summary, we are not complacent. We know there is a problem, but it is being controlled and solved by the application of the leadership principles outlined in ALMAR 65.

Sincerely,

M. P. RYAN,
Major General, U.S. Marine Corps,
Commanding.

MRS. O. A. BEECH, OF BEECH AIRCRAFT CORP., RECEIVES HIGHEST HONOR OF NATIONAL BUSINESS AIRCRAFT ASSOCIATION

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SHRIVER. Mr. Speaker, last night it was my privilege to be present with Mrs. Shriver at the Washington Hilton when the National Business Aircraft Association presented its highest honor, the award for meritorious service, to Mrs. Olive Ann Beech of Wichita, Kans.

It was a well-deserved honor for Mrs. Beech who is universally recognized as the First Lady of Aviation.

Mrs. Beech is chairman of the board and chief executive officer of Beech Aircraft Corp., of Wichita. She has provided dynamic leadership for this outstanding company since her husband, the late Walter Beech, died in 1950.

Mrs. Beech is an active leader in the life of her community, State, and Nation. She is a proud American, and a humble person.

It was fascinating last evening to be able to relive with Mrs. Beech the success story which is so reassuring for those of us who take great pride in the values of our private enterprise system.

The name of Beech—associated with aircraft since Walter Beech's famous travel airs of the 1920's—is synonymous

today with business and general aviation.

In the 1930's Walter and Olive Ann Beech's company brought out the famous Beech 18 which to general aviation is what the DC–3 was to the airlines.

Today Mrs. Beech directs a diversified manufacturing complex whose products range from a 150-mile-an-hour training airplane to components for space vehicles. Since she has become head of the company, Beech has established divisions at Boulder, Colo., and at Liberal and Salina, Kans. It has brought out more than 20 commercial airplane models.

In addition to being one of the leaders in business aviation, we are proud in Kansas of the substantial contributions which Beech has made and is making to the security and defense of our Nation. The company has produced assemblies for jet fighters, transports, and helicopters. It also has assumed a significant role in manufacturing various systems for NASA's Gemini, Apollo, and lunar module projects.

Mr. Speaker, I take this opportunity to congratulate and commend Mrs. Beech for the recognition she has earned from the aviation community. It is an honor which reflects credit not only upon her, but the entire Beech team which she has assembled to compile the success story that is the Beech Aircraft Corp.

COUNCIL ON ENVIRONMENTAL QUALITY

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, last week the House passed H.R. 12549, a bill to provide for the establishment of a Council on Environmental Quality. I was officially absent and was then aboard the SS *Manhattan* on its historic trip through the icebound Northwest Passage. However, I am strongly in support of H.R. 12549.

The concept of a Council on Environmental Quality is not new. As early as 1967, a task force report to the Secretary of Health, Education, and Welfare recommended that a Council be created to advise the President on matters relating to the control of environmental pollution. During the 90th Congress, several Members of the House sought to implement the task force's suggestion by introducing legislation to establish a Council on Environmental Quality. Unfortunately, none of these bills was ever acted upon.

The longer we wait to establish an Advisory Council, the greater the need for this body becomes. Organic and inorganic wastes continue to pollute our lakes and rivers; fumes from factories and internal combustion engines still poison our air; and, the misguided use of our natural resources threatens their depletion.

In many instances, government and private industry, working separately or in partnership, have been able to prevent these abuses. However, the inescapable fact remains that these efforts are often fragmented and unorganized. On the Federal level, several administrative agencies police different aspects of the environmental control problem. Because there is no central body to establish priorities and to review the total environmental situation, our efforts to curb pollution are often piecemeal or conflicting.

We do have a Cabinet-level Council on Environmental Quality established by Executive order on May 29 of this year. However, the role that this interdepartmental Council can play is necessarily limited. As Dr. DuBridge stated in his testimony at the subcommittee hearings:

> The Cabinet cannot do the long-range planning; cannot take the deep expert look at the problems as they emerge; cannot evolve suggestions for exact policies and action to be taken.

Thus, we need to establish an organization of experts in the environmental sciences to complement the Cabinet-level Council. The Council on Environmental Quality proposed in H.R. 12549 would be responsible for collecting information, establishing priorities, and formulating long-term policies. This data would then be transmitted to the President and the Congress for appropriate action. The Cabinet-level Council would be left free to perform its vital function of implementing Presidential directives regarding pollution control. This bifurcated division of responsibility would relieve the Cabinet Council of tasks which are too time consuming to be performed by such an interdepartmental group.

Mr. Speaker, time is running out on us. We must bring our scientific and organizational skills to bear on the problem of environmental pollution if we are to remain a healthy and productive people. The Council on Environmental Quality, proposed by H.R. 12549, represents an excellent rallying point from which to begin our battle to restore a proper ecological balance between man and his environment.

POSTAL TRAFFIC IN PRURIENT AND UNSOLICITED MATTER

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, today I have introduced a bill which, if enacted, will help to extirpate the evil postal traffic in prurient and unsolicited matter Specifically, the bill is designed to amend title 39, United States Code, by prescribing the rate of $150 an ounce for any erotic matter which has not been previously solicited by the addressee. If the prurient material has been solicited previously and the cover envelope bears a statement to this effect, regular postal rates will apply. It is to be hoped that this regulatory scheme will bar from the mails matter which depicts or describes erotic actions. Such material cannot possibly have any redeeming value; it constitutes a foul danger to innocent children, an obnoxious plague on unsuspecting adults, an unwarranted invasion of privacy for the vast majority of Americans, who do not solicit this kind of salacious matter and do not want to have any contact with it.

WIDENING OF SERGIUS AND WHITESTONE NARROWS, NEAR SITKA, ALASKA

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, on August 13, 1968, Congress enacted Public Law 90–483, the Omnibus Rivers and Harbors Act. Section 101 of this act authorized $3,606,000 for the widening of Sergius and Whitestone Narrows, near Sitka, Alaska. As yet, funds have not been appropriated for this worthy project. However, the extreme dangers to navigation which prompted Congress to enact the portion of the Rivers and Harbors Act relating to Sergius and Whitestone Narrows still remain. For this reason, I have just introduced a bill to appropriate funds for the widening of these narrows.

Mr. Speaker, this project is essential to the economic development of Sitka and all of southeastern Alaska. Although fishermen daily have the obstacles in Sergius and Whitestone Narrows to bring their catches to market, the navigational hazards in these waters make the fishing occupation dangerous and inefficient. The ferries which Sitka must have to provide a marine highway service are limited to once-a-week calls due, in large part, to the time involved in waiting for sufficient water to fill the narrows. Tourism, which one would expect to thrive in this beautiful area, is practically nonexistent, because it is so difficult to navigate ships through the narrows.

Many other examples could be given to illustrate the deleterious effect which the navigational obstacles in the narrows have had upon the economic progress of Sitka and its environs.

Mr. Speaker, the economic development of Sitka and southeastern Alaska is essential to the continuing economic growth of the entire State. The elimination of the navigational hazards in the Sergius and Whitestone Narrows will substantially accelerate the growth of the entire southeastern region. The people of Alaska will prosper and so will the inhabitants of other States, who will be the recipients of goods produced in the Sitka region. For this reason, I urge the prompt passage of this bill to appropriate funds for the removal of hazards to navigation in the narrows.

NAVIGATION IMPROVEMENTS IN COOK INLET, ALASKA

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, the bill which I have introduced today will, if enacted, result in the appropriation of funds for the study and survey of navigation improvements in Cook Inlet, Alaska. Specifically, my bill would appropriate $150,000 to the Army Corps of Engineers for the survey and study of Cook Inlet and its approaches. These funds were authorized by the Senate Committee on Public Works on June 12, 1969, but, as yet, moneys have not been appropriated to carry out the committee's resolution.

Mr. Speaker, the appropriation of this money is essential to the continuing economic development of the city of Anchorage and the State of Alaska. The funds represent an essential first step to the future elimination of navigational obstructions which have plagued waterborne traffic in the vicinity of Knik and Turneget Shoals, Cook Inlet, for many years. As time passes, the hazardous navigational situation in Cook Inlet becomes more and more acute. The 1969 shipping season indicates that the great tonnages forecast for the coming years will bring much larger, deeper draft ships to Anchorage. Recently, one large shipper has begun to use ships which draw several feet more in water than ships previously employed, and there is every indication that the major petroleum suppliers will begin to service Anchorage with larger tankers. With shipping schedules calling for 90 to 100 voyages in 1970 and tanker calls numbering close to 100, there is a severe need for safe, deep, obstacle-free access to the Port of Anchorage.

Mr. Speaker, the vast economic potential of Alaska remains relatively untapped. Recent developments, such as the north slope oil bidding, only begin to suggest the magnitude of the contribution that Alaska will make to the continuing growth of our Nation in the coming years. The project which I have outlined today will greatly benefit the people of Alaska and will also help to insure that Alaska's resources will be easily accessible when required to meet the demands of a prosperous, industrial nation.

For these reasons, I urge the prompt passage of this bill to appropriate funds to the Army Corps of Engineers for the study of the navigational situation in Cook Inlet.

FRANKED MAIL SHOULD BE TRANSMITTED AS AIR MAIL

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, on January 30, 1969, I introduced H.R. 5556, a bill to amend title 39, United States Code, to permit mail sent under the franking privilege to be transmitted in the mails as airmail.

Since January, many Members of the House have expressed their support for the bill. Because of this continuing interest and because I feel that the creation of an airmail frank is necessary if we are to remain responsive to the thoughts and wishes of our constituents, I am reintroducing H.R. 5556 today.

When the franking privilege was first instituted, the transmission of mail by surface carrier was the fastest and most efficient means for delivering congressional mail. Although much of our Nation's mail now moves by air, congressional mail continues to be transported by surface carrier. Many Members of Congress have found that responsive representation of their constituents requires greater speed than can be provided by the franking privilege in its present form. As a result, they have been forced to resort to extensive use of the telephone in order to circumvent the severe time lag which is often associated with surface mail transmission. However, the telephone is an expensive and unsatisfactory alternative to a more expeditious mailing system.

My distinguished colleagues, in the interest of efficient and responsive Government, I urge your careful consideration of this bill to establish an airmail frank. The benefits to be derived from the establishment of an airmail frank will reach far beyond the inner workings of the Congress. The citizens of all our States—North, South, East, and West—will be the ultimate beneficiaries of this legislation.

ESTABLISHMENT OF POST CEMETERY AT FORT RICHARDSON, ALASKA, AS A NATIONAL CEMETERY

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, today I am introducing a bill which provides for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery.

For many years, there has been a great need to establish a national cemetery in the Fort Richardson region. Presently, Alaska has only one national cemetery. Located in Sitka, this cemetery is far removed from the population centers of the State. As a result, many Alaskan military veterans—men who have served this Nation with honor—are denied one of the basic rights we grant all our veterans, the right to be buried in a national cemetery.

Mr. Speaker, our State is large, and our transportation system is expensive and often inadequate. In many instances, the only available modes of transportation are by sea or air. The combination of great traveling costs and long distances works a severe hardship on those relatives and friends who wish to visit the gravesites of deceased loved ones. For this reason, many veterans who wish to be buried in a national cemetery must forgo this honor for the sake of convenience. If a national cemetery is established at Fort Richardson, veterans will no longer be forced to make this difficult decision. Fort Richardson is located close to the population centers of central and south-central Alaska, thus eliminating the arduous journey to Sitka for those in Anchorage and other cities in the central region.

One other thing should be pointed out about my bill. Establishing a national cemetery at Fort Richardson will not contravene the spirit of the moratorium which has been placed on the construction of new national cemeteries. Cemetery facilities already exist at Fort Richardson. Therefore, only a minor administrative change would be necessary to designate Fort Richardson as a national cemetery.

Mr. Speaker, the servicemen from my State have served this Nation with distinction, bringing honor to themselves and to this great Nation. It is only right and proper that all of them should be afforded the privilege of being buried in a national cemetery, established to honor them. My distinguished colleagues, I urge your careful consideration of the bill which I have just introduced.

VOYAGE OF THE SS "MANHATTAN" THROUGH THE NORTHWEST PASSAGE

(Mr. POLLOCK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POLLOCK. Mr. Speaker, the icebreaker-tanker SS *Manhattan*, under charter to and operated by Humble Oil Co., successfully sailed westerly through the Northwest Passage on a historic experimental journey, clearing the Prince of Wales Strait between Victoria Island and Banks Island and entering Amundsen Gulf, the gateway into the Beaufort Sea, at approximately 23:34 local time on September 14. Some 3 days later, at 19:30 local time on Wednesday, September 17, the SS *Manhattan* crossed into Alaskan waters at latitude 70°32′ north, longitude 141°00′ west. It was my privilege to be aboard as a member of the House Committee on Merchant Marine and Fisheries. After visiting Barter Island, then Prudhoe Bay—where it took aboard a token drum of crude oil to return to the east coast—and Barrow, the vessel has now commenced its return voyage to the eastern seaboard of the United States. However, for further testing of vessel performance under varying and severe ice conditions, the SS *Manhattan* will spend about a month in Viscount Melville Sound.

Unquestionably, the SS *Manhattan* is the largest, most powerful icebreaker in the world, and it performed spectacularly under most rigorous ice conditions. It sliced through enormous ice pressure ridges up to an estimated 40 to 60 feet in height with no roll, no sway, and no shudder. The powerful ship outperformed the escorting Canadian and U.S. Coast Guard icebreakers. The performance exceeded all expectations. First and second year ice proved to be no problem whatever to negotiate; however, the denser, hard-packed, older multiyear polar ice floes periodically created massive side pressures that would impede forward motion and temporarily imprison the worthy vessel in the ever-changing icepack.

As a result of the tests thus far, it is apparent that, given sufficient additional horsepower in relation to ship's beam, an icebreaker could certainly be constructed to negotiate passage through almost any ice conditions. However, not only technical capability must be achieved, but economic feasibility as well. A commercial icebreaker with enormous horsepower might not be economically feasible if too much of the area intended for bulk oil storage were utilized for a massive powerplant—and each additional thickness of steel plate or additional reinforcement for the bow or hull ultimately has a substantial bearing on total construction cost, and hence, on economic feasibility.

In my considered opinion, Humble Oil

will ultimately make the management decision to build a fleet of supertanker-icebreakers in the 250,000-deadweight-ton class, with a very substantial relative increase in horsepower—perhaps a magnitude of 85,000 to 100,000 horsepower. Today no shipyard in the United States is capable of handling the heavy gage steel for rolling and fabrication that would be required, and thus the shipyards selected must tool up in preparation for commencement of shipbuilding. Accordingly, it is estimated that the first commercial supertanker-icebreaker will not be commissioned for service until perhaps the second quarter of 1973—assuming a management decision by the middle of next year, a year for tooling up the selected shipyards, and a 2-year building time. Ultimately, 30 or so 250,000 ton supertanker-icebreakers could be built by industry for the commercial trade of the Arctic, with 35-day round trips programed—including a 3-day buffer for delays due to ice conditions—with 48 hours programed at each end for total turnaround time loading and unloading—at a pumping rate of up to 120,000 barrels per hour.

If these supertankers are built by the maritime industry, it would more than double the tonnage of the commercial fleet of the United States.

The success of the maiden voyage of the SS *Manhattan* as an icebreaker-tanker will almost certainly usher in a new era of marine and related industrial activity for the Far North. There will be increased commercial use of the northern waters for movement of oil and other mineral resources.

The spectacular performance of the SS *Manhattan* was a most impressive contrast to the demonstrably inadequate performance of the U.S. Coast Guard icebreaker *Northwind*. It simply could not keep up with the SS *Manhattan* nor with the Canadian Coast Guard escort icebreaker, the *John A. MacDonald*. The *Northwind* is a very old and underpowered vessel, ill-equipped to match the performance of modern icebreakers. Notwithstanding the exemplary performance of the Coast Guard personnel aboard, the *Northwind* was actually a liability to the test objectives of the SS *Manhattan* because it could not keep up and had to drop out as an escort.

In light of our strategic, scientific, and economic goals in the polar regions, it is obvious that we have insufficient icebreakers available to carry out our national requirements. The U.S. icebreakers in these polar regions have long outlived their usefulness. Icebreaking, with its repeated shocks, stresses, and strains, causes metal fatigue and heavy engine wear, the combination of which aggravates deterioration and hastens breakdown.

With the immediate potential of increased commercial activity, it is necessary that serious consideration be given now to providing modern, powerful icebreakers to meet our polar objectives. With ship transportation feasible for exploitation of mineral resources, a national commitment must be made which will establish a very high priority for building and commissioning the finest icebreakers in the world.

I am informed that Russia is presently building three 20,000-ton icebreakers as an addition to their fleet, each with 36,000 horsepower, with triple propellers and rudders aft, the centerline screw containing 18,000 shaft horsepower, or double that of the outside screws which are propelled by 9,000 shaft horsepower each. The *Northwind*, by contrast, is approximately 6,200 deadweight tons with a single screw powered by engines of a combined capacity of only about 9,000 shaft horsepower. The Canadian icebreakers are all far more modern, more powerful, more maneuverable, and thus, more useful than the American icebreakers. The contrast is striking.

It should be a matter of national prestige, aside from all other considerations, which compels us to embark upon an immediate, aggressive program of building additional and powerful icebreakers for the U.S. Coast Guard.

However, not only is our national prestige at stake. In northern Alaskan waters, the U.S. Coast Guard needs icebreaker capability for servicing the DEW line—distant early warning system—for native health care, law enforcement, marine safety, fisheries patrols, Federal-State cooperative missions, for gathering oceanographic data, rescue of ships entrapped in the ice, plane crashes in the polar seas, possible atomic submarine failures, ice clearance of navigable waters, icebreaking in support of domestic commerce, in support of military operations, and in support of national scientific goals.

As a matter of historical interest, the SS *Manhattan* navigated on Zulu or Greenwich time, but otherwise maintained Houston time—Z plus 5 hours—for all other purposes aboard ship; whereas, in Alaskan waters the concomitant local time was actually 4 hours earlier than the time aboard ship.

For taking part in the historic trip, I was presented a colorful certificate designating me as a bluenose icetronaut.

Mr. Chairman, it was a privilege to represent the Committee on Merchant Marine and Fisheries aboard the SS *Manhattan* on its historic crossing of the icebound Northwest Passage. I thank the committee for the opportunity.

THE 91ST CONGRESS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, if it is possible to be both amused and saddened simultaneously, this best sums up my reaction to the dramatic byplay which has been diverting some of my dear Democratic friends of the majority side in recent weeks. The theme of this minimelodrama seems to have been "Are We a Do-Nothing Congress?" And their resounding denials of such a horrid accusation were given added dignity and stature in the September 17 CONGRESSIONAL RECORD by the distinguished majority leader, the gentleman from Oklahoma.

The gentleman from Oklahoma (Mr. ALBERT) appears to have been alarmed by what he terms "reports in the morning press that Republican colleagues are hoping President Nixon will try to pin the 'do nothing' label on Democratic members of the 91st Congress."

I cannot pretend to bespeak the secret hopes of all my Republican colleagues, any more than my friend from Oklahoma can divine the designs of all his Democratic colleagues. But I wonder who first suggested a "do nothing" description for this 91st Congress. Was it President Nixon? Not that I know of. Certainly I have never leveled any such charge against my friends across the aisle; on the contrary, I have been generous in my praise, both public and private, for the cooperation which you, Mr. Speaker, and the majority leadership of this Congress has given on several outstanding occasions, such as the extension of the 10-percent income tax surcharge. Nor do I think the late Senate minority leader was ever party to a "do nothing" accusation, although it is perhaps true that the other body has dilly-dallied in this session a bit more than we have. In fact I know of no leader of my party who has branded this a "do nothing Congress" although some allegations of "foot dragging" and "stalling" have, not without justice, been made by Republican legislators.

So who started all this "do-nothing Congress" charge and countercharge? Why, Mr. Speaker, it was planted by no less an authority than the last Democratic candidate for President, the Honorable Hubert H. Humphrey.

I would like to quote from the eminent national columnist, Marquis Childs, in the Washington Post of September 17, reporting on a closed-door session which the former Vice President had with Senate Democrats before the Labor Day recess. Mr. Childs quotes Mr. Humphrey as saying:

> In 1970 President Nixon can go to the country with the same battle cry that President Truman used in 1948. He can talk about the legislative failures of a Congress with solid Democratic majorities. The President has put one program after another up to you and you haven't acted. He can appeal for the election of Republicans to help him get his programs through. And if the Republicans make substantial gains in the Senate and the House the chances for a Democrat winning in 1972 will be a lot worse than they are today. Unless the record of Congress improves in the second session and unless the Democratic Party gets behind its own legislative program, I can see Nixon aiming a campaign at the "90-worst" Congress just as Truman went after the "80-worst" Congress and won against all the odds.

So, the alarm having been sounded in the first place by their own Mr. Humphrey, my friends on the other side have now indignantly and officially denied that they are running a "do-nothing Congress." While I am loath to take sides in fights among Democrats, I must point out for the record that this entertaining sideshow has been scripted solely by them. It is histrionics, not history. As the Biblical proverb puts it so well:

> The wicked flee when no man pursueth.

My good friend, the gentleman from Oklahoma (Mr. ALBERT) compared the

number of Presidential messages sent up to the 89th and 90th Congresses by former President Johnson and to this Congress by President Nixon. I do not think this numbers game is particularly relevant, but I wonder why the distinguished majority leader limited himself to the first 3 months of each of these Congresses, during which he says President Johnson submitted 25 messages in 1965, 23 in 1967, and President Nixon only 12 in 1969.

Is there extra merit in administration plans that have only baked, or half-baked, 90 days or less? If the Democrats' researchers had brought the record up to date, they would have logged 30 Presidential messages from President Nixon during his first 8 months in the White House. This compares with 31 and 28 messages, respectively, for the first 8 months of 1965 and 1967 from President Johnson. In President Nixon's 30 messages there are, of course, many more than 30 specific legislative proposals, of which the Democrat-controlled 91st Congress has completed action on only four.

But, Mr. Speaker, we all know that the workload of Congress cannot be measured so easily. I have said before and I say again that I would like this 91st Congress to be known as a quality Congress rather than a quantity Congress. My friend from Oklahoma in his recent remarks laid great stress upon the Great Society legislative proposals which were rubberstamped into law in 1965 by the lopsided 89th Congress. That was the Congress with 295 Democrats to 140 Republicans in the House and 68 Democrats to 32 Republicans in the Senate.

I believe the wise words of the distinguished majority leader of the other body, Senator MANSFIELD, about the legislative landslide of 1965 are still eminently worth repeating:

> We have passed a lot of major bills at this session, some of them very hastily, and they stand in extreme need of a going-over for loopholes, rough corners, and particularly for an assessment of current and ultimate cost in the framework of our capacity to meet it.

So I, for one, do not think there is any magic merit in sheer quantity of Presidential messages or public laws enacted by any particular Congress. And I, for one, intend to withhold judgment on the record of this session of the 91st Congress until we are finished. If it turns out then that this has been a "do-nothing Congress," I will have to agree with former Vice President Humphrey that the American people will know who was responsible and will know what to do about it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WIGGINS (at the request of Mr. GERALD R. FORD) for today and the balance of the week 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:

Mr. FEIGHAN, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. ASHBROOK, for 30 minutes, today; to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. DANIEL of Virginia); to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.
Mr. PURCELL, for 60 minutes, today.
Mr. REUSS, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WHITTEN and to include extraneous matter.

Mr. DULSKI in three instances and to include extraneous material.

Mr. O'NEILL of Massachusetts in three instances and to include extraneous matter.

Mr. RANDALL in two instances and to include extraneous matter.

Mr. BENNETT in two instances.

Mr. HAGAN to extend his remarks following those of Mr. BETTS and prior to the vote on the Betts amendment to H.R. 12884, today.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. WINN.
Mr. KEITH.
Mr. RIEGLE.
Mr. DUNCAN in two instances.
Mr. ROUDEBUSH.
Mr. RAILSBACK.
Mr. HORTON in two instances.
Mr. HALL.
Mr. SCHWENGEL.
Mr. MILLER of Ohio in two instances.
Mr. ASHBROOK.
Mr. STEIGER of Wisconsin.
Mr. PRICE of Texas.
Mr. WYMAN in two instances.
Mr. SCHADEBERG.
Mr. BROCK in two instances.
Mr. GUDE.
Mr. MIZELL.
Mr. BRAY in two instances.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. MURPHY of New York.
Mr. BRASCO.
Mr. LONG of Maryland in three instances.
Mr. ABBITT in two instances.
Mr. CASEY.
Mr. MOORHEAD in four instances.
Mr. KOCH.
Mr. MINISH.
Mr. HÉBERT.
Mr. THOMPSON of New Jersey in two instances.
Mr. RARICK in three instances.
Mr. WILLIAM D. FORD.
Mr. GONZALEZ.
Mr. TAYLOR in two instances.
Mr. RODINO in two instances.
Mr. VIGORITO in two instances.
Mr. ICHORD in two instances.
Mr. HOWARD.
Mr. HELSTOSKI.
Mr. RYAN in three instances.
Mr. DINGELL.
Mr. GRIFFIN in three instances.
Mr. JACOBS.
Mr. FRASER.
Mr. MCCARTHY in three instances.
Mr. ROSTENKOWSKI.
Mr. CHAPPELL.
Mr. OLSEN in two instances.
Mr. KASTENMEIER in two instances.
Mr. HOLIFIELD.
Mr. HICKS in two instances.
Mr. PICKLE in two instances.
Mr. BOGGS in two instances.
Mr. HAGAN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.; to the Committee on Agriculture.

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.; to the Committee on Agriculture.

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.; to the Committee on Agriculture.

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark; to the Committee on Agriculture.

S. 2226. An act to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination; to the Committee on Agriculture.

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act; to the Committee on Interior and Insular Affairs.

S. 2547. An act to amend the Food Stamp Act of 1964; to the Committee on Agriculture.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 152. Joint resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p.m.), under its previous order, the House adjourned

until Monday, September 29, 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:

1179. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the text of International Labor Organization Recommendation No. 132, concerning the improvement of conditions of life and work of tenants, sharecroppers and similar categories of agricultural workers, together with a letter on the recommendation from the Secretary of Labor (H. Doc. No. 91–164); to the Committee on Foreign Affairs and ordered to be printed.

1180. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Detroit, Mich., Office of Economic Opportunity; to the Committee on Education and Labor.

1181. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service and for other purposes; to the Committee on Interstate and Foreign Commerce.

1182. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 213 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

1183. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 355 of the Revised Statutes, as amended, to eliminate mandatory submission for approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes; to the Committee on the Judiciary.

1184. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8298. A bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; with an amendment (Rept. No. 91–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Science and Astronautics. S. 1287. An act to authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out the metric system study; without amendment (Rept. No. 91–521). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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. DENNIS: Committee on the Judiciary, H.R. 6600. A bill for the relief of Panagiotis, Georgia, and Constantina Malliaras; with an amendment (Rept. No. 91–519). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FEIGHAN:

H.R. 13999. A bill to amend the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 14000. A bill to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. ARENDS:

H.R. 14001. A bill to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this Act; to the Committee on Armed Services.

By Mr. CORBETT:

H.R. 14002. A bill to postpone for 2 years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT (for himself, Mr. HAYS, Mr. MOSS, Mr. MCFALL, Mr. GREEN of Pennsylvania, Mr. FEIGHAN, Mr. OLSEN, Mr. ANDERSON of California, Mr. UDALL, Mr. OBEY, and Mr. JACOBS):

H.R. 14003. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 14004. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 14005. A bill to provide for the refund of certain duties and taxes with respect to exported articles, and for other purposes; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 14006. A bill to extend certain benefits to National Guard technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Armed Services.

By Mr. GARMATZ:

H.R. 14007. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. GREEN of Oregon:

H.R. 14008. A bill to amend the Higher Education Facilities Act of 1963 to provide relocation payments and services for persons, businesses, farmers, and nonprofit organizations displaced as a result of construction financed thereunder; to the Committee on Education and Labor.

By Mr. HORTON:

H.R. 14009. A bill to authorize the District of Columbia to compensate holders of class A retailer's licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation; to the Committee on the District of Columbia.

H.R. 14010. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. ADDABBO, Mr. BROWN of California, Mr. BUTTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CLEVELAND, Mr. CONYERS, Mr. CÓRDOVA, Mr. COUGHLIN, Mr. DELLENBACK, Mr. FARBSTEIN, Mr. FISH, Mr. HALPERN, Mr. HAMILTON, and Mr. OBEY):

H.R. 14011. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on Judiciary.

By Mr. KOCH (for himself, Mr. HATHAWAY, Mr. KEITH, Mr. LOWENSTEIN, Mr. MCCLOSKEY, Mr. NEDZI, Mr. PATTEN, Mr. PODELL, Mr. POLLOCK, Mr. POWELL, Mr. REES, Mr. REID of New York, Mr. RIEGLE, and Mr. VAN DEERLIN):

H.R. 14012. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. LOWENSTEIN (for himself, Mr. STEIGER of Wisconsin, Mr. ADDABBO, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. COWGER, Mr. EDWARDS of California, Mr. FINDLEY, Mr. HALPERN, Mr. LUKENS, Mr. REES, Mr. RYAN, Mr. TAFT, and Mr. UDALL):

H.R. 14013. A bill to supply the manpower needs of the Armed Forces of the United Statess through a voluntary system of enlistments, to further improve, upgrade, and strengthen the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. PURCELL (for himself, Mr. ROBERTS, Mr. EVANS of Colorado, Mr. RANDALL, Mr. OLSEN, Mr. STEED, Mr. FOLEY, Mr. ASPINALL, Mr. MEEDS, Mr. ULLMAN, Mr. ROGERS of Colorado, Mr. GRAY, Mr. BURLESON of Texas, Mr. VIGORITO, Mr. OBEY, Mr. HENDERSON, Mr. LENNON, Mr. MATSUNAGA, Mr. PRYOR of Arkansas, Mr. WHITE, Mr. ANDREWS of North Dakota, Mr. REIFEL, Mr. JONES of North Carolina, Mr. TAYLOR, and Mr. FISHER):

H.R. 14014. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. RIVERS:

H.R. 14015. A bill to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act: to the Committee on Armed Services.

By Mr. SATTERFIELD (for himself, Mr. JARMAN, Mr. ROGERS of Florida, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, and Mr. CARTER):

H.R. 14016. A bill to amend the Public Health Service Act to establish the eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for grants under the

existing program of grants to improve the quality of such schools; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 14017. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 14018. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Commission on Agriculture.

H.R. 14019. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 14020. A bill to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. BERRY, Mrs. DWYER, Mr. MCKNEALLY, Mr. MINSHALL, Mr. PELLY, Mr. THOMSON of Wisconsin, Mr. VANDER JAGT, and Mr. WILLIAMS):

H.R. 14021. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. BRAY:

H.R. 14022. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 14023. A bill to designate certain real property of the United States in the District of Columbia under the jurisdiction of the National Park Service as the "Wiley Park (Harvey W. Wiley and Anna Kelton Wiley)"; to the Committee on Public Works.

By Mr. BROCK:

H.R. 14024. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 14025. A bill to amend title II of the Social Security Act to provide that the benefits payable thereunder shall be exempt from all taxation; to the Committee on Ways and Means.

H.R. 14026. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 14027. A bill to provide certain legal remedies in order that the rights of persons within the jurisdiction of certain Indian tribes may be protected; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 14028. A bill to enact title 49, United States Code, "Transportation"; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 14029. A bill to amend the Gun Control Act of 1968 to eliminate the requirement that licensed dealers keep records of the sale or delivery of certain ammunition; to the Committee on the Judiciary.

By Mr. O'NEAL of Georgia:

H.R. 14030. A bill to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments; to the Committee on Agriculture.

By Mr. POLLOCK:

H.R. 14031. A bill to appropriate funds for the study and survey of navigation improvements at Cook Inlet, Alaska; to the Committee on Appropriations.

H.R. 14032. A bill to appropriate funds for the works of improvement for navigation at Sergius and Whitestone Narrows, Alaska; to the Committee on Appropriations.

H.R. 14033. A bill to amend title 39, United States Code, to prescribe special postage rates for certain types of unsolicited mail matter not otherwise barred from the mails but of an erotic nature, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14034. A bill to provide for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery; to the Committee on Veterans' Affairs.

By Mr. POLLOCK (for himself, Mr. BURLISON of Missouri, Mr. HALPERN, Mr. MIKVA, Mr. MCCLOSKEY, Mr. LEGGETT, Mrs. CHISHOLM, Mr. DELLENBACK, Mr. MOSS, and Mr. CHAPPELL):

H.R. 14035. A bill to amend title 39, United States Code, to permit mail sent under the franking privilege to be transmitted in the mails as airmail; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 14036. A bill to require Federal approval of voluntary industrial standards; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself and Mr. ADDABBO):

H.R. 14037. A bill to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of New York City; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. COWGER, and Mrs. HECKLER of Massachusetts):

H.R. 14038. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

By Mr. YOUNG:

H.R. 14039. A bill to amend the Tariff Act of 1930 to eliminate, in the case of shrimp vessels, the duty on repairs made to, and repair parts and equipments purchased for, such vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP:

H.J. Res. 912. Joint resolution proposing an amendment to the amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MICHEL:

H.J. Res. 913. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Senator Everett McKinley Dirksen; to the Committee on Post Office and Civil Service.

By Mr. CEDERBERG:

H. Con. Res. 380. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. DENT:

H. Con. Res. 381. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. FASCELL:

H. Con. Res. 382. Concurrent resolution expressing the sense of the Congress in support of United Nations action to deter aircraft hijacking and for other purposes; to the Committee on Foreign Affairs.

By Mr. FISH (for himself, Mr. WEICKER, and Mr. HOGAN):

H. Con. Res. 383. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. HALL:

H. Con. Res. 384. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

H. Res. 557. A resolution amending the GERALD R. FORD, Mr. ANDERSON of Illinois, Mr. RHODES, Mr. GIAIMO, Mr. CLEVELAND, Mr. FLYNT, Mr. HARVEY, Mr. MCCLOSKEY, Mr. BLACKBURN, Mr. KUYKENDALL, Mr. BETTS, Mr. KING, Mr. LLOYD, Mr. LANGEN, Mr. LEGGETT, Mr. FISHER, Mr. RAILSBACK, Mr. BEALL of Maryland, Mr. MCDADE, Mr. GOODLING, Mr. KLEPPE, Mr. VANDER JAGT, Mr. ZWACH, and Mr. RUTH):

H. Res. 557. A resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

By Mr. WYMAN (for himself, Mr. CONABLE, Mr. BROTZMAN, Mr. CONTE, Mr. CLANCY, Mr. WOLD, Mr. COWGER, Mrs. REID of Illinois, Mr. CEDERBERG, Mr. RIEGLE, Mr. FUQUA, Mr. SCHADEBERG, Mr. RUPPE, Mr. PRYOR of Arkansas, Mr. HALPERN, Mr. WEICKER, Mr. HAMMERSCHMIDT, Mr. THOMSON of Wisconsin, Mr. MCCULLOCH, Mr. KEITH, Mr. ABBITT, Mr. SATTERFIELD, Mr. POLLOCK, Mr. SCHERLE, and Mr. WYLIE):

H. Res. 558. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. POLLOCK introduced a bill (H.R. 14040), for the relief of Anthony Dilbriovic, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

263. The SPEAKER presented a petition of Sylvia Rebecca Berger, Brooklyn, N.Y., relative to military expenditures, which was referred to the Committee on Armed Services.