

thinking was usually ahead of his time. The labor movement has lost a towering figure. He was a remarkable person, and I join in expressing regret at his untimely death.

He fought many battles, not only for the working men and women whom he represented but on behalf of the rights of all Americans for improved housing, improved education, and improved health care. He was an innovative thinker and a crusader. While he led the United Auto Workers for 24 years, he was admired by almost every union member and was a worldwide symbol of American labor. He was a legendary figure in his lifetime, and this legend will continue to grow.

The death of Walter Reuther has cut down a giant. I grieve for the surviving members of his family and the working man who trusted him and loved him. Walter Reuther will not be forgotten.

I am inserting an editorial from today's Boston Globe in the RECORD, as follows:

[From the Boston Globe, May 12, 1970]

THE DEATH OF WALTER REUTHER

The labor movement never before had seen the like of Walter P. Reuther and it never may again. He was of course vitally interested in and constantly working for better wages, shorter hours and improved working conditions for the members of the United Automobile Workers Union which he helped found and which he headed as president for 24 years.

But Mr. Reuther's largest concern was the human condition. Hunger, privation, inequities and imbalances in the American society distressed him as they should distress all men. But unlike many of us, he worked ceaselessly to right wrongs. Although early in his career he was maligned for this and widely but incorrectly called a Communist (this man who drove Communists out of all positions of influence in his union), he ultimately came to be regarded in both government and industrial circles for precisely

what he was—a good and dedicated man whose contributions to the general welfare were great indeed. The comment of one of his intimates aptly describes both the width and depth of his concerns and his wisdom: "Walter is the only man I know who can reminisce about the future . . . Ask him what time it is, and he will tell you how watches are made."

Those who worry today about student protests and demonstrations and clashes with the police would do well to go back and read about the sit-ins of the Thirties. They, too, were often violent, and men were shot and killed. Yet out of it, somehow, came progress, and industrial unionism was on its way.

Mr. Reuther brought more than decent wages, pensions, medical plans and paid vacations to working men. He brought idealism of a very high order to unionism. There had been some signs that he was losing in this area to hard-nosed pragmatists even before his death. If labor union idealism dies now, its passing will compound the tragedy of the death of Walter himself.

HOUSE OF REPRESENTATIVES—Wednesday, May 13, 1970

The House met at 12 o'clock noon.

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

If thou shalt seek the Lord thy God, thou shalt find Him, if thou seek Him with all thy heart and with all thy soul.—Deuteronomy 4: 29.

Almighty and Eternal God, without whom no one can live wisely and well, reveal to us Thy will and show us Thy way amid the problems of this perplexing period. As we draw near to Thee in prayer, so do Thou draw near to us, that in all the decisions we make we may be mindful of Thy presence, eager to do Thy will, and ready to walk in Thy way for the good of our beloved United States of America. Enlighten our understanding, purify our desires, strengthen every noble purpose, and make us diligent among the demanding duties of this disquieting day.

Give to these Members of Congress the willingness to listen to the voices of our day and with that the greater willingness to listen to the voice of the ages as we seek what is right and good for our country and endeavor to lead our people in the ways of peace and good will. To this end may our lips praise Thee, our lives bless Thee, our works glorify Thee, for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

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 May 9, 1970, the President approved and signed bills of the House of the following titles:

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an ac-

tivity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) entitled "An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes."

PARKER COUNTY, TEX., SUPPORTS GOVERNMENT'S POLICY

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

Mr. POAGE. Mr. Speaker, in the midst of all the turmoil caused by protesters against the Vietnam conflict it should be pointed out that a great segment of this country still supports its Government's policies and condemns the anarchy which is depriving thousands of students of the education they seek.

It is time the so-called silent majority take every opportunity to voice its disapproval of the rash and destructive activities of these violent radicals, and in that vein I am proud to cite the bipartisan move of the Democrats and Re-

publicans of Parker County in my congressional district. At their county conventions in Weatherford on May 9 they cosponsored and adopted identical resolutions expressing their sentiments.

The resolutions, signed by Mrs. Jack L. Eidson, chairman of the Parker County Republican Party, and Gabe Vick, chairman of the Parker County Democrat Party, follow:

Resolved that this Convention of the Parker County Democrat (Republican) Party affirm its support of the National administration's Cambodian policy as the option which it is hoped will bring the Vietnam involvement of the United States to an early conclusion with a minimum loss of American lives.

Resolved, That this Convention of the Parker County Republican (Democrat) Party urge state and national public administrators and public educational administrators to adopt a firm policy in support of the rights of the education of students uninterrupted by the disruptive actions of non-students, students, and faculty.

THIRD ANNUAL YOUTH LEADER CAMP

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

Mr. MONTGOMERY. Mr. Speaker, beginning June 18, the District of Columbia National Guard in cooperation with the Metropolitan Washington Board of Trade will begin the third annual youth leader camp at Aberdeen Proving Ground, Md. The highly successful 10-day event will be for the benefit of some 150 young boys between the ages of 14 and 17. The young men will be selected from among male student leaders in 34 public and parochial schools in Washington and Prince Georges and Arlington Counties and city of Alexandria.

The purpose of the camp is to recognize and reward boys who have demonstrated their understanding of good citizenship and exhibit potential for leadership in their schools and communities. Maj. Gen.

Charles Southward, Commanding General of the District of Columbia National Guard, started this most successful program 2 years ago. The cost of the camp is paid by business firms in the Washington area.

Camp activities are centered around character guidance, athletics, personal hygiene, and general knowledge of the National Guard. Professional players from the Washington Redskins and Washington Senators freely give of their time to direct the sports program at the camp.

Mr. Speaker, I know my colleagues will join with me in offering congratulations and sincere thanks to General Southward and his staff, the metropolitan Washington Board of Trade and its member firms, and the professional athletes of the Washington area for providing a program that will make the youth of this area better citizens and the leaders of tomorrow.

SEVENTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

As required by law, I transmit to the Congress the Seventh Annual Report on Special International Exhibitions conducted during Fiscal Year 1969 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

CALL OF THE HOUSE

Mr. HAYS. 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. 116]

Abbitt	Celler	Diggs
Anderson, Tenn.	Clark	Edmondson
Ashley	Clay	Edwards, Ala.
Baring	Cohelan	Fallon
Biaggi	Collier	Fish
Bingham	Colmer	Fisher
Blatnik	Conyers	Flowers
Brademas	Culver	Ford
Broomfield	Cunningham	William D. Fraser
Brown, Calif.	Daddario	Frelinghuysen
Carter	Dawson	Gallagher
	Dickinson	

Gialmo	McCloskey	Reid, N.Y.
Gilbert	McEwen	Relfel
Green, Oreg.	McFall	Rostenkowski
Gubser	McMillan	Ruppe
Halpern	Mollohan	Scheuer
Hathaway	Moorhead	Schneebell
Hawkins	Morse	Slack
Hébert	Morton	Stokes
Karth	Mosher	Stratton
Kee	Nedzi	Tunney
Keith	O'Hara	Whalen
Kirwan	O'Neill, Mass.	Wilson, Bob
Kuykendall	Ottlinger	Winn
Long, La.	Powell	Yatron
Lowenstein	Price, Tex.	
McCarthy	Pucinski	

The SPEAKER. On this rollcall 349 Members have answered to their names, a quorum.

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

PROVIDING FOR CONSIDERATION OF H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 1004, Rept. No. 91-1075), which was referred to the House Calendar and ordered to be printed:

H. RES. 1004

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of Rule XXI to the contrary notwithstanding, 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. 17575) making appropriations for the Departments of State, Justice, and Commerce, and Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and all points of order against the provisions contained under the following headings are hereby waived: "Law Enforcement Assistance Administration" beginning on page 19, line 14 through line 19; "Economic Development Administration" beginning on page 23, line 5 through line 23; "National Bureau of Standards" beginning on page 29, line 7 through line 16; "Maritime Administration" beginning on page 30, line 13 through page 33, line 12; "Arms Control and Disarmament Agency" beginning on page 43, line 8 through line 12; "Commission on Civil Rights" beginning on page 43, line 14 through line 17; and "Small Business Administration" beginning on page 45, line 17 through page 46, line 10.

PROPOSAL TO ESTABLISH A COMMISSION TO EXAMINE RECENT EVENTS AT KENT STATE AND OTHER COLLEGE CAMPUSES

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

Mr. STANTON. Mr. Speaker, recent events culminating in the tragic deaths of four Kent State University students have focused national attention on the college campus.

Kent State University in Kent, Ohio, is in my Congressional District. It is where it happened and thus, I am in a most particular and personal sense concerned with these events. But the echoing "Why?" has reverberated from the commons at Kent State to every college in the Nation and to the heart and mind of every American.

We must put aside the reactions of

emotion and rhetoric. Now is the time for searching recovery. It is a time for us to rely on reason and logic in order to look to the future. We must find the answers through a thorough examination of the 4 days at Kent and hopefully, learn what positive and constructive steps we may take as a Nation to prevent this terrible thing from ever happening again.

Next Tuesday, I plan to introduce a concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses. The purpose of my resolution is to give the Members of the House an opportunity to express their desire to see the President move on this matter of national concern.

I cannot conceive that there is a parent in America with a student in college or about to go to college who would not be personally interested in promoting this resolution. It has the full support of the President of Kent State University and the hundreds of college students with whom I have talked in the last few days.

I welcome the support of my colleagues in the House.

JUSTICE WILLIAM O. DOUGLAS

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

Mr. FREY. Mr. Speaker, if the allegations in the recent petition concerning Supreme Court Justice William O. Douglas are true, he should be impeached. I would certainly vote for impeachment.

I did not sign the petition because certain facts were stated about which I had no direct knowledge.

However, it was my clear understanding that an investigation would be quickly made and a report filed with the House of Representatives. This has not yet been done. This issue must be faced and cannot be buried.

It is a time of crisis in our country and only men of the highest caliber deserve to serve on the courts, especially the U.S. Supreme Court. I do not believe Justice Douglas meets these standards. However, it is my obligation to ascertain the facts and not be swayed by personal feelings. I urge the Committee on the Judiciary to report before the end of May to this House so we can all stand and be counted on this most important issue.

CONFERENCE REPORT ON H.R. 14465, AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House for title I of the bill be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 12, 1970.)

Mr. STAGGERS. Mr. Speaker, this House passed the original bill on November 6 by a vote of 337 to 6. We had four conferences with the other body before we were able to work out our differences. The House conferees prevailed in most every instance. I am, therefore, happy to bring this conference report back to the House and say that this is a good bill and one that deserves the vote of each Member of this House.

As I look back over my years in Congress, I am caused to mark today as one of the most memorable days of my career as a Member of Congress and as chairman of the House Committee on Interstate and Foreign Commerce.

With the able assistance of both my Democratic and Republican committee colleagues, and I might particularly mention with the great cooperation of Mr. SPRINGER, the ranking minority member of the committee, we reported a bill (H.R. 14465), which will permit aviation to grow and prosper and serve the Nation in the safest possible manner.

I congratulate and commend my fellow members of the conference, and also each member of the Committee on Interstate and Foreign Commerce. The airlines, general aviation, and more importantly, all of the citizens of the Nation should benefit materially by the implementation of this legislation:

Authorization for air carrier and reliever airports: House, \$150 million, \$180 million and \$240 million over a 3-year period.

Senate, \$270 million a year for 10 years.

Conference agreement, \$250 million for each of 5 years.

Authorization for general aviation airports: House, \$25 million a year for 3 years.

Senate, \$30 million a year for 10 years.

Conference agreement, \$30 million a year for 5 years.

Long-term obligational authority: House, none.

Senate, proposed \$1½ billion over a 10-year period.

Conference agreement, 5-year limitation with no obligation for more than 3 years and a ceiling of \$840 million over the 5-year period and not more than one obligation can be incurred for any single project.

Terminal facilities: House continued the existing requirements that Federal funds not be used for terminal construction.

Senate would have permitted limited use of Federal funds for certain areas of terminals such as baggage handling.

Conference agreement, the Senate receded.

Airport certification: House, the House version proposed for the first time air carrier airports be certified as meeting FAA safety requirements.

Senate, the Senate had no provision for airport certification.

Conference agreement, the House conferees prevailed as to this airport certification provision.

I support this legislation and recommend adoption of the conference report.

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

Mr. STAGGERS. Yes, I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman please restate what the funding was in this bill as it left the House?

Mr. STAGGERS. It is \$150 million, \$180 million and \$240 million over a 3-year period. I might say to the gentleman from Iowa that it is contemplated after the first year that more than \$500 million will be generated and expended in the whole program, but our committee did not have anything to do with the actual raising of revenue. That is done, as you know, by creating a fund for which the users will be taxed. Chairman MILLS, I am sure, will explain the taxes.

Mr. GROSS. Yes, but we are asked here today to approve a conference report dealing with a number of dollars.

Mr. STAGGERS. The gentleman is correct.

Mr. GROSS. I am trying to find out what happened to this bill after it passed the House and went to conference.

Mr. STAGGERS. I think I understand what the gentleman is trying to get at, and it was in the first statement that I made that this is for air carriers and reliever airports, also an airways program, too.

I might elaborate just a little bit more. The House bill included \$150 million, \$180 million, and \$240 million for the 3 years that we had allotted these funds.

Mr. GROSS. Yes.

Mr. STAGGERS. Because we want to take a look at it, as the gentleman knows. The Senate version set it up at \$270 million a year for a period of 10 years.

Mr. GROSS. Did the gentleman say \$270 million?

Mr. STAGGERS. Two hundred and seventy million dollars for each of 10 years.

Mr. GROSS. So you compromised at \$250 million?

Mr. STAGGERS. Two hundred and fifty million dollars for a 5-year period.

Mr. GROSS. So on the basis of the bill as it passed the House, the expenditure for a 5-year period is going to be more than that which the House approved. Is that correct?

Mr. STAGGERS. Yes. However, it is less than the Senate proposed and only for 5 years as against 10. In addition, the \$250 million a year figure is in line with the amounts approved by the House in the declaration of policy.

Mr. GROSS. Well, 3 years at \$250 million must be more than 3 years at \$150 million, \$180 million, or whatever those figures are that the gentleman gave.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. BYRNES of Wisconsin. Mr. Speaker, I may be able to help the gentleman concerning the revenues that will be raised by the user taxes that are imposed by title 2 of the bill. I think that

is what the gentleman is really addressing himself to. These revenues are placed in the trust fund created by this bill, and this trust fund is dedicated to the basic purposes of this bill.

In the bill as it passed the House last November, the revenue that was to be produced in fiscal year 1971 was \$674 million. Under the conference bill it will be \$665.8 million. In 1972 the House bill provided \$747.8 million, while the conference-approved bill provides \$738 million. It was estimated that the House bill would produce \$834.4 million in 1973, while the conference bill will produce \$823.8 million.

I can give the projections for additional years if the gentleman would like it, but I think it does show that this is very, very close to the revenue that would be produced under the House bill as we passed it last November.

I would say that as far as the type of taxes imposed for raising these funds is concerned, the position of the House prevailed 99 percent in the conference.

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

Mr. STAGGERS. I will be glad to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I thank the gentleman for yielding.

I think there are four or five things that the House ought to know in addition to what the distinguished chairman has already outlined.

I think the impact and the thrust of this bill is that the general taxpayer has now under this bill stopped paying the cost for the citizen who uses aviation.

Whether you are flying from here to Chicago or to San Francisco—or whether you use your own plane to fly from here to Chicago or San Francisco, you will now pay your cost for doing so.

That is the thrust of this bill.

The Committee on Ways and Means, in the raising of revenue, created a trust fund similar to the highway trust fund of 1954 for the Interstate Highway System.

This money cannot be spent for anything except what is designated in this bill.

It is, therefore, a pay-as-you-go measure and the people who fly are the people who pay.

Now the second thing—we put into effect in 1962 a change in the whole theory of airport financing. Until then we contributed to every facet of the construction of an airport including the terminal building and everything that went into it.

In 1962 we changed that to provide that the Federal Government would be responsible for two things. First, the runways and airport facilities to the terminal door. The exception in the terminal were the safety devices such as the tower, which was provided by the FAA.

Terminals are financed entirely by funds that are not federally contributed, which means in effect that bonds are issued and paid for and guaranteed by the local airport authorities, such as I have in my district. Last Sunday in Decatur I dedicated their new fire protection building, and all of the equipment that went into it. That was paid for by

the taxing authority of the Decatur Park Board.

The same is true in Mattoon, Ill., by virtue of the Coles County Airport Authority.

We now pay only up to the terminal door. We continue that theory in this bill.

The airlines wanted us to assist with terminal facilities such as baggage and ticket offices but we did not change our theory.

These are the two most important things, I think, that come out of this bill, other than the question of the amount of money.

We did change the formula slightly and this is pretty important as every Member would know who has an airport in his district.

The formula for apportionment is based on one-third area and population; one-third total enplanements; and one-third discretionary with the Secretary of Transportation.

The House version was accepted.

The Senate version used hubs instead of enplanements to apportion the second one-third of grant funds. This would concentrate the money in a few large places, and we rejected it.

One thing we did lose.

The gentleman from Texas (Mr. PICKLE) put up a great fight for the provision of the House bill which provided money directly to the States for authorization by them. All that the provision supported by the distinguished gentleman from Texas (Mr. PICKLE) proposed was \$5 million per year to the local States. This turned out to be one thing to which the other body was unalterably opposed, that is, the granting of money to the States which they, in turn, could grant to the local communities.

The House conferees reluctantly receded. Other provisions which were retained should compensate for this loss.

One thing in the House bill that we did retain was the requirement for the certification of airports.

The House version included most airports but the Senate had no provision of any kind on this at all. As agreed upon it will apply to air carrier airports.

I think with these few additions to what the chairman has already outlined, we have covered the main features of the conference agreement and given some picture of where we are going in the future with reference to airport expansion, aviation facilities and improvements of all kinds pertaining to air travel.

This will be the first large amount of money for air facilities. I believe last year our allotment for airport construction was \$75 million. Beginning at the end of the first year, the new taxes will bring in between \$600 and \$800 million. Some of you who are flying into the large airports, such as Kennedy, LaGuardia, Newark, O'Hare in Chicago, Los Angeles, San Francisco, New Orleans, and Dulles—not too bad, may I say, at Dulles—but at National, you will find that this money is going to be used, I believe for something that is really needed.

Finally, I come back again to a repetition of the one point, and that is we

are now on a pay-as-you-go basis, and the people who pay are you who get on the airplanes or you who fly your own airplanes here on Monday morning and fly out on Friday afternoon.

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

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. Does that mean that the taxpayers are relieved of the annual gouge of about \$7.5 million to make up the deficit at Dulles?

Mr. SPRINGER. This is for construction only.

Mr. GROSS. I am disappointed.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I join my colleagues in support of this important legislation. The Airport and Airways Development Act of 1970 is a strong bill that provides long-needed aid and direction for our expanding aviation industry. It is time that our legislation comes of age and is as modern as air travel itself. For safety's sake alone, the Congress is compelled to update its laws affecting aviation. It was for that reason I had introduced a similar bill in the early days of this session.

Mr. Speaker, for the first time in at least 15 years, Congress is providing a reasonable sum of money to begin to do what we had long since failed to do—solve our aviation crisis. Some of the long needed things this bill provides are:

First. This bill sets up a trust fund similar to the system that has worked so well for our national highway development;

Second. The bill sets aside \$250 million per year for development of airport facilities and \$250 million a year for airway facilities;

Third. \$30 million dollars is to be spent on general aviation facilities;

Fourth. \$15 million is to be spent per year on planning of new facilities;

Fifth. We have authorized contracting authority for 3 years;

Sixth. Money from the trust fund can be spent for research and development projects;

Seventh. The Secretary of Transportation is required to submit to Congress within 1 year a recommendation for a national transportation policy. Such a policy is necessary because transportation has become so complicated and integrated and we need to have our goals set forth clearly so that our efforts will be in accord with our goals.

I am concerned, however, with some aspects of this bill; in some cases we have not gone far enough. Specifically, this bill today glosses over an important aspect of State and Federal cooperation.

In the House version of this bill, we had provided under section 22 that the States would be entitled to grant money for both planning and construction in the amount of \$5 million per year for a period of 5 years, or a total of \$25 million provided the State could qualify as an official agency of the State. We intended this to help and encourage the States to build local facilities and to coordinate with the huge interstate sys-

tem. We were requiring an increase in ticket excises, freight way bills, foreign travel, general revenue appropriations and mainly we had put on a 7-cent per gallon jet fuel tax on general aviation, and a limited registration fee. For these specific taxes, we felt general or local aviation would be entitled to grant money, just as we were helping the scheduled carriers in the development of large airfields.

The amount appropriated under the House version was modest—\$5 million per year. It was the right and fair thing to do. The Senate deleted this provision from their bill—and the conferees agreed to go along with the Senate version. I fought that deletion as hard as I could. I regret it was taken out. I think it was a mistake. I think it will spark a great deal of controversy throughout the country. We have made the big air fields bigger, the rich airfields richer, the congested airfields more congested. We have made it more difficult for the Department of Transportation to deal with or help the smaller or rural airfields. Under this bill, General aviation is helped in the same manner or formula as in the past. More funds are provided for planning and development, but the smaller airfield or smaller cities may not be able to qualify. The big cities will be able to submit a well-prepared plan. The smaller cities will be left as a last resort. Thus, the big will become bigger.

It is hard to believe that some members of the other body would be so afraid or opposed to State authorities that they would delete this grant money from the bill. In my judgment, there ought to be a proper partnership between the Federal Government, the carriers involved—all types and kinds of them—and the State authorities. We have weakened the role of State authorities by this measure except for the relief given in the language of the statement of the conferees. It is significant that we are reminded of that language now, because it might have great bearing on the development of interstate facilities later.

Let me refer you to the conference committee report language in which the purpose of the bill is briefly described:

As stated, this legislation refers specifically to the need for the expansion and improvement of the national airport and airway system, in accordance with a national airport system plan to meet the needs of interstate commerce, the postal service, and the national defense.

Mr. Speaker, to my thinking, we could have easily gone one step further and created the machinery to bring about better liaison between the State and Federal governments. Although this bill is an excellent piece of legislation in many ways, it overlooks and leaves undefined the specific State's role in aviation planning. As it presently stands, this act relates only to the Federal responsibility in the development of the Nation's airport system and falls to clearly define the role which the States are to provide air transportation to the Nation.

To support my position, I would again refer you to the conference committee report which says:

The managers on the part of the House are aware of the fact that there are needs for expansion and improvement of airport and airway facilities to meet interstate needs outside the national system contemplated by this legislation. In this connection, the managers on the part of the House recognize that many States have created State aeronautical agencies which not only cooperate with the Federal Government in the planning, development, and operation of the national system, but also effectively engage in the planning, development and operation of needed airport and airway facilities not included in the national airport system, and would encourage the States to continue and expand their activities in this respect.

Mr. Speaker, if this legislation is to create only an interstate system, then it should be made abundantly clear to the Governors and the State legislatures that the cost for the development of that part which is intrastate and not interstate is their responsibility. The States should know that the Congress hopes and expects them to do more in this field.

To my thinking, this bill has a blind-spot in it and overlooks a vital role that could be played by the State agencies. While we are looking at the whole picture of aviation nationally, we are ignoring the important piece of the whole—intrastate air travel.

If we are to open up the underdeveloped areas and smaller communities to the benefits of air transportation, and if we ever hope to link these small towns to the metropolitan areas, then it will have to be done at the State level, or coordinated at the State level.

The explosive growth in the number of general aviation aircraft accentuates the magnitude of intrastate air transportation. This is highlighted even further when we consider the expanding commuter and air taxi services in these areas.

Mr. Speaker, general aviation is here and growing. Without proper cooperation between the State and the Federal levels, it will grow like Topsy, and the progress we are making with this bill will later come back to haunt us through this oversight. To illustrate my point, let me quote briefly from an article written in the April edition of *Texas Business Review* by Dr. Charles Zlatkovitch of the University of Texas:

A large part of overall air transportation in Texas and the United States is general aviation, which includes all flying other than military and commercial airline service. A few statistics illustrate the importance of general aviation in Texas. The total number of civil (general-commercial) and joint-use (civil-military) airports in Texas on record with the F.A.A. at the end of 1967 was 900, including 26 heliports and 3 seaplane bases. Only 29 of these Texas airports were used by commercial airlines. Of the 9,030 civil aircraft registered in Texas in 1967, all but 147 were in the general-aviation category. Only 2,117 of the 45,167 active pilot certificates held by Texans were outside the general-aviation category. General aviation will thus be an important part of air transportation in the 1970's just as private automobiles and trucks will be important in highway transportation.

Mr. Speaker, I am fully aware that the tall tales from Texas are legend. But these are irrefutable facts—facts that

can be just as easily developed in other States, such as California, which include a large amount of intrastate air transportation.

However, while I point out a few negative aspects of this bill, I do not want to detract from the progress it makes in aviation. The bill today puts wings on the seven league boots because we have taken giant strides in the right direction. This bill should be considered as important to the aviation industry as the highway trust fund has been to our ground transportation.

For example, the bill authorizes grants for airports to serve certified air carriers at \$250 million a year for 5 years, and \$30 million a year for 5 years in construction of general aviation facilities. I was particularly pleased to see that general aviation was recognized as something more than a stepbrother to the carrier airlines.

However, this \$30 million is only a recognition by the Federal Government of its obligation toward that part of general aviation that is primarily interstate. This recognition by the Federal Government only emphasizes the responsibility of State governments for the largest portion of general aviation and other types of aviation that are primarily intrastate.

Although the provision of this bill that authorizes \$250 million a year for airports that serve certified carriers will be a great boon to those who use the commercial airlines, I was disappointed that the bill did not allow any of the funds to be used for the construction of terminals. Although I agree that safe runways should be our first concern, the need for terminals that can handle passengers and baggage quickly and safely are of utmost importance to the development of our overall national airport system. Even though the present bill does not presently provide terminal funds, it is at least a framework upon which we can build. We all agree that the main problem here is one of a legal nature: Can the Federal Government spend funds for the improvement of privately owned facilities?

Within the mechanics of this bill are the viable provisions that create effective cooperation between the local airport authorities receiving grants and the Department of Transportation. We have included a provision that would allow the Secretary to make grants for up to 3 years running, rather than the old year-by-year basis. This contracting authority provision is very necessary in order for local authorities to sell securities to finance their portion of the matching funds. And, I do not suppose the local airport authorities will miss the drama of wondering each year if they will be renewed by DOT—rather, this 3-year provision will allow more efficient planning and use of funds. I supported strongly this contract authorization provision. The certificated carriers were entitled to this help and the local authorities had to have it. Costs of financing had become too burdensome to handle under the old system.

Mr. Speaker, this bill creates one very significant and tangible spin-off on the

plus side. Although they are not mentioned specifically as a group, in the bill, the air traffic controllers have been following this legislation very closely, I would imagine. The larger and safer airports that are going to be built by this trust fund will certainly improve the controller's working conditions as they shepherd the skies.

And the taxpayers can find some solace in this bill. The general taxpayer will be relieved that the greatest portion of the cost of this program will be carried by the users of these new airports. The cost will be borne by the people who derive the benefits of safety, speed, and convenience.

Although we are a long way from perfection with this bill, I am proud that the Interstate and Foreign Commerce Committee has successfully come to grips with a modern problem and successfully come up with a solution.

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

Mr. PICKLE. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Texas and commend the gentleman for his interest and effort in regard to this legislation generally, and in particular, for his efforts to retain funds in the bill which could be used by State aviation authorities to develop State airport systems.

It has been my view that this legislation should provide for a more balanced approach to meeting our total airport needs. Comprehensive planning for airports as provided under the State programs would give a better balance of facilities, one which would serve general aviation airports as well as the major airports. Such an approach would better accommodate the growing communities and businesses away from the metropolitan centers. Comprehensive planning at the State and local level, which would have been stimulated by the authorization of these funds, would yield more balanced plans, taking into account environmental factors such as congestion, noise and safety to the public. The satellite airport system would be constructively assisted by such a program and I regret the loss of those funds in the Senate.

I have had continuing concern with the need for the proper coordination of development and operation of the major Metropolitan Washington airports, particularly in the efficient use of the airport in which we already have such a substantial Federal investment, namely Dulles. With this legislation we must continue to pursue those plans which will provide the maximum in safety and service to the entire citizenry.

Mr. PICKLE. Mr. Speaker, I thank the gentleman from Maryland for his comment.

We must build these satellite fields. We must make the smaller rural airfields more useful and tie them in with the whole interstate system.

The opposition, I may say, came from the other body, not from the conferees on the part of the House as such. It was from the other side. They were com-

mitted or obligated or were afraid to go along with State authorities. Let us hope that we can obtain more participation with the States later as we go along.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DEVINE) a member of the committee.

Mr. DEVINE. Mr. Speaker, as one of the conferees I am happy to concur in the conference report which accompanies H.R. 14465. However, I feel compelled to point out several items important to the general public in connection with this matter.

I am deeply and increasingly concerned about the heavy burdens placed on the airline passenger resulting from higher fares and now the "user" charge. For example, in 1969, the Civil Aeronautics Board increased fares by two separate actions, a total of 10.6 percent. Now with this legislation, the passenger will pay an additional 8 percent. In other words, in less than 1 year the airline passenger must pay 18.6 percent more to travel by air.

It seems to me the commercial air transport industry and the Congress should take some initiative to halt this continuing increase in cost to the passenger.

I presume that in the pending passenger fare investigations by the Civil Aeronautics Board the airlines' efforts to keep costs down; overscheduling primarily for competition purposes; overbuying of equipment again primarily for competition purposes, will be exhaustively pursued by the Board. I am not convinced that the need for larger airports and associated facilities are based on handling larger equipment such as 747's, but is primarily due to the growth in traffic of all types.

The commercial air transport industry, it seems to me, would be well advised to thoroughly study the legality and feasibility of setting up a Comsat-type corporation to handle airports and air terminals throughout the country. Such a corporation could be organized and yet not adversely affect the primary responsibility of the Federal Aviation Administration and the Civil Aeronautics Board, and I feel Congress would be favorable to any proper proposals to implement the activities of such a corporation. Congress did so with respect to Comsat, and I know of no reason why we should feel differently disposed as it relates to aviation, particularly in light of the success of Comsat.

Even if the airlines found they could not set up such a corporation for legal or other reasons, I am confident Members of this body would feel better knowing that the airlines had at least tried to do something about the problem, which undoubtedly will get worse before it gets better.

To date, the airlines have looked rather successfully to the traveling public, the Civil Aeronautics Board, the Federal Aviation Administration, and the Congress for financial and other relief, rather than acting positively itself in a tangible way. If they do not begin to so respond, public opinion might bring reactions which could be adverse to the airlines.

The present appeal of the passenger fare increase by 38 of my colleagues should be an indication of public opinion. After all, these Members, as well as all Members of Congress, must be aware of public opinion while properly representing their constituency.

As I say, Mr. Speaker, I concur in the conference report; however, we must not turn our back and walk away from the fare-increase situation.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me this brief period of time.

I support the conference report, as one of the conferees. I regard it as a good accomplishment in the public interest. I hope my colleagues will support it.

Mr. Speaker, I strongly support the conference report on H.R. 14465, the Airport and Airway Development Act of 1970, and urge its adoption.

As the Member of this body who drafted the amendment to H.R. 14465 requiring the Secretary of the Department of Transportation to formulate and recommend to Congress for approval a national transportation policy—said amendment being offered in committee on my behalf by my good friend Mr. Moss of California—and as original author and manager in the House of the National Environmental Policy Act of 1969, I wish to make it very clear that the relevant sections of these two pieces of legislation are to be interpreted together.

That is, the national transportation policy required under H.R. 14465 is to be interpreted in harmony with the policy stated in the National Environmental Policy Act. Provisions were added to H.R. 14465 during consideration in the Committee on Interstate and Foreign Commerce which make it completely clear that activities authorized by the Airport and Airway Development Act shall be conducted in such a fashion as to fully take into consideration the protection of fish and wildlife values, as well as other environmental values.

Mr. STAGGERS. Mr. Speaker, again I want to say I thank especially the conferees who helped to work out the differences in the bill, and all members of the committee, and I thank WILBUR MILLS, the chairman of the Committee on Ways and Means, and JOHN BYRNES, for their cooperation in helping to work out this whole bill, and I also thank the ranking minority member of the Committee on Ways and Means for his explanation a few moments ago of the monetary fund.

Mr. Speaker, at this time I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House for title II of the bill be read in lieu of the report.

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

There was no objection.
The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 12, 1970.)

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement of the managers on the part of the House for title II of the bill.

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

There was no objection.

Mr. MILLS. Mr. Speaker, we have before us today the conference report on H.R. 14465, the Airport and Airway Development Act of 1970. My discussion is directed primarily to title II of the bill—the Airport and Airway Revenue Act of 1970. Title II provides the tax revenues to finance most of the expenditures authorized in the first title of the bill, which was considered by the conferees from the Committee on Interstate and Foreign Commerce.

There is one section in title I, however, which was considered by the conferees from the Committee on Ways and Means and the Senate Committee on Finance. The conference accepted the Senate amendment, section 53 of the bill, which provides that the maximum overtime charge for customs services performed for private aircraft or vessels returning from a visit to a foreign nation—such as Canada or Mexico—may not exceed \$25. Presently, as I understand it, if only one or two private aircraft or vessels use the customs services during an overtime period—for example, on a holiday, Sunday, or night shift—the owner could be charged an amount approaching \$100. If more use is made of the customs services, then the overtime cost is prorated among the several users—thereby reducing the charge to each user. Thus, after the enactment of this bill an individual aircraft owner will only have to pay up to a maximum charge of \$25.

Mr. Speaker, I would now like to briefly summarize the conference decisions relating to the revenue-raising provisions of H.R. 14465.

First, let me discuss the tax on air passenger travel. The conference accepted essentially the House provision raising the 5-percent ticket tax on passengers to 8 percent rather than the Senate's tax directly on the airline, with a slight modification that requires the airlines, or ticket agents, in the case of domestic transportation to advertise a total airfare that includes the 8-percent tax. Also, in the case of transportation fully subject to the domestic tax, the passenger air ticket must show the total ticket price, including the 8-percent tax, and must not contain a separate listing of the tax or before-tax fare. The public will, therefore, be aware of the total airfare for a particular domestic flight before arriving at the ticket counter. These provisions with respect to advertising or stating a tax-included airfare do not apply to the new \$3 per person tax on international flights leaving the United States or to foreign transportation.

As my colleagues will recall, the House bill generally removed all exemptions from the air transportation user taxes. We did not, however, remove the exemptions for transportation furnished to the

Red Cross and international organizations. The conference adopted the Senate amendment which also removes these two exemptions. Now, all users of civil aviation will pay a share of Federal aviation user taxes.

Second, with respect to the cargo tax on air freight transportation in the conference accepted the Senate amendments, which provided three minor exemptions. These exemptions from the cargo tax are charges made for: First, excess baggage accompanying the passenger as "baggage," and not classified as "freight" by the airline; second, the portion of flights to or from Alaska and Hawaii not over U.S. territory, the same exemption as provided in existing law under the passenger ticket tax; and third, imported air freight. In the case of the exemption for imported air freight, the conferees were unable to devise a practical and equitable method of assessing and collecting a cargo tax on imported freight. As a result, it was decided not to impose a tax on imported freight at the present time, but to continue to observe the problem in case it should become a serious competitive problem. I should also point out that both the House and Senate versions had exempted exported freight from the cargo tax.

Third, the conference accepted the House 7-cents-a-gallon tax on aviation fuel used by general aviation, rather than the 6-cents-a-gallon tax as passed by the Senate.

Fourth, in the case of the annual aircraft use tax, the conference accepted the House provision for an annual \$25

basic tax for all taxable civil aircraft plus a poundage tax—2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft. The conference also adopted, however, a modified form of the Senate small aircraft exemption from the poundage tax—basing the exemption on gross weight rather than seating capacity as the Senate version would have provided. Under the Conference action, an exemption from the poundage tax is provided for piston-engine aircraft with a "maximum certificated takeoff weight" of 2,500 pounds or less. It was felt that an exemption based upon gross weight would be easier to administer by the Federal Aviation Administration and the Internal Revenue Service. This small aircraft exemption will relieve 60 percent of general aviation aircraft from the poundage portion of the use tax.

The conference took the action I have described under the fuel tax and the aircraft use tax after considering the proportion of the total aviation user tax burden to be borne by general aviation versus commercial aviation. Under the House bill, general aviation's share of the total user taxes raised in 1971 would have been 9.2 percent and by 1980 this would have been expected to decrease to 6 percent. However, under the Senate version, general aviation's share would have been only 7.2 percent in 1971 and 4.7 percent in 1980. The conference action represents a compromise between the House and Senate versions. In 1971, general aviation's share of the total user tax under the conference action will be 8.8 percent and by 1980 it is expected

that this will have decreased to 5.8 percent.

Fifth, the conference adopted the Senate amendments providing a termination date of June 30, 1980—for the new and increased aviation user taxes provided by this bill and also for the termination of the new airport and airway trust fund created by this bill. This will provide Congress a specific date to review the entire Federal airport and airway program. I should point out that this is consistent with the highway trust fund program which also has a termination date.

Finally, Mr. Speaker, the conference adopted July 1, 1970, as the effective date for the new and increased aviation user taxes and the start of the new airport and airway trust fund.

As approved by the conference, the revenue provisions of H.R. 14465 will provide aviation user tax revenues of \$665.8 million for fiscal 1971, or \$322 million above existing law aviation tax revenues. By fiscal 1980, the aviation user taxes are projected to yield \$1.8 billion annually, or almost twice the level of the estimated revenue of \$927 million from existing law aviation taxes.

Mr. Speaker, I ask unanimous consent that a summary table giving a comparison of the estimated aviation user tax revenues under the House, Senate, and conference versions of the bill be inserted at this point in the RECORD.

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

There was no objection.

The table referred to follows:

TABLE 1.—SUMMARY COMPARISON OF ESTIMATED AVIATION USER TAX REVENUES, H.R. 14465—HOUSE, SENATE, AND CONFERENCE VERSIONS, FISCAL YEARS 1971-74 AND 1979-80

[Millions of dollars]													
	1971	1972	1973	1974	1979	1980		1971	1972	1973	1974	1979	1980
A. As passed by the House:													
Total.....	674.5	747.8	834.4	930.8	1,626.0	1,813.3	Fuel tax, 6 cents a gallon ¹	40.4	43.6	47.2	50.7	69.4	73.2
Passenger ticket tax, 8 percent.....	526.2	584.4	653.5	731.7	1,293.2	1,444.2	International tax ²	28.4	31.2	35.0	39.6	68.4	74.5
Waybill tax, 5 percent.....	42.9	48.9	56.1	63.3	134.3	157.6	Aircraft use tax ³	19.2	20.9	22.6	24.4	33.0	34.9
Fuel tax, 7 cents a gallon ¹	47.2	50.9	55.1	59.2	81.0	85.4	Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3
International tax, \$3.....	28.4	31.2	35.0	39.6	68.4	74.5	C. As approved by the Conference:						
Aircraft use tax ³	26.8	29.2	31.4	33.5	44.1	46.3	Total.....	665.8	738.0	823.8	919.1	1,605.6	1,790.1
Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3	Passenger ticket tax, 8 percent.....	526.2	584.4	653.5	731.7	1,293.2	1,444.2
B. As passed by the Senate:							Waybill tax, 5 percent.....	37.4	42.7	49.0	55.3	117.6	138.1
Total.....	661.7	733.9	819.4	915.1	1,604.0	1,789.7	Fuel tax, 7 cents a gallon ¹	47.2	50.9	55.1	59.2	81.0	85.4
Passenger tax ⁴	533.3	592.3	662.3	741.6	1,310.6	1,463.7	International tax, \$3.....	28.4	31.2	35.0	39.6	68.4	74.5
Waybill tax, 5 percent ⁴	37.4	42.7	49.0	55.3	117.6	138.1	Aircraft use tax ³	23.6	25.6	27.9	29.8	40.4	42.6
							Taxes on tires and tubes.....	3.0	3.2	3.3	3.5	5.0	5.3

¹ General aviation aircraft.

² Annual use tax of \$25 for all aircraft plus 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft.

³ Tax at 7.5 percent of air fare, imposed on airline; assumes full tax is passed on in the ticket price.

⁴ Revised. Exempts charges for portion of flights to or from Alaska and Hawaii not over U.S. territory, excess baggage, and imported freight.

⁵ Annual use tax of 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft with seating capacity of 4 adults or less.

⁶ Annual use tax of \$25 for all aircraft plus 2 cents a pound for piston-engine aircraft of more than 2,500 pounds "maximum certificated takeoff weight" and 3½ cents a pound for turbine-engine aircraft.

Source: Department of Transportation, Federal Aviation Administration, Office of Aviation Economics.

Mr. MILLS. Mr. Speaker, I urge approval of title II of the conference report as well as title I.

Does the gentleman from Wisconsin (Mr. BYRNES) desire some time? I yield to the gentleman from Wisconsin such time as he may consume.

Mr. BYRNES of Wisconsin. Mr. Speaker, it is not my intention to speak at any great length on this conference report. I do, however, urge the adoption of the conference report.

The financial aspects of this legislation, as the House knows, was developed

by the Ways and Means Committee and the Finance Committee in the Senate. Members from these committees comprised the conference committee that worked out the revenue provisions. The conferees were unanimous in their agreement on the revenue aspects.

Mr. Speaker, as the chairman has pointed out and as I earlier pointed out, the taxing and financing aspects of the conference agreements is, with a minor exception, practically identical to the bill the House originally agreed to.

Let me emphasize this Mr. Speaker: I

think this is landmark legislation comparable to the Highway Act that we passed some years ago. We are today approaching a crisis situation as far as aviation and our capacity to meet our air transport needs are concerned. This bill, with the financing provided and the substantive changes included, should enable us to act effectively to cope with the growing problems that we face. It should assure the public a growing and improved air transportation capability in this country.

I think this can mark a turning point

in the air transportation problems we face. As a result of this legislation, we assure the basic funds required to meet the needs of this growing form of transportation, with its increases in sophistication, and its growing needs for navigational aids and safety equipment. I think this bill provides the basic framework for providing for a sound and safe growth in our air transport capacity over the next decade.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 362, nays 3, not voting 64, as follows:

[Roll No. 117]

YEAS—362

Abernethy	Carey	Flynt
Adair	Casey	Ford, Gerald R.
Adams	Cederberg	Ford,
Addabbo	Celler	William D.
Albert	Chamberlain	Foreman
Alexander	Chappell	Fountain
Anderson,	Chisholm	Frey
Calif.	Clancy	Friedel
Anderson, Ill.	Clark	Fulton, Pa.
Andrews, Ala.	Clausen,	Fulton, Tenn.
Andrews,	Don H.	Fuqua
N. Dak.	Clawson, Del.	Galifianakis
Annunzio	Cleveland	Gallagher
Arends	Collins	Garmatz
Ashbrook	Colmer	Gaydos
Ashley	Conable	Gettys
Aspinall	Conte	Gialmo
Ayres	Corbett	Gibbons
Barrett	Corman	Goldwater
Beall, Md.	Coughlin	Gonzalez
Belcher	Cowger	Goodling
Bell, Calif.	Cramer	Gray
Bennett	Crane	Green, Pa.
Berry	Daniel, Va.	Griffin
Betts	Daniels, N.J.	Griffiths
Bevill	Davis, Ga.	Gross
Bieber	Davis, Wis.	Grover
Blackburn	de la Garza	Gude
Blanton	Delaney	Hagan
Boggs	Dellenback	Haley
Boland	Denney	Hall
Bolling	Dennis	Hamilton
Bow	Dent	Hammer-
Brasco	Derwinski	schmidt
Bray	Devine	Hanley
Brinkley	Diggs	Hanna
Brock	Dingell	Hansen, Idaho
Brooks	Donohue	Hansen, Wash.
Broomfield	Dorn	Harrington
Brotzman	Dowdy	Harsha
Brown, Mich.	Downing	Harvey
Brown, Ohio	Dulski	Hastings
Broyhill, N.C.	Duncan	Hathaway
Broyhill, Va.	Dwyer	Hawkins
Buchanan	Eckhardt	Hays
Burke, Fla.	Edwards, Calif.	Hechler, W. Va.
Burke, Mass.	Edwards, La.	Heckler, Mass.
Burleson, Tex.	Ellberg	Helstoski
Burlison, Mo.	Erlenborn	Henderson
Burton, Calif.	Esch	Hogan
Burton, Utah	Eshleman	Holifield
Bush	Evans, Colo.	Horton
Button	Evins, Tenn.	Hosmer
Byrne, Pa.	Farbstein	Howard
Byrnes, Wis.	Fascell	Hull
Cabell	Feighan	Hungate
Caffery	Findley	Hunt
Camp	Flood	Hutchinson

Ichord	Murphy, Ill.	Scott
Jacobs	Murphy, N.Y.	Sebelius
Jarman	Myers	Shipley
Johnson, Calif.	Natcher	Shriver
Johnson, Pa.	Nelsen	Sikes
Jonas	Nichols	Sisk
Jones, Ala.	Nix	Skubitz
Jones, N.C.	Obey	Smith, Iowa
Jones, Tenn.	O'Konski	Smith, N.Y.
Karth	Olsen	Snyder
Kastenmeier	O'Neal, Ga.	Springer
Kazen	O'Neill, Mass.	Stafford
Kee	Passman	Staggers
King	Patman	Stanton
Kleppe	Patten	Steed
Kluczynski	Pelly	Steiger, Ariz.
Koch	Pepper	Steiger, Wis.
Kyl	Perkins	Stephens
Landgrebe	Pettis	Stubblefield
Landrum	Philbin	Stuckey
Langen	Pickle	Sullivan
Latta	Pike	Symington
Lennon	Pirnie	Taft
Lloyd	Poage	Talcott
Long, Md.	Podell	Taylor
Lujan	Poff	Teague, Calif.
Lukens	Pollock	Teague, Tex.
McClary	Powell	Thompson, Ga.
McCloskey	Preyer, N.C.	Thompson, N.J.
McClure	Price, Ill.	Thompson, Wis.
McCulloch	Price, Tex.	Tiernan
McDade	Pryor, Ark.	Ullman
McDonald,	Purcell	Van Deerlin
Mich.	Quile	Vander Jagt
McEwen	Quillen	Vanik
McKneally	Rallsback	Vigorito
Macdonald,	Randall	Waggonner
Mass.	Rarick	Waldie
MacGregor	Rees	Wampler
Madden	Reid, Ill.	Watkins
Mahon	Reuss	Watson
Mailliard	Rhodes	Watts
Mann	Riegle	Weicker
Marsh	Rivers	Whalley
Martin	Roberts	White
Mathias	Robison	Whitehurst
Matsunaga	Rodino	Whitten
May	Roe	Widnall
Mayne	Rogers, Colo.	Wiggins
Meeds	Rogers, Fla.	Williams
Melcher	Rooney, N.Y.	Wilson,
Meskill	Rooney, Pa.	Charles H.
Michel	Rosenthal	Wold
Mikva	Roth	Wolff
Miller, Calif.	Roudebush	Wright
Miller, Ohio	Roybal	Wyatt
Mills	Ruppe	Wylder
Minish	Ruth	Wylie
Mink	Ryan	Wyman
Minshall	St Germain	Yates
Mize	Sandman	Young
Mizell	Satterfield	Zablocki
Monagan	Saylor	Zion
Montgomery	Schadeberg	Zwach
Morgan	Scherle	
Moss	Schwengel	

NAYS—3

Foley Hicks Leggett
NOT VOTING—64

Abbt	Fish	Morton
Anderson,	Fisher	Mosher
Tenn.	Flowers	Nedzi
Baring	Fraser	O'Hara
Biaggi	Frelinghuysen	Ottinger
Bingham	Gilbert	Pucinski
Blatnik	Green, Oreg.	Reid, N.Y.
Brademas	Gubser	Reifel
Brown, Calif.	Halpern	Rostenkowski
Carter	Hébert	Scheuer
Clay	Keith	Schneebell
Cobelan	Kirvan	Slack
Collier	Kuykendall	Smith, Calif.
Conyers	Kyros	Stokes
Culver	Long, La.	Stratton
Cunningham	Lowenstein	Tunney
Daidario	McCarthy	Udall
Dawson	McFall	Whalen
Dickinson	McMillan	Wilson, Bob
Edmondson	Mollohan	Winn
Edwards, Ala.	Moorhead	Yatron
Fallon	Morse	

So the conference report was agreed to. The Clerk announced the following pairs:

Mr. Gilbert with Mr. Halpern.
Mr. Daddario with Mr. Fish.
Mr. Moorhead with Mr. Keith.
Mr. Long of Louisiana with Mr. Carter.
Mr. Biaggi with Mr. Mosher.
Mr. Blatnik with Mr. Kuykendall.

Mr. Brademas with Mr. Collier.
Mr. Edmondson with Mr. Frelinghuysen.
Mr. Pucinski with Mr. Reid of New York.
Mr. Rostenkowski with Mr. Morse.
Mr. Hébert with Mr. Smith of California.
Mr. Fisher with Mr. Edwards of Alabama.
Mr. O'Hara with Mr. Morton.
Mr. McFall with Mr. Bob Wilson.
Mr. Culver with Mr. Schneebell.
Mr. Flowers with Mr. Dickinson.
Mr. Fraser with Mr. Whalen.
Mrs. Green of Oregon, with Mr. Cunningham.
Mr. Slack with Mr. Gubser.
Mr. Mollohan with Mr. Reifel.
Mr. Kyros with Mr. Winn.
Mr. McMillan with Mr. Udall.
Mr. Anderson of Tennessee with Mr. Baring.
Mr. Abbt with Mr. Kirvan.
Mr. Brown of California with Mr. Stokes.
Mr. Ottinger with Mr. Clay.
Mr. Lowenstein with Mr. Conyers.
Mr. McCarthy with Mr. Yatron.
Mr. Cohelan with Mr. Bingham.
Mr. Stratton with Mr. Tunney.
Mr. Nedzi with Mr. Scheuer.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 16516, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MILLER of California, TEAGUE of Texas, KARTH, HECHLER of West Virginia, FULTON of Pennsylvania, MOSHER, and ROUDEBUSH.

DISAPPROVING REORGANIZATION PLAN NO. 2 OF 1970

Mr. HOLIFIELD. 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 House Resolution 960, disapproving Reorganization Plan No. 2 of 1970; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution may continue not to exceed 4 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. ERLBORN) and myself.

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

There was no objection.

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

The motion was agreed to.

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 House Resolution 960, with Mr. HUNGATE in the chair.

The Clerk read the title of the resolution.

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

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from California (Mr. HOLIFIELD) will be recognized for 2 hours and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 2 hours.

The chair recognizes the gentleman from California.

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

Mr. Chairman, although the time of general debate agreement between the gentleman from Illinois (Mr. ERLENBORN) and myself has been set at 4 hours, both of us desire to handle this bill as expeditiously as possible. We shall strive, if we are not interrupted by quorum calls or excessive desires by Members to speak, to make the time shorter.

I intend to take time to cover this matter rather thoroughly because I believe this is a very important resolution that is now pending before us, a resolution to disapprove Reorganization Plan No. 2 of 1970.

I do not approach the disapproval of the presidential reorganization plan lightly or in a bipartisan way. I believe that I will show my good faith by saying that if this resolution is approved that the gentleman from Minnesota (Mr. BLATNIK), the chairman of the committee, and I, have introduced a resolution which will give the President all of the assistance that he needs, but at the same time it will form a structure of Government which is not behind the cloak of executive privilege and executive secrecy where the Congress cannot get to the individuals that are going to be charged with very heavy responsibilities of evaluating the programs and policies, coordinating the programs and policies and setting our national priorities on those programs and policies. And it is because the reorganization plan forms a layer of some 90 staff and other executive directors that will be in the position of non-competitive, noncivil service, and non-Senate approved and nonstatutorily appointed to be responsive to the Congress that we disapprove this plan and ask for a favorable vote on the disapproval resolution.

Mr. Chairman, Reorganization Plan No. 2 of 1970 was transmitted by President Nixon to the Congress on March 12, 1970. The plan and the accompanying message are printed in House Document 91-275. These documents were included with other descriptive material in my remarks on Thursday, May 7, which appear in the CONGRESSIONAL RECORD of that date, commencing at page 14627. A fact sheet explaining the plan and a critique also were included.

Briefly, the plan renames the Bureau of the Budget as the Office of Management and Budget, authorizes six new

high-level positions for the office, creates a Domestic Council to encompass most of the Cabinet members and others whom the President may designate, and provides for an Executive Director to head the staff of the Domestic Council.

If the Congress does not disapprove the plan, it will take effect, according to its terms, on July 1, 1970. However, the 60-day period for congressional review provided in the Reorganization Act requires the Congress to take action before May 16, in deciding whether to approve or disapprove the plan.

House Resolution 960, introduced by the gentleman from Minnesota (Mr. BLATNIK), is a disapproving resolution. Hearings were held by the Subcommittee on Executive and Legislative Reorganization, and the full Committee on Government Operations recommends disapproval in accordance with the resolution. Under the parliamentary situation, therefore, an aye vote is requested on the disapproved resolution. The committee's views, together with separate and dissenting views of several members of the committee, are set forth in House Report 91-1066.

I might add, Mr. Chairman, that the gentleman from Minnesota, who chairs the subcommittee and has introduced the disapproving resolution, is unavoidably absent on official business for the committee.

In opposing Reorganization Plan No. 2 of 1970, I want to make it clear that the committee is not taking a negative position. Legislation has been introduced (H.R. 17376) which embodies the worthwhile features of the plan while eliminating its defects. If this plan is rejected by adoption of the disapproving resolution, then I can assure the Members that our committee will report out legislation to accomplish the objectives of the plan which help the President without interfering with vital congressional responsibilities.

The fact that our committee will report out legislation on this subject is an earnest of our good will. In opposing the plan it is not our purpose to attack President Nixon. There is nothing personal in the committee's decision to endorse the disapproving resolution after careful study. We believe simply that the plan has serious flaws and that its objectives could be better accomplished by legislation.

As a matter of information, let me note that this plan is the first public product of the President's Advisory Council on Executive Organization, known as the Ash Council after its chairman, Roy L. Ash, president of Litton Industries. Mr. Ash appeared before the subcommittee in support of his brainchild, along with Frederick R. Kappel, former chairman of the board, American Telephone & Telegraph Co.

OBJECTIVES OF THE PLAN

What are the objectives of the plan? In essence, this is a plan to increase staff assistance to the President in two ways: First, by authorizing six high-level—Executive-V—positions in the Bureau of the Budget, which is renamed the Office of Management and Budget under the

plan; and second, by creating a Cabinet secretariat, officially estimated at 90 persons—see House Report 91-1066, page 54—to be headed by an Executive Director who is one of the Presidential assistants.

Essentially, this is what the plan does—it creates a large new staff in the Executive Office of the President. The rest is window dressing or technicalities, and the members would not be misled by the high-blown rhetoric and gobbledegook usually accompanying such reorganizations.

Please understand, this is not a reorganization plan, in any real sense of the word, for the President's office. The assorted councils, committees, commissions and offices within the Executive Office will remain largely undisturbed. According to the President's message accompanying the plan, the Domestic Council will absorb a few nonstatutory committees—the Urban and Rural Affairs Councils and the Cabinet Committee on the Environment—but these will be merely reformed as subcommittees of the Domestic Council. In fact, the Council will accomplish much of its work, as the President's message says, "by temporary, ad hoc project committees"—House Document 91-275, page 4.

STAFFING OF EXECUTIVE OFFICE

How many staff people are there now within the confines of the Executive Office? That is a good question, but nobody seems to know precisely the answer. It depends, in part, on how we define the Executive Office. For example, when the Congress created the Office of Economic Opportunity by Public Law 88-452, it decreed, in its wisdom, that OEO would be located within the Executive Office of the President. OEO alone has 2,502 permanent positions. The Peace Corps is not formally listed within the Executive Office, but its funds are appropriated to the President, and it lists 1,165 employees. The Central Intelligence Agency comes under the National Security Council, both of which are in the Executive Office, but of course there is no public listing for the employment roles of the CIA. We know from the Budget figures—and in all cases I am referring to the 1971 budget estimates—that the Bureau of the Budget has 585 permanent positions, the Office of Emergency Preparedness 233, the Office of Telecommunications Policy 117, the National Security Council 75, the Office of Science and Technology 57, the Council of Economic Advisers 51, and so on down the line. Among the smaller agencies in the Executive Office is the Office of the Special Representative for Trade Negotiations. This office, in which, as you may recall, Murray M. Chotiner served as General Counsel for a time, has 35 permanent positions.

Then there is the White House Office, which is a separate part of the Executive Office. It carries a permanent staff of 548—including details from Federal agencies which, under the 1971 budget request, are to be shifted directly to the White House payroll. Besides this staff, there are additional White House staffs provided for the Executive Mansion upkeep, for special jobs assigned by the

President, and for a variety of other Presidential tasks deriving from special funds appropriated to the President, including the emergency fund.

The United States Government Organization Manual for 1969-70 lists 13 components of the Executive Office of the President. It includes the CIA but does not show the recently created Council on Environmental Quality and various less formal or temporary groups attached to or working within the Executive Office. Information obtained from the Budget document and elsewhere permits the generalization that the Executive Office of the President employs well in excess of 4,000 persons, not counting the CIA, whose employment is not made public, and such organizations as the Peace Corps, whose funds are appropriated to the President.

We are told that the President needs more staff. He is beset by world-shaking problems abroad and by domestic disorder and crises at home. He needs help in identifying national goals and setting national priorities. We sympathize with the President's needs, and I for one am perfectly willing to see that he gets all the help he needs in grappling with the problems that afflict the Nation today.

THE CENTRAL ISSUE

There is no need, however, for the President to get this expanded staff at the expense of congressional prerogatives and responsibilities. That is the big issue, the central issue as far as I am concerned. If this plan is adopted, the President will acquire vast new powers to assign and reassign functions throughout the Government. He will have a congressionally-authorized Cabinet secretariat to develop policies and programs, beholden to him alone, unavailable to appear before congressional committees or to provide documentary information to the Congress.

This is the major vice of Reorganization Plan No. 2 of 1970. It seeks a worthwhile objective by questionable means. It would alter the constitutional balance of powers against the Congress, in favor of the Executive. This may be the consequence rather than the intent of the plan, but the result is no less pernicious.

Let me explain what I mean. Section 101 of the plan transfers to the President all functions vested by law in the Bureau of the Budget or its Director. There are at least 58 statutory provisions—laws enacted by the Congress—which apply in one particular or another to the Bureau of the Budget. This plan in one fell swoop gathers up all those statutory functions and puts them in the hands of the President.

Why is this transfer necessary? Well, the answer seems to be, based on the testimony and other explanatory material submitted by administration witnesses, that to effect a reorganization, under the Reorganization Act of 1949 as amended—the basic enabling legislation for reorganization plans—it was necessary to move governmental functions from one place to another. Remember what I said a moment ago—that this plan essentially expands the staff of the President's Executive Office. Expansion of staff by itself is not a reorganization

under the terms of the law. So to make the plan legitimate, the administration planners concocted the idea of transferring all the statutory functions vested in the Bureau of the Budget or its Directors to the President himself.

PLAN IS ILLEGALLY DRAWN

This transfer has far-reaching and very serious implications, which I will develop in a moment. The interesting thing, however, is that the effort to make the plan legitimate did not quite succeed. The drafting was sloppy and the drafters overlooked a key provision of the Reorganization Act of 1949 as amended. This provision says, in essence, that if certain new positions are required in a reorganization, appointments to these positions either must be in the competitive civil service or be confirmed by the Senate.

You will note in section 203 of the plan that a new office or position is created, that of Executive Director of the Domestic Council. Section 203 says that the Executive Director shall be an assistant to the President. In other words, one of the President's assistants is designated Executive Director. He wears another hat. Nevertheless, he would be filling a new office created under the plan, and since a Presidential assistant is neither in the competitive service nor confirmed by the President, this is a clear and obvious violation of the terms of the Reorganization Act of 1949 as amended.

The plan is not, I repeat not, legally drawn. The Comptroller General has confirmed the committee's finding. His letter is printed in the appendix to House Report 91-1066, which is the committee report accompanying the disapproving resolution, see page 56.

The administration witnesses consulted with Department of Justice parties and received a memorandum which goes contrary to the Comptroller General's opinion. This was followed by a letter from Attorney General John W. Mitchell to the chairman of our subcommittee, the gentleman from Minnesota (Mr. BLATNIK), saying the same thing with more words. Both of the Department of Justice statements also are printed in the appendix to House Report 91-1066, see pages 59-64.

I might note, incidentally, that this is a rather unusual course—for the Attorney General to tender directly to a committee or subcommittee his legal opinion on an executive action. The Department of Justice traditionally considers itself as lawyer for the executive branch and frequently, in the past, it has refused to give legal opinions to the Congress. We have our own lawyer, of course, the Comptroller General. In many ways, his legal opinions carry more weight than those of the Attorney General, for the Comptroller General makes rulings practically every day on the legality of expenditures, and these rulings are binding on the executive branch. If expenditures are made in a manner which the Comptroller General finds to be illegal or unauthorized, he has powers conferred by the Congress to disallow such expenditures.

CONFLICT OF LEGAL OPINIONS

This 180-degree difference of opinion by two great legal centers—the counsel for the executive branch and the counsel for the legislative branch—at the very least casts a cloud of uncertainty over the plan. Our committee in good conscience cannot approve a plan which we believe to be in violation of the Reorganization Act, and which the Comptroller General believes to be in violation by what he terms a reading of the "plain words" of the statute.

The Attorney General happens to disagree, and while I do not for a moment impute any political motivations to Mr. Mitchell, it strikes me as a layman that his opinion does not make good law. The Attorney General's opinion says in substance that the Executive Director receives his authority from the President by virtue of legislation outside the plan; namely, legislation which authorizes the President to appoint six administrative assistants—section 106 of title 3, United States Code. I look at the plan and in section 203 I see that it provides for the staff of the Domestic Council to be headed by an Executive Director. The Attorney General tells us that this Executive Director is really outside the plan, not inside the plan. This gets to be legal legerdemain.

A MANAGEMENT PRINCIPLE CARRIED TOO FAR

Let me come back to the point about the transfer of functions from the Bureau of the Budget and its Director to the President. As I have already explained, this was a technical device to effect a "reorganization" by means of which the President would be enabled to expand his staff resources. Proponents of the plan then have gone on to argue that the President should have the right to organize his own Office, that this is simply a principle of good administrative management put forth by the Hoover Commission and many students of Government administration. This principle has merit, but let us not get carried away with it. The fact is that when the first Hoover Commission put forth this principle more than two decades ago—in 1949—the Federal budget was only \$40 billion compared to \$200 billion today, and Government was a lot less complicated. Today, the Executive Office of the President has many offices and councils and other organizational units, as I have already observed. Some of these are authorized by law, some were created by reorganization plan, and others owe their existence simply to Presidential order or announcement.

We can no longer dispose of the issue of Executive Office organization by saying, "Let the President do it." The Executive Office represents something far more complex than the President's "personal staff." The Congress has seen fit, again in its wisdom, to establish many components of the Executive Office by law and to prescribe their duties by law. Furthermore, the heads of the important components of the Executive Office are confirmed by the Senate. No less than eight heads of agencies in the Executive Office are subject to Senate confirmation. These agencies are Central Intelligence Agency, Office of Economic

Opportunity, Council of Economic Advisers, Office of Science and Technology, Office of Emergency Preparedness, Office of Telecommunications Policy, Office of Special Representative for Trade Negotiations, and the Council on Environmental Quality.

If the logic of the principle were carried far enough—if the President were to have transferred to him all the statutory powers of all the statutory agencies in the Executive Office, with power to reassign or redelegate at will, you can see what this means from the standpoint of the Congress.

It means that the Congress would be relinquishing to the President its constitutional power to prescribe departmental organization and to determine the locus of the appointing power. Even in the case of the great departments of Government, the Congress has been unwilling to leave complete discretionary authority in the department heads to organize and reorganize, to assign and reassign, as they see fit. The Secretary of Defense, for example, has considerable authority along this line, but major reorganizations of designated types have to be submitted to the Congress for approval. The Department of Transportation, the Department of Housing and Urban Development—in these and other cases, the Congress has prescribed to a certain extent the internal organization of the department, so that the head of the department cannot simply rearrange things according to his own judgment or whim.

CONGRESS IS CUT OUT OF THE PATTERN

Under this reorganization plan the Congress gets cut out of the pattern in some ways that are obvious and some ways that are subtle. Consider first the Bureau of the Budget. The Congress enacted some 58 statutory provisions, listed in our report—see House Report 91-1066, page 36—which apply to the Bureau of the Budget or its Director. The plan transfers these functions to the President. The President promises to delegate them back to the Bureau under its new name, Office of Management and Budget. At a later date, the President may decide to transfer some or all of these functions elsewhere in the Government. The plan gives him a free-floating mandate in this respect. Once the authority is lodged in the President rather than in the Bureau, he can do with it what he will. And this is more than a matter of reorganizing the Presidential office. The McCormack Act—section 301 of title 3, U.S. Code—enables the President to delegate functions, under specified conditions, to agency heads or other statutory officers throughout the Government. Testimony of witnesses before the subcommittee made it plain that the President might very well decide to retrieve some of the functions he would redelegate to the Office of Management and Budget, and assign them to other Government agencies.

Here we come to one of the subtleties of the situation. When the Congress enacts a law directing the Bureau of the Budget to perform specified functions, to discharge certain duties and responsibilities, then the Congress expects that

the Director of the Budget, just as the head of any other Government agency, will report from time to time and give an account of his performance. It cannot expect quite the same response when the statutory functions are vested in the President, for the President represents the head of a separate branch of Government, whereas the Congress has constitutional authority to prescribe the departmental organization of Government and to vest appointing authority as it sees fit.

ILLUSTRATING THE SHIFT OF AUTHORITY

To illustrate the point that the statutory function vested in the Bureau of the Budget or its Director is something different from the same statutory function transferred to the President, consider section 20 of title 31, United States Code. It provides:

The Bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request.

Substitute "President" for "Bureau" and you have at once a different order of obligation and responsibility. The Congress cannot command the President like it does the Bureau of the Budget. Besides the specific statutory requirement to supply assistance and information to the designated committees, the Bureau of the Budget also is called upon by many other committees of Congress for advice and information on pending legislation and other matters of mutual interest. The Committee on Government Operations, for example, has frequent occasion to consult with Bureau officials concerning such matters as reorganization plans, accounting methods in the Federal departments and agencies, Federal property management, and legislation concerning administrative expenses or operations in the Government.

If we examined the numerous statutes enacted over the years with reference to the Bureau of the Budget, we would find that the statutory relationships of Congress with the Bureau involve such committees as Post Office and Civil Service, Armed Services, Veterans' Affairs, District of Columbia, Education and Labor, Interstate and Foreign Commerce, Public Works, and Foreign Affairs. These are just the committees with a statutory relationship, where the Bureau promulgates regulations. All committees, of course, are interested in the activities of the Bureau of the Budget because all programs go through a budget process, and all legislation goes through a clearance process in the Bureau.

Administration witnesses contended that such relationships with the Congress would remain unimpaired despite the statutory transfer of powers to the President. This is not likely to be the case. Subtle differences develop when the law directed to a specific agency is handed to the President and injected into the aura of the Presidency. Sensitivities develop on the part of Executive Office officials as to what is privileged and what is not privileged, and the benefit of the doubt is given to the side of privilege for fear of embarrassing the President or prematurely making some

statement which has not been approved or finally settled by the White House.

DOMESTIC COUNCIL BEYOND CONGRESSIONAL REACH

If the effect of the transfer of functions to the President is to place the Bureau of the Budget several steps farther away from the Congress, what shall we say of the Domestic Council as constituted under the plan? The Executive Director would be a Presidential assistant, and that relationship by itself is enough to move White House bureaucrats to put the stamp of privilege on the documents or deliberations of the Council. The committee was assured by administration witnesses that the individual members of the Council, that is to say, the department and other agency heads who might be designated to participate, would be available, as usual, to testify before committees and to supply information to the Congress. This is only seeming assurance. In fact, the department heads and others would be less inclined to discuss their problems freely before the Congress because of the likelihood that all important policies would be continuing matters of concern and consideration in the Domestic Council.

This is not to say that the Council itself would be the actual policymaking instrument. The active work would be done by the 90-member secretariat headed by the Presidential Assistant/Executive Director. The Council in the nature of the case would not meet frequently. The department heads are too busy to spend much time at it, and at best they would be a review rather than a policy-forming group. The basic work would be done by the Executive Director working through the secretariat and the ad hoc committees and subcommittees. Since the major justification offered for the Council and the secretariat is the importance of examining domestic policies and problems which cut across numerous agencies and the need to do a better job of coordination and coherence in policy development, then it is obvious that the veil of secrecy will be spread over larger and larger areas of Government policy-making. What such a Council distinctively has to offer will be withheld from the Congress. No administration witness was prepared to say that the Executive Director would be willing or be permitted to make an appearance before committees of the Congress or make any report or document of the Council available to these committees.

The distinction made in the President's message between policy formulation and policy implementation, assigning the first responsibility to the Domestic Council and the second to the Office of Management and Budget, accentuates the problem of congressional access. We believe that for many purposes, including the purposes of this plan, the distinction is naive and artificial to the extent that it is, or can be, applied in practice. It not only diminishes the importance of the budget agency but it gathers into the policy domain—the most important part—many matters associated with budget-making. These become less accessible to the Congress than if they were retained in the budget agency.

REVERSAL OF ACCESS PRINCIPLE

It is curious and somewhat ironic that Reorganization Plan No. 2 of 1970 would cut Congress out of the pattern of access to basic information on domestic policy formation when, theoretically, the existence of a reorganization plan—having the force and effect of law—can be said to strengthen congressional access. This was the rationale put forward in asking the Congress to approve Reorganization Plan No. 2 of 1962, creating the Office of Science and Technology. Thus, President Kennedy, in submitting the OST plan, said it would "permit some strengthening of the staff and consultant resources now available to the President in respect of scientific and technical factors affecting executive branch policies and will also facilitate communication with the Congress."

Testifying in behalf of the 1962 plan, Elmer B. Staats, then Deputy Director of the Bureau of the Budget—now Comptroller General—said, in part:

We recognize that the Congress at times will desire the testimony of an official who can speak authoritatively on the Government's scientific activities from an overall, rather than departmental, point of view.

The Director of the Office of Science and Technology, in the same way as the Budget Director and the Chairman of the Council of Economic Advisers, will be free to appear before congressional committees.

Administration witnesses were quick to point out that the 1962 plan and the 1970 plan were somewhat different in content and purpose. Nevertheless, the principle is valid and should be consistently maintained; namely, that when the Congress gives, through approval of a reorganization plan, statutory underpinning to a component of the Executive Office of the President, congressional access should be enhanced rather than retarded. I repeat that none of the administration witnesses was prepared to state that the Executive Director of the Domestic Council would be available to appear before congressional committees or to supply requested documents or other information concerning the work of the Council.

CUTTING INTO CIVIL SERVICE COMMISSION

There are other features of this reorganization plan which raise serious questions. Although the plan does not spell out details, the President's message informs us that the renamed and expanded Office of Management and Budget, among other things, "will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of the civil service, in the broadest sense of that term." The message goes on to say that the OMB will not itself deal with individuals, but will depend on the Civil Service Commission and the employing departments and agencies to administer this program. These are intended to be words of assurance that the OMB will not take away from the Civil Service Commission its important program for the development of Federal executive talent. The words have not been reassuring enough. The subcommittee re-

ceived testimony from the American Federation of Government Employees—AFL-CIO—and the National Federation of Federal Employees, which are unequivocally opposed to the personnel features of the reorganization plan because of the perceived threat to the role of the Civil Service Commission. Several other experts, including our former colleague, the Honorable Robert Ramspeck, also a former Chairman of the Civil Service Commission and a noted authority in Federal personnel affairs, took issue with this aspect of the plan.

Their concerns are not imaginary. If the OMB is made responsible for career personnel development in the manner indicated by the President's message, then the Civil Service Commission's program for career development will shrivel up and its standing in the Government permanently impaired. Split responsibilities are prejudicial to progress in this field. And remember that the OMB functions will be delegated by the President under the plan, so that inevitably the OMB participation in executive career development will be tinged with Presidential politics. The vexing problem of proper relationships between the Civil Service Commission and the White House, and the old argument whether the Chairman of the Commission should be formally constituted as a personnel adviser to the President, are revived in a new way by this plan. No less than the integrity of the Civil Service Commission as a professional, nonpolitical agency for advancement of the Federal career service is at stake.

ANOTHER ANOMALY

Among the anomalies in the personnel provisions of this plan is the following: on the one hand the OMB would reach into the jurisdiction of the Civil Service Commission with adverse consequences; on the other hand, the six high-level—Executive-V—positions which the OMB would acquire under the plan are in the competitive civil service. The appointees would be blanketed into permanent civil service positions, which a succeeding administration would have to accept. Our committee does not believe, nor do I, that such high-level policy positions should be in the competitive civil service. A new President should be able to select whom he desires for such policymaking responsibilities.

The anomaly derives from the fact that since the positions were created as a consequence of the "reorganization" concocted by the plan, the Reorganization Act requires that they be either in the competitive civil service or subject to Senate confirmation. In other words, we may presume that the drafters of the plan did not necessarily want to place these positions in the competitive civil service, but they believed they had no alternative.

Incidentally, it is not clear from the testimony precisely why these positions are needed or what responsibilities will be assigned. There was some discussion before our committee, and earlier before the Appropriations Committee, about the desire of the Bureau of the Budget to place functionaries in the field to serve as problem solvers or ombudsmen. On

several occasions, as I understand, requests for field functionaries in the Bureau of the Budget have been rejected by the Congress. I am sure that every Member of Congress would want to know what kind of ombudsman services the Bureau has in mind for their districts and how many and what types of personnel would be involved.

OBJECTIONS IN SUMMARY

In summary, then, we disapprove Reorganization Plan No. 2 of 1970 for the following reasons:

First. The plan is not a genuine reorganization of the executive branch.

Second. The plan is not legally drawn.

Third. The plan would give the President a free-floating mandate to make further reorganizations without congressional approval.

Fourth. The plan would put the policy reins of Government in the hands of a faceless bureaucracy in the Executive Office beyond the reach of the Congress.

Fifth. The plan would blanket six new high-level positions for the Office of Management and Budget into the competitive civil service.

Sixth. The plan would threaten the integrity of the Civil Service Commission by permitting duplicative functions in the Office of Management and Budget for executive career development.

LEGISLATION AS ALTERNATIVE

In the bill, H.R. 17376, which we have introduced as an alternative to the plan, and which we promise to report out timely from the committee, the major objections to the plan are overcome. There is no transfer of functions from the Bureau of the Budget directly to the President. The Domestic Council is provided for, but its Executive Director would be subject to Senate confirmation, just as are the heads of eight other offices or councils within the Executive Office of the President. The bill also requires that the Executive Director submit an annual report to the Congress and provide the Congress with such other information as may be requested. Finally, the Domestic Council, under the bill, would have a tenure until June 30, 1973. In this way it could be determined whether experience warrants the continuation of the Council. Also, if a new President is elected in 1972, he would not necessarily be faced with a statutory organization he did not want to utilize. Under the plan, despite the emphasis on flexibility, the organization of the Domestic Council is frozen into permanence.

As you know, a reorganization plan must be voted up or down without amendment. The bill will give the Congress an opportunity to present amendments and to work its will on a complex and controversial matter.

In conclusion, I therefore request an "aye" vote on the resolution of disapproval which is before the committee.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. JONES of Alabama. In 1949 the members of the Hoover Commission made a report on this subject and it was

not accepted by the Congress. It was discredited and it was not even entertained as being a valid proposal.

Mr. HOLIFIELD. I think this plan reflects a similar principle; it is practically the same.

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

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

Mr. ROSENTHAL. Does the gentleman have an opinion as to why the President did not see fit under this plan to have the head of this proposed agency confirmed by the Senate?

Mr. HOLIFIELD. I can only make my deductions from what the Executive Director can do. The Executive Director will be the head of a staff of 90. He will not be confirmed by the Senate, nor will the 90 members of his staff be under civil service. Therefore, they can exert the claim of executive privilege and refuse to come before any committee of the House or of the Senate to testify as to their functions. Yet their functions are very important. They have to evaluate the programs. They have to coordinate the programs. They have to set the national priorities on these programs, in recommendations which they send to the President. The President can then send this to the Bureau of the Budget, and direct the Bureau of the Budget to implement it.

Mr. ROSENTHAL. It seems to me additionally, if the President sent such a nomination to the Senate, the proposed nominee would be subject to questioning as to his philosophy in the operation of this office. It may well be the President did not want that to take place.

Mr. HOLIFIELD. Well, that is one of the possibilities, although I think it is relatively unimportant, when we consider the more important fact that he will be behind the cloak of executive privilege and will not be responsive to congressional inquiries as to how and why he made certain recommendations, which we only see surfaced after the President makes his recommendations to the Bureau of the Budget and the Bureau of the Budget follows out the recommendations.

Let me say again, regarding this Domestic Council, the Director of the Budget is not on the Council, so he will not be privy by firsthand information and participation to the reasoning and the arguments that go behind the policies which they recommend, and the setting of the priorities on the programs which are before this group of political appointees.

Mr. ROSENTHAL. If the gentleman will yield further, it does seem strange to me that the head of the Office of Emergency Preparedness, which was organized by reorganization plan, the head of the Office of Science and Technology, which was organized by reorganization plan, and the head of the Office of Telecommunications Policy, which was organized by reorganization plan, are all subject to Senate confirmation.

Mr. HOLIFIELD. And the heads of other agencies, of which there are several, which I just read.

Mr. ROSENTHAL. It seems to me

painfully obvious that the head of this proposed agency has a far more important function, in the light of congressional responsibility, than the head of any one of these other offices. If the President and the Congress saw fit for the heads of these other offices to be confirmed by the Senate, then serious questions are raised as to why this man was shielded from Senate confirmation and the questioning of the Senate. This is such a vitally important proposal.

Mr. HOLIFIELD. Let me say I agree with the gentleman when he says that this position is far more important, for instance, than the Office of Telecommunications Policy, or any of the other offices mentioned, because this Executive Director and his staff of 90 are going to be looking at the full domestic system in the United States.

They are going to be evaluating some 400 programs.

Mr. ROSENTHAL. All of the programs that will be enacted will be the ones that will be evaluated. Yet this office which deals with a very narrow field has to be confirmed by the Senate. There is a deep and serious question raised in my mind as to why the Senate saw fit to shield this proposed head of the agency from Senate inquiry.

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

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

Mr. ERLENBORN. I understand from the questioning of the gentleman from New York and the answers of the gentleman from California, as well as the position that the gentleman from California took in committee and the bill he has referred to which has been introduced and which is now resting in the subcommittee, that he makes some comparisons between the Executive Director of the proposed Domestic Council, and other heads of agencies within the Executive Office of the President some of whom are confirmed by the Senate, as you pointed out. I would like to comment that most of those you have discussed—not all of them but most of them—head up operating agencies such as the Office of Emergency Preparedness, the Peace Corps, the CIA, and others. Let us make another comparison here, however. We have the Director of the Bureau of the Budget, who is certainly one of the most powerful figures in the Office of the President. I think the gentleman from California would agree he is not subject to confirmation by the Senate.

Mr. HOLIFIELD. Oh, but I must stop the gentleman at that point and tell the gentleman that there is a statute which makes the Director of the Bureau of the Budget available to the Congress. There is a direct statute in the law that overcomes the fact that he is not confirmed by the Senate.

Mr. ERLENBORN. Will the gentleman yield further?

Mr. HOLIFIELD. I yield.

Mr. ERLENBORN. I am aware that that is true, but I thought the gentleman from New York was making the point that a man who is subject to Senate confirmation can then be posed a question as to his political philosophy. It

seems to me what the gentleman from New York implies—and I guess the gentleman from California agrees with him—that the man who serves the Cabinet as well as the President in formulating domestic policy should be in tune with the political philosophy of the Senate rather than the President and his Cabinet, and that seems to make very little sense to me.

Mr. HOLIFIELD. No. I do not take that position. I say that the man who has such a powerful position as this is going to be a man with a big staff layered between the President and the Congress and that I believe he should be responsible to congressional inquiry as to his functions and decisions. If the President wants to keep this man within his own staff, which is the permanent staff that he has in his office, behind the cloak of Executive privilege, with all of the confidentiality that can be given to this man, that is one thing. When you take him out of the President's office as a presidential assistant and put him over here into a statutory body created by the Congress, then I submit you are doing a completely different thing.

Therefore, if the Congress creates by statute, it should have the right to inquire as to the functions of the individual. I had this experience with the Office of Science and Technology in a Democratic administration, I might say. We had an adviser to the President making decisions which were tremendously important in respect of different weapons defense systems, massive systems, with a great economic effect on the country. We could never find out why he advised that we should use system A as against system B. So I supported the reorganization plan which established the Office of Science and Technology as a statutory body and which requires the director of that office, Mr. Dubridge at the present time, to be confirmed by the Senate.

And, just 2 weeks ago before the Joint Committee on Atomic Energy, Dr. DuBridge appeared and testified as to the impact of atomic energy development on electrical generating plants, and what his ideas were with reference thereto. His testimony was most valuable and I was very glad that he did not have the cloak of Executive privilege surrounding him.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. I would like to raise one other point because of the questions about the responsibilities of the Bureau of the Budget under section 101 of the reorganization plan, the transfer of functions to the President which reads as follows:

There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget.

This means, in effect, that the Bureau of the Budget could be, if it has been transferred to the President, given to the Executive Director of the Domestic Council as one of his functions to operate as part of his responsibilities as

Executive Director of the Domestic Council and as supervisor of this staff of people who will be developing domestic policy and further insulate the Bureau of the Budget from contact with the Congress.

Mr. HOLIFIELD. Well, of course, that is the basic question. The gentleman has hit upon the basic point. Do we as the Congress want to isolate a powerful staff of 90 people in the pocket of the President—and I say this most respectfully—in the immediate Office of the President, with all of the powerful decisions that have to be made relating to the selection of programs and functions and assignments and powers? Do we want to isolate them and insulate them against congressional contact?

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, let me just point out the fact that we know there are some 58 statutory connections between the Bureau of the Budget and the Congress. Now, as one who has grown unfortunately accustomed to being a Member of the minority in this Congress, I like to have that statutory connection between the Bureau of the Budget and hate to see it go and disappear completely from the authority of the Congress to the total authority of the President.

I say this because the day may come when we do not have a President who happens to believe and share the same political philosophy as the minority Members of Congress. Then the minority Members of Congress would be in a worse position, vis-a-vis the Bureau of the Budget than they are at a time when the Presidency is in the control of another party. But, the Bureau of the Budget still has a statutory connection with the Members of Congress.

Mr. HOLIFIELD. That is right. The gentleman has brought up the fact of the statutory functions, and this is in the report, the listing of 58 statutory functions which the Congress placed in the Bureau of the Budget. Did the Congress act idly in so doing? My opinion is that the Congress acted with deliberation in placing them in the Bureau of the Budget and insofar as I know Congress wants them to remain there.

I want to be completely fair. If they are transferred to the President, the President can transfer all of them back, but he does not have to do so. He can transfer half of them back and retain the other half, or he can take the other half or any portion thereof and transfer them to another agency.

In each case here he would exercise the power that would be given in the plan to do this. He would transcend the will of the Congress as expressed in placing those 58 statutes in the permanent receptacle of a statutory body created by the Congress with a permanent institutional memory, where we can go to the Bureau of the Budget on the basis of a straight statute that says they have to give this information to the congressional committees.

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

Mr. HOLIFIELD. I yield to the gentleman from Louisiana.

Mr. WAGGONER. I thank the gentleman for yielding.

I do not have the concern that some people do that the head of this Domestic Council be confirmed by the U.S. Senate.

Mr. HOLIFIELD. Not the Domestic Council, but the Executive Director.

Mr. WAGGONER. Well, that the Domestic Director be confirmed by the Senate. I am not too concerned as to the civil service status of the supergrades because I at times have been critical of the supergrades and their policymaking authority which is immune from the will of any administration.

But I am concerned about the function of the Domestic Council and this is what I want to try to get clear. Is this Domestic Council in any way to be, if the presidential reorganization plan is approved, an operational agency?

Mr. HOLIFIELD. What meaning does the gentleman put on the word operational? They will operate, let me say it in this way, they will evaluate problems.

Mr. WAGGONER. Which some programs need.

Mr. HOLIFIELD. Yes, indeed; yes, indeed; they do need. But they will also coordinate programs which I admit some programs need. But they will also set the national priorities.

Let us say that program A which the gentleman is very much interested in, has No. 1 priority in the eyes of the Congress that created this particular program, and suppose that this Council acting through its Executive Director and its 90 staff members should advocate that it be given priority No. 11 in place of priority No. 1, and this recommendation would go to the President. The President could direct the Budget Bureau Director to assign that priority to it in the allocation of the funds.

Mr. WAGGONER. Can he not do that now to a point?

Mr. HOLIFIELD. Pardon?

Mr. WAGGONER. Can he not do exactly that now to a point in establishing priorities?

Mr. HOLIFIELD. He can do it to a point, but we can call the Bureau of the Budget Director before us, and we can say, "Why was this changed from priority No. 1 to priority No. 11? What is the thinking behind it? What was the reason for this coordination?"

Maybe this decision coordinates the program across several different agencies. Would we then have to go to each one of these departmental heads and ask them, many of whom were not present when the decision was made by the staff of the Council, although they may have approved them, to get the information? And should we not be able to call the Executive Director before us and say, "Why did you do this?"

Mr. WAGGONER. Is the approval of the Domestic Council required to administer or set into play any legislative act? Let us be specific. Let us talk about something I am very much interested in, which is public works. Is approval of the Domestic Council ever at any point in time required to gain approval of public works projects in addition to what the Bureau of the Budget presently does?

Mr. HOLIFIELD. I am going to let Mr. JONES of Alabama, a member of the subcommittee, who is on the Committee on Public Works, answer that.

Mr. JONES of Alabama. Mr. Chairman, the gentleman from California has been very explicit, and it says that priorities will be escalated through this superimposed body that will determine the priorities and needs of capital improvements in this country. So the consequences of that are that we are losing or we are lessening our capabilities as Members of Congress to determine the priorities and the needs and the geographical requirements of our country so that lessens what we have just been talking about. I concur with what the gentleman from California has said—

Mr. HOLIFIELD. It puts a layer of decision between the Bureau of the Budget and the President with the right to recommend to the President priorities on programs and policies.

Mr. JONES of Alabama. This will be a retardation of all the efforts that we have made.

Mr. WAGGONER. Mr. Chairman, if the gentleman will yield, let me ask one other question, if I may.

Could the President if given the authority he requests in this Reorganization Plan No. 2 transfer for example say, without being specific, functions of the Corps of Engineers to the Department of the Interior?

Mr. HOLIFIELD. I am not prepared to answer that from a legal standpoint.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I will yield to the gentleman in just a moment.

Out of the 58 statutes that are in the Bureau of the Budget, I do not believe any of those refer to the Corps of Engineers, but I might be wrong on that.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield again to the gentleman from Alabama.

Mr. JONES of Alabama. The question is not so much as to whether or not the Corps of Engineers will continue to exist, or another department or the Department of the Interior will continue. But there might be a reassignment of programs that are contained in the Corps of Engineers.

Mr. HOLIFIELD. That is as to the setting of national priorities.

Mr. JONES of Alabama. The Department of the Interior projects may be assigned to the Corps of Engineers.

What you are talking about is not a reorganization plan, as we sense it. It is a question of the functions of government. That is the total question we are examining here today. I hope and I plead that we will not retard the functions of government to be supplemented with a superimposed obligation to go through something more than they have to at the present time.

Mr. HOLIFIELD. I want to be as candid as possible and explain what I believe about the Corps of Engineers. I do not believe any of the functions of the Corps of Engineers would be disturbed by the President under this plan

except in the field of setting priorities for projects which they handle. That setting of priorities is clearly set out in the testimony we have, that this super layer of 90 people will set national priorities.

Now they cannot impose them, but they recommend them to the President and the President recommends to the Bureau of the Budget, which sets the levels according to these determinations by this Domestic Council.

Now the thing that I do not like about that is—you cannot get to the Council—the Congress cannot come to the Council to find out why the President told the Bureau of the Budget Director to put a certain priority on a certain project—for example, to set it back 5 years or 7 years—and put something else up, which is more attractive to the staff of the Council.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. BROWN of Ohio. I think the gentleman is discussing the whole point of this plan, and that is that the Department of Transportation, for example, could develop its own policy recommendations within the department and then go into the Domestic Council where its recommendations along with the recommendations of other departments are filtered through the staff of the Domestic Council, the 90 people—who may either take it then into account or ignore it or develop its own recommendations on any facts and figures or any other matter.

You have presiding over the staff of that Domestic Council, which comes up with policy, a man who is also the assistant to the President.

So here is policy being developed literally over the heads of Cabinet officers—a man who takes that in to the President for his consideration and who is the President's personal adviser. That is the problem. Because when the Department of Transportation then comes before, for example, the Interstate and Foreign Commerce to discuss this, he is discussing not a policy developed within the Department of Transportation but rather a policy developed—vetoed, modified, or changed—by the staff of the Domestic Council.

Now, whom do you get before the Committee on Interstate and Foreign Commerce, to come out with and name all of the inputs—or who can put together all of the inputs that went into the policy development within the staff of the Domestic Council?

The answer is "No one." Because this is a decision of the Executive Director and the Domestic Council has the cloak of executive privilege.

So really what you are doing is extending the cloak of executive privilege throughout the policymaking functions of the executive branch of Government.

Mr. HOLIFIELD. I find that this colloquy with my colleagues is taking a great deal of my time and I did want to get on to some other important points.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ERLENBORN. I thank my colleague for yielding.

Mr. Chairman, let me just very quickly make one or two points.

First of all, the plan we are considering does not add to or diminish the powers of the Office of the Presidency or of the Bureau of the Budget.

Second, we are talking of the formation of policy. This is now done, in part, by channeling suggestions from the various departments or agencies through the assistants to the President—those who have been described as the nameless and faceless people who make these policy decisions.

What we really would be doing with the Domestic Council is to allow the various Cabinet officers and agency heads to come in and participate in this process in a far more orderly and effective manner instead of trying to fight for the ear of the President through the assistants to the President.

Last, let me disabuse anyone if they have the idea that the Domestic Council is in any way going to be in the process of deciding the priorities for your particular public works project. It may be making recommendations to the President on such things as whether we should delay construction of Federal buildings, or something like that. But, it will permit consideration in a more effective way than is now done in an uncoordinated manner with the advice of his assistants and not in the formalized manner of having all the different agencies and Cabinet heads having an opportunity to participate in making recommendations.

Mr. HOLIFIELD. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I am very intrigued by the nature of the lobbying that has gone on with the use of appropriated funds on behalf of this reorganization plan.

I am sure all Members of Congress have received letters from six members of the President's Advisory Council on Executive Organization, on the stationery of that advisory council, mailed under the frank, apparently rototyped by two different people, because three are from identical typewriters and the other three are from identical typewriters, urging all Members of Congress to support the reorganization plan and to reject a motion to disapprove that plan.

I should like to get the opinion of the gentleman from California as to the use of appropriated funds from the President's Council on Executive Organization for this form of lobbying. It seems to me that this might well be either a violation of a statute or certainly a very improper way to approach the Congress.

Mr. HOLIFIELD. Will the gentleman from New York (Mr. ROSENTHAL) read the statute? I believe it will answer the gentleman's question.

Mr. ROSENTHAL. If the gentleman from California will yield, 18 U.S.C. 1913

reads as follows under the title "Lobbying With Appropriated Moneys":

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Then it goes on and suggests a fine.

Mr. HOLIFIELD. I believe the statute answers the gentleman very clearly.

I believe all the Members of Congress received these letters. The men are some of the finest businessmen we have in the United States. I do not believe that they knowingly violated the statute in regard to lobbying Members of Congress with money furnished by the appropriations process. I do not believe that they knew about this law.

As I have talked with them, I have found that in many fields they are very wise in their business proceedings, and that they are a little bit naive in governmental affairs.

They have probably innocently violated this statute, and I would certainly not ascribe any ill motives to them. They worked hard to prepare this plan. They were very anxious to put it over. I believe undue zeal on their part caused them to write these letters.

Therefore, I will let the facts stand as they do stand on that matter.

The CHAIRMAN. The gentleman from California has consumed 1 hour.

Mr. HOLIFIELD. Mr. Chairman, I reserve the remainder of my time.

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

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for one question, in preparation for his remarks?

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

Mr. ROSENTHAL. I believe the gentleman from California raised an interesting point. Whether or not Members of the House are offended by the lobbying is a question for their own individual concern, but I believe the gentleman did raise a point that the men who are on the Presidential Commission are all distinguished men and they are dedicated to making the Government and particularly the executive branch more efficient. On the other hand, they do not have, it seems to me, the same commitment to the congressional responsibility. They do not have the same understanding, presumably, that we do of the equality between the President and the Congress.

I wonder if at some point in the gentleman's comments he might direct him-

self to the imbalance, I think, created by this plan between the President and the Congress and the erosion of Congressional oversight responsibility.

Mr. ERLBORN. I intend to do that, in answer to the gentleman from New York.

My first comment, to deviate somewhat from what I intended to say first, is that I noticed a lot of eyebrows up over there on the other side of the aisle, as though they are really quite surprised that the President would like to see his plan adopted and that the executive branch of this Government would try to influence Members of Congress to support something. I know this has never been done in the past and it is a new attempt that really catches these gentlemen by surprise.

Now, Mr. Chairman, on June 27, 1968, Richard Nixon, who was then a candidate for the Presidency, said that he favored the appointment of a Commission on Government Reorganization to set in motion a searching fundamental reappraisal of our whole structure of Government. He made it clear that he felt the need was not to dismantle the Government but to reorganize it. In furtherance of this objective, the President in April of 1969 established the Advisory Council on Executive Organization. The chairman named by the President was Roy L. Ash, president of Litton Industries, Inc. Other members are George Baker, dean of Harvard School of Business Administration, former Texas Governor John B. Connally, and a member of the same political party as the gentleman from California, the gentleman from West Virginia, and the gentleman from New York; Frederick Kappel, chairman of the executive committee of American Telephone & Telegraph; Richard M. Paget, a member of the New York management consulting firm; and Walter Thayer, the president of Whitney Communications Corp. The Council was asked to make a thorough review of the structure of the executive branch and to recommend to the President solutions to the organizational problems of the maze of Federal departments and agencies and offices created throughout the years. The need for such a review is apparent when one realizes the last thorough review in restructuring of the Executive Office of the President was accomplished in the 1930's culminating with the passage of the Reorganization Act of 1939. It was by virtue of this act that the Bureau of the Budget became an integral part of the Executive Office of the President, which was created by that act. Since 1939, as we are all aware, new Cabinet-level departments have been created as well as innumerable agencies and offices. In addition, literally hundreds of programs requiring executive administration have been established. Most of them require coordination among several agencies with the State and local governments as well.

Yet, in the face of the increased complexity of management of the executive branch, no basic restructuring of the Executive Office of the President has been accomplished. It was this basic problem which seemed to be the key in

the opinion of the Ash Council to the several reforms in the executive management field and the executive structure that are so desperately needed to meet the needs of today. Thus Reorganization Plan No. 2 was suggested by the Council and enthusiastically adopted and recommended by the President. The resolution we are considering today would deny to the President the reorganization of his own Executive Office, which he and many others believe to be the cornerstone of the entire much-needed modernization.

The means to formulate policy; conduct proper management of programs; resolve conflicts in administration; conduct oversight, which is so badly needed, and evaluation of existing programs; and in general to make the promises of legislative enactment possible of attainment.

The plan would do two things. It has been fairly well explained in the report of the committee, and to a certain extent it has been explained by the gentleman from California in his presentation.

First of all, it would create the Office of Management and Budget. The gentleman from California has pointed out the functions now assigned to the office of the Bureau of the Budget would be transferred to the President, and he has stated in his message it would be his intention to redelegate them to the Office of Management and Budget.

Now, I shall address myself a little bit later as to the reason for this and the rationale behind it. But this would leave the Office of Management and Budget as the Bureau of the Budget is now to perform the same functions.

In addition, the plan would call for the creation of a Domestic Council. I think it is important to understand that the kinds of decisions which will be made by the Domestic Council will aid the President in making his decisions rather than as they are now being made.

We are not giving the President any additional power by this plan. The President now must make policy and recommendations without a formal structure for its formulation. The plan would for the first time formulate a structure within which there can be discussion at the Cabinet level before policy decisions are made. Also, as the Council and as the President referred to it, there would be some institutional memory of the organization itself. Yes, today, we have the President getting advice from the different Cabinet-level departments and agencies. I know we are all aware of some administration Cabinet officer feeling that he does not have the ear of the President, that he has to go through some assistant to the President, and he can only get his story across by doing this. So, who today is it that performs the functions the Domestic Council would perform? The various assistants to the President who may at one time or another gain ascendancy in the estimation of the President and be able to filter the information that reaches the President.

So, what difference would there be with the Domestic Council? We would have a formal structure where the Cab-

net members themselves could meet with the President as the chairman of this Council to discuss these problems so that the Cabinet officers would be making the decision as to what information the President should have about their departments and what they think should be the domestic policy of this country, rather than to have this filter through an assistant to the President as it has been done by President after President.

So, rather than consider the Domestic Council as some sort of structure that will insulate the President from the advice of his Cabinet, it is exactly the opposite. He is now so insulated by the assistants to the President who perform this function. The Domestic Council would provide a formal opportunity for Cabinet officers and agency heads to participate in meeting with and getting the information to the President and the alternatives which are available as to what is going on in the various departments and to give him alternative judgments upon which he can make determinations as to domestic policy.

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

Mr. ERLBORN. Yes, I yield to the gentleman from New York.

Mr. ROSENTHAL. I do not view this plan in any partisan light at all. Having said that, let me say this: I was very intrigued by what Mr. Hickel said on television last night to the effect that he had great difficulty in seeing the President. It would seem to me that would be a matter of a relationship which could be straightened out by telephone.

The gentleman has suggested it would make it easier for Mr. Hickel to meet with the President, but we would be doing that at the cost of eroding congressional responsibility and oversight. It seems that is the problem we are faced with here today.

Mr. ERLBORN. I shall be happy to answer the gentleman and to answer other questions which will be posed later, but I will address myself to that point right now because it seems to be the recurring theme of the opposition.

We know from the bill that has been introduced by the gentleman from California and the chairman of our subcommittee, the gentleman from Minnesota, what they would like to do as an alternative. Their bill would create a Domestic Council.

So I guess we are in agreement, I guess we do not have to argue the fact that we need a Domestic Council because they say in their legislation, "Yes, let us create a Domestic Council." So they must see some value to this as organizational structure. Their real complaints about the Domestic Council is first that the chief staff man, the Executive Director will not be confirmed by the Senate and second that the Executive Director and the staff of the Domestic Council will not be responsible to Congress.

The gentleman from California and the gentleman from Minnesota have gone so far as to suggest that the policymaking arm of the Presidency be subject to making annual reports to the Congress. The gentleman from New York suggests

that the chief staff man who serves the Cabinet officers and the President in their formulation of domestic policy should be subject to interrogation by the Senate to determine whether or not his political policy is in conformity with theirs. Now how ridiculous can you be? Presently you do not have the assistants to the President who are performing this function subject to interrogation by the Senate before they are appointed assistants to the President. Presently, you do not have anyone in the administration subject to a searching inquiry as to what all the various suggestions may have been that have gone into the Office of the President in the formulation of domestic or international policy by the administration. And to suggest that somehow or other Congress should reach into the Office of the President and control the staff of the President in helping him formulate domestic policy seems to me to be utter folly and nonsense, and yet this seems to be what they suggest we should do.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. Mr. Chairman, I would ask the gentleman do not Cabinet officers today get a review on a senatorial basis as to their approach in the policy development role, and yet the Senate does not draw a line between whether the Senate and the Presidency are held by the same political party? It is the prerogative of Congress to get into the policymaking areas. And if the Executive Director of this Domestic Council is going to supervise 90 people who will have a hand in the policymaking decision area it seems to me it is not such a ridiculous suggestion that he be confirmed by the Senate anymore than it is for a Cabinet officer.

Mr. ERLENBORN. I would suggest to the gentleman from Ohio in answering his question that policy is formulated probably in more than one place. It is not formulated only by the President. I think Congress has a role in formulating policy. I think the President has a role in making recommendations as to the formulation of that policy. And I do not know of any President who has suggested since we are working together, the executive and legislative branches, in the joint formulation of policies that the President ought to have some say as to who we hire on our staff in our job of making policy or that the President ought to have our staff reporting to him annually so that he knows what is going on in the legislative branch on the formulation of policy here in Congress.

Now I would like to go through the several objections that have been raised and try to answer them one by one. I do not think that anything new has been raised in the debate so far on the floor that was not in the report of the committee.

First of all it has been suggested in that report and here on the floor that all that needs to be done can be done more properly by the introduction of legislation. And some legislation has been introduced.

First of all I think that time is a factor. I think the job of reorganizing the

Office of the President to make the Presidency as an institution more responsive and able and capable of performing its functions is upon us. I do not think there is any assurance, in fact I think hardly anyone would believe that we could complete legislative action in passing such a bill this year.

Second, I think the suggestions for the bill, as I have seen them, would probably make the contents of the bill less than acceptable to the President.

For instance, and this one item that I have already mentioned—the confirmation of the Executive Secretary of the Domestic Council by the Senate and the reporting by the Domestic Council annually to the Congress.

I know that this reorganization cannot be accomplished as timely, via legislation. Nor do I think the legislation would be effective in doing what the President ought to be able to do.

The point has been made by the subcommittee and the full committee and reiterated in the report and again on the floor of the House here today, that somehow or other this plan violates the Reorganization Act. This can be a complicated legal argument, and I hope I will not get that deeply involved in it.

First of all, let me say there are two conflicting opinions, as the gentleman from California pointed out—one from the General Accounting Office and one from the Attorney General. The gentleman from California seemed to be surprised that the Attorney General would be issuing legal opinions. Of course, if he had not, we would only have one opinion from the General Accounting Office, and it was requested by the gentleman from California and it was favorable to the position that he held. So, let us be thankful, the Attorney General has rendered an opinion so a competing viewpoint can be heard.

The provision that the gentleman from California claims is contrary to the Reorganization Act and, therefore, makes the plan illegal, is the reference to the Executive Director of the Council.

I would like to read the language of the Reorganization Act that the gentleman relies upon. I will do this by leaving out some language which I do not consider to be necessary in the interpretation, so that it will only be a portion of the language, but it is, I think, the operative portion.

This is in section 904, subparagraph (2) of the Reorganization Act, United States Code 901-913, Reorganization Act of 1949, as amended.

It reads:

A plan may provide appointment and pay for the head of one or more officers of an agency * * *.

Then it goes on later to say:

The head so provided may be an individual or it may be a commission or board with more than one member * * *.

The very next sentence says:

In the case of such an appointment * * *.

And that is in the singular and I would suggest that that refers back to the preceding sentence which talks of the head of an agency.

But it reads:

In the case of such an appointment, if the appointment is not to be in a position in the competitive service, it shall be by the President with the advice and consent of the Senate.

I submit that what this requires is that a head of an agency created by the plan must be competitive service or be confirmed by the Senate.

Under the interpretation put upon it by the General Accounting Office attorneys and by the gentleman from California, it is that all officers must be either in the competitive service or subject to confirmation by the Senate.

Even if this were true, I submit that there is no office created by this plan of the Executive Director. It provides an assistant to the President—an existing office, a person appointed by other provisions of the law—shall serve as the chief of the staff of the Domestic Council.

There is no provision in this plan for the pay of an assistant to the President and the Attorney General has so ruled—that the President has power under existing law to appoint an assistant to the President and to fix his compensation and to delegate to him whatever functions he wishes him to perform.

There is merely an acknowledgement in this plan that the President intends to delegate functions of the Executive Director of the Council to an existing official that he has the power to appoint—and that is the assistant to the President.

So I submit that the argument is not sound, that this violates the Reorganization Act. I think the reorganization plan before us conforms in all respects to the Reorganization Act.

The objection also is raised that the existing functions of the Bureau of the Budget are transferred to the President.

The President in his message indicated that he would redelegate these to the Office of Management and Budget.

Let me read here recommendation No. 3 for the executive, recommendations of the first Hoover Commission.

The President should not be prevented by statute from reorganizing the President's Office and from transferring functions and personnel from one part of it to another.

I think what is suggested here is in keeping with that recommendation.

It is also recommended in the first Hoover Commission report, and I think it was repeated in the second Hoover Commission report, that the head of a department or an agency should be the one in whom functions reside, and he could then delegate to his subordinates the power to perform those functions. The Hoover Commission has warned us against creating separate authority in a subordinate of an agency. That again is a parallel to what we are doing in this plan.

The head of the Executive Office of the President obviously is the President. In him the function should reside. People who serve in the Executive Office of the President should not exercise independently power that is given to them, but this should flow through the President, and that is what the plan would do, and it conforms with the substance of the recommendation of the Hoover Commissions.

I think I have already pretty well covered the objection that the Executive Director of the Domestic Council and his staff would not be accountable to Congress.

Let me just suggest one other thing about that, however. It has been suggested that you would not be able to get the Executive Director up here to testify, to justify the policy recommendations of the President or of the administration. I think that this is only right. The Executive Director would be one in the position of doing the staff work for the Domestic Council composed of Cabinet officers. The Council would make recommendations to the President for domestic policy that might then become the administration's policy. That policy should be supported by the different Cabinet heads and agency heads, not by some sort of super secretary for domestic affairs.

If the Executive Director were to be subject to being called before the committees of Congress on all domestic affairs, he would not have time to do anything but be here on the Hill testifying before the committees. The mere fact that you had such a person who could be called upon by the committees would downgrade the importance of the Cabinet officers who are the ones who should come here to justify the policies that have been recommended by the administration within the scope of their departments. So that I think it would be a sad mistake to have this sort of super secretary subject to testifying on all domestic policy and downgrading the importance of all the Cabinet officers.

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

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

Mr. MOSS. I wonder if I misheard the gentleman. The gentleman stated, as my notes indicate, that we would have this important new position doing the staff work of the Cabinet officers.

Mr. ERLENBORN. Doing the staff work for the Domestic Council, which is composed of Cabinet officers and agency heads.

Mr. MOSS. I believe the gentleman's words were "Cabinet officers."

Mr. ERLENBORN. I would hope the gentleman would not argue about semantics. The Domestic Council is composed of Cabinet officers and agency heads and those that the President may call in from time to time on an ad hoc basis. The staff work of the Domestic Council is to be performed by the Executive Director and those on the staff under his direction.

Mr. MOSS. I hope the gentleman would not feel I was indulging in semantics. I submit it would be a substantive difference between having the staff work done for the Cabinet and having some of the members of the Council doing that staff work or substituting. That is very different.

Mr. ERLENBORN. I hope the gentleman is reassured.

One of the other objections that has been raised and I do not think has been discussed very much on the floor here today—and I shall discuss it—is the question of the six new Executive Level V positions in the Office of Budget and

Management. The point is made, somewhat contrary I think to other arguments at other times in the same controversy by those who oppose the plan, the point is made that these people are rather frozen in. These are going to be career civil servants. It seems to me the gentleman from California was arguing that the Reorganization Act required an Executive Director of the Domestic Council to be in the career service to conform with the reorganization plan of 1949.

But, that aside, I do not see any problem with an Executive Level V in the Office of Management and Budget. Yes, these are career positions. We already have executive level personnel in career positions in the Bureau of the Budget. This is nothing new. And I would point out that any of these people who are in executive level positions are not protected in their jobs. The civil service protection does not say this man holding this job will be forever in that job.

Yes, these are positions in the Office of the President, and the President ought to be able to change them—and he can under the civil service laws. The man is protected at his level. He can be shifted to another job. If someone is appointed to take his position in the Bureau of the Budget, he can be placed in another similar position—but he is not protected in the job.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, of course, in my opinion, this is the point, which is that we are creating six new Level V positions at \$34,500, placing them in there with civil service tenure, and when the bumping process starts, that can mean he can bump lower grade people all down the line and retain his standing. They may be assigned to different jobs, I agree to that, but we are taking six political appointees and blanketing them in at Executive Level V with all the bumping privileges of career people who have been there for 20 or 25 years.

Mr. ERLENBORN. The gentleman may have some objection to the present civil service laws. I would only submit again we already have executive career people in the Bureau of the Budget, and there is no difference at all in that situation from this. They are entitled to the same bumping process.

Mr. HOLIFIELD. If the gentleman will yield again, they are in their places by longtime service, and these are political appointees who are set in above them. That is the point I am making.

Mr. ERLENBORN. The gentleman may differ with me, but my understanding of the civil service laws is that the executive level people now in the Bureau of the Budget are just as much political appointments. They have not necessarily come up any career ladder. It may, in fact, be they came up a career ladder, but the executive level appointments are not in the competitive service, and they do have to rise through that competitive service. So I think the situation the gentleman complains of exists today in the Bureau of the Budget, and if the gentleman wants to change the civil service laws, I think he will have to go to another committee.

Let me say, an objection was made in

committee, and I have not heard too much objection about it on the floor, but I will anticipate those who read the report of the committee or may have this question on their minds—the objection was to downgrading the position of the Civil Service Commission in the formulation of programs for the attracting of career civil servants on the executive level of the civil service and training them and developing their careers and retraining them in the career civil service.

The plan does make reference, or the message of the President transmitting the plan does, to a function of this sort to be performed by the Office of Management. As a matter of fact, one of the things this plan would do would be to put greater emphasis on management. It would put greater emphasis on the management functions the Bureau of the Budget presently has—and many people do not realize it has presently those management functions. They look upon the Bureau of the Budget as merely a bookkeeping and budget operation.

I think it is important that we do take a greater degree of interest in management in the executive branch of this Government. As I pointed out earlier, I think the only way the things we promise to the people in the legislative enactments can ever be fulfilled is if we have good management.

But let me, to forestall any fears that the Bureau of the Budget or the Office of Management and Budget will be taking over from the Civil Service Commission, just point out this, which is not denied, I am sure, by anyone who is familiar with the Reorganization Act: No new duties can be created by a reorganization plan. No new functions are created by this plan. The only things the Office of Management and the Executive Office of the President can do if this plan is adopted are those things that they are presently authorized to do. No functions of the Civil Service Commission can be taken away by this plan. The Civil Service Commission is not even mentioned in the plan.

To again set at rest any fears anyone may have, let me point out that on the very last page of the report, issued by the committee, there is a letter to the chairman of our subcommittee from the Chairman of the U.S. Civil Service Commission, Robert E. Hampton, endorsing this plan. Certainly he would not be endorsing a plan which would downgrade the importance of or the functions of the Civil Service Commission.

Mr. Jones, now in the Bureau of the Budget, the former Chairman of the Civil Service Commission, who is very knowledgeable in the field of management, testified before our subcommittee and did an excellent job of explaining the reasons why this plan should be adopted. He, as a former Chairman of the Civil Service Commission, explained that no diminution of the powers of the Civil Service Commission could be or were contemplated by this plan.

I believe I have answered each objection, one by one. Let me sum up by saying if there is any place the President of the United States should have some freedom of deciding what the organiza-

tional structure should be, so that an agency can operate and function properly, it ought to be in the Executive Office of the President.

The President should be allowed to have this plan go into effect. The work of the Ash Council should be endorsed by a rejection of the resolution of disapproval.

The National League of Cities, as Members probably all know, supports this. I do not believe anyone is going to object to their lobbying by sending letters to Members of Congress. I believe each Member of Congress got a letter from the National League of Cities strongly endorsing this plan. The National Conference of Mayors endorses this plan. An editorial in the New York Times, I believe on Monday of this week, strongly endorsed this plan.

We have, I consider, a very good reason to reject the resolution of disapproval, to allow the President to have the kind of reorganization that will upgrade the functions of his office so that he can perform the necessary duties of his office.

I hope all Members will join with me in rejecting the resolution of disapproval.

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

Mr. ERLENBORN. I yield to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise in support of Reorganization Plan No. 2. I believe it is a definitive step in the right direction in management in our Government. The people are asking for this kind of plan.

I associate myself with the remarks of the gentleman from Illinois, the able chairman of our Subcommittee on Executive and Legislative Reorganization.

It seems to me of utmost importance that we should today reject House Resolution 960, and approve President Nixon's sound and timely plan to exercise management responsibility.

Never before has a President been confronted with domestic issues of such vastness and complexity. Never before has the need for an Executive structure adequate to effectively plan, coordinate and evaluate domestic policy been as critical.

By his appointment of an Advisory Council on Executive Organization, the President redeemed his campaign pledge "to set in motion a searching fundamental reappraisal of our whole structure of government."

This plan is the first fruit of that reappraisal and gives promise of enabling the President to strengthen his control of the biggest, most sprawling executive branch in history.

I reject the arguments that have been advanced against the plan, but I do believe that much of the criticism could have been blunted had congressional input to the plan been possible earlier in its development. On the first day of this Congress I introduced H.R. 423 which would establish, on a continuing basis, a Commission on the Organization and Operation of the Executive Branch of the

Government. I, and scores of other Members, have introduced such bills in previous Congresses as well. This type of commission which would include congressional Members has not been viewed with favor by any administration since Truman presumably because the Executive would prefer to keep control. However, congressional participation on the advisory panel might well have anticipated and obviated some of the objections heard now and, by the same token, a nucleus of bipartisan congressional support for the plan would be in existence before the plan was transmitted to the Congress.

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

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

Mr. FINDLEY. I should like to compliment my colleague from Illinois for a very thorough and skillful presentation of the arguments for the reorganization plan.

Further, I should like to clarify a point. Am I correct that the President has enough authority to effect the substantive changes which are contemplated by this reorganization plan without reference to Congress? This means except for actual name change, and that alone.

Mr. ERLENBORN. I believe the answer to that, honestly, is "Yes." Most of the substantive changes which the plan would bring about the President could do by Executive order or internal reorganization. As to the creation of the council, many councils have been formed by Executive order or by informal action of the President.

I believe it is all to the credit of President Nixon that he sent up in the way of a formal plan so we could consider it.

Mr. FINDLEY. It is a demonstration of good faith toward the legislative branch, would the gentleman not say?

Mr. ERLENBORN. I would agree.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. ANDERSON of Illinois. As a former member of the Committee on Government Operations, I have listened with great interest and appreciation to the extremely lucid presentation of the gentleman from Illinois. I certainly want to congratulate him for his statements of fact today and to associate myself with his remarks, and also to thank him for his memorandum or letter of May 12, 1970, which I believe he addressed to each Member of the House, in which he undertook to answer point by point some of the objections that have been raised. Certainly he has succeeded in convincing me of the wisdom of adopting this plan.

I noted with great interest the various endorsements it has received. I would ask the gentleman am I not correct that Mr. Joseph Califano also, who was at one time the chief domestic officer in the White House under President Johnson, has endorsed this particular reorganization?

Mr. ERLENBORN. The gentleman is correct. Mr. Califano last Friday in an

appearance before the Committee on Government Operations in the other body gave a very strong endorsement to this plan. Certainly this is a man who is well aware from experience of the problems that the President faces in the organization of his office and the kind of structure his office should have.

I would also point out that Mr. Califano made a similar recommendation for the Domestic Council many years ago. This is not a novel idea that was thought up by the Ash Council. Many people, including Mr. Califano, have suggested this sort of reorganization years ago.

Mr. ANDERSON of Illinois. If the gentleman will yield further, I thank him again for his explanation and join him in support of the reorganization plan.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I was interested in the response that the gentleman from Illinois gave to the question of the gentleman from Illinois (Mr. FINDLEY) concerning the power of the President to carry out these changes without this plan which we are considering here. I gather, then, that all we are really doing today is authorizing this 90-member staff. Is that correct?

Mr. ERLENBORN. No. I could certainly not agree with the gentleman on that. I said most of the basic things done by this plan the President could do. The creation of the domestic council, for instance. As a matter of fact, I do not think it would take any particular authority from the Congress to authorize the staff. I do not think that is really the basic point of this plan. The President has additional staff people in the Executive Office from time to time without affirmative authorizing action by legislative committees. I think that is more a budgetary matter. So I could not agree with the gentleman that that is the substance of the plan.

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

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

Mr. ROSENTHAL. Is it the gentleman's position that if we permitted this plan to become law, it is an empty gesture and there is no requirement for it?

Mr. ERLENBORN. Hardly. The gentleman knows that I do not consider it anything like an empty gesture. I think it is an exciting proposal for a reorganization that is long overdue. I think it is a very important thing to give the tools to the President to perform those functions which we expect him to perform.

I know that people across this land are getting disenchanted with Government because it is apparently not responsive to their needs. We know that mayors find there are too many points of contact and young people feel that nobody is listening to their voices and there is criticism that there seems to be no coherent policy in Government. It is the tools of management that are sought by this plan and the additional powers that the President will be seeking in the Executive Office and other executive departments that are going to make the

executive branch of this Government responsive to these demands across the country for better execution of our laws and the fulfillment of the promises that we make.

I think time after time we have passed legislation here holding out the promise of solving the problems of people and then they get bogged down in administration to the point where there is great disappointment with them. People get disillusioned. The promises are not fulfilled. It is only through better organization and a better executive branch that we will be able to avoid that pitfall in the future.

Mr. ROSENTHAL. Will the gentleman yield again?

Mr. ERLBORN. I will be happy to yield to the gentleman.

Mr. ROSENTHAL. Am I correct in understanding the gentleman's response to the gentleman from Illinois (Mr. FINDLEY) was that the President could have done all of these things he seeks to do in this plan without the plan? He already has existing the statutory authority to do everything?

Mr. ERLBORN. No. The gentleman misunderstands. I said most of the substance of it could be done by Executive order.

Mr. ROSENTHAL. Could the gentleman tell us what he could not have done that he seeks to do with the use of this plan?

Mr. ERLBORN. Well, I do not know that I need to go into all of that. There are a few things that could be done only by a reorganization plan. One is to accomplish the recommendations of the Hoover Commission which focuses the responsibility for the exercise of authority in the head of the particular agency or department. There are several others.

Mr. ROSENTHAL. I am getting the feeling from the dialog that is going on here—not that we are being used in this thing—but the gentleman may well be correct that the President did not even need this plan and that this is some kind of response to the needs of the country for better management and this was the manner in which the President sought to do this.

Mr. ERLBORN. I cannot agree with the gentleman. I think anyone who read the message of the President in transmitting this plan would know he feels the need for this reorganization and he wants the cooperation of this Congress in giving him the kind of structure in his office that will be responsive to the needs of the people.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. HENDERSON), the chairman of the Subcommittee on Manpower of the Post Office and Civil Service Committee.

Mr. HENDERSON. Mr. Chairman, I want to thank the chairman of the subcommittee for yielding to me and especially at this time in the debate.

I have not given attention to and do not feel qualified to talk, perhaps, on the merits of Reorganization Plan No. 2. But I feel compelled to point out what, in my opinion, is going to happen to our civil service system.

Mr. Chairman, I rise in support of House Resolution 960.

As a Member of Congress and as vice chairman of the House Committee on Post Office and Civil Service, I oppose the President's Reorganization Plan No. 2 because I feel it could be used as a basis for downgrading the statutory authority of the Civil Service Commission, endangering the nonpolitical nature of the civil service system and making the system subservient to the Executive Office of the President.

In his message transmitting the plan, the President stated:

The new Office will also take the lead in devising programs for the development of career executive talent throughout the Government. Not the least of the President's needs as Chief Executive is direct capability in the Executive Office for insuring that talented executives are used to the full extent of their abilities. Effective, coordinated efforts for executive manpower development have been hampered by the lack of a system for forecasting the needs for executive talent and appraising leadership potential. Both are crucial to the success of an enterprise—whether private or public.

The Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of civil service, in the broadest sense of that term.

Mr. Chairman, what does this mean? I fear that it simply means that, in time, a political patronage system, controlled by the White House, in which appointments and promotions to the top career positions in the executive branch would be politically motivated. Maybe President Nixon does not have this in mind; but the possibilities are always at hand.

We were disturbed at times during the Kennedy and Johnson administrations by a Presidential appointee serving in the dual capacity of Chairman of the Civil Service Commission and also as talent scout for top political jobs for the White House. Then too, there were brief rumblings of discontent when the word went out in 1967 that newly appointed career civil service supergrade personnel, people in the top Classification Act jobs GS-16, GS-17, and GS-18 had been invited to the White House for tea.

I regard the above as minor in comparison to what might well evolve from the plan, as detailed by President Nixon, in his message of March 12, 1970, to the Congress.

We have in the Federal Government's executive branch some 8,100 positions in the salary range of career executives, GS-16 level and above, plus about 22,000 employees who are in Grade GS-15. It is from the Grade 15 that many of our replacements go into the supergrade positions. My point here is that there is considerable personnel turnover every year. There are needs for overall control of our merit system.

The House Committee on Post Office and Civil Service, charged by the Congress with the preservation of the merit system in recruiting, hiring, training, promotions, and use of civilian personnel, in turn, looks to the Civil Service Commission for monitorship. Reorganization Plan No. 2 simply takes from the Civil

Service Commission a significant degree of such authority. Congress under the proposed plan would lose that degree of control over the employment and retention of thousands of high level Federal personnel.

For this important reason, Mr. Chairman, I must vigorously oppose Reorganization Plan No. 2, as it is now proposed. Plans for more control or better control of the vast operations of our departments and agencies, provided by this reorganization plan, are for naught if we also by such reorganization open the door for "buddism" instead of the merit system.

Mr. Chairman, at this time, with numerous and varying personnel problems throughout the departments and agencies of the Federal Government, I believe our Government would be much better off by investing more responsibilities, personnel know-how, and funds in the Civil Service Commission rather than weakening this "watchdog" agency.

Mr. Chairman, in conclusion may I add that during the course of the public hearings on this plan—a former Member of this body, a former chairman of the House Committee on Civil Service, and later Chairman of the Civil Service Commission, Mr. Robert Ramspeck, spoke out strongly against any plan to take from the Civil Service Commission control of top positions in the Federal Government. National presidents of two of our largest Federal employee organizations, Mr. John Griner and Dr. Nate Wolkowir, each strongly oppose the plan.

Mr. FINDLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the resolution of disapproval. I would like to observe that what I think the young people, and people generally, are crying out for today is a little independence in their legislators and a little more definitive defense of the legislative prerogatives.

Mr. Chairman, seldom is it necessary for a President to avail himself of the unique opportunity provided by the Reorganization Act to bypass both the leadership and the legislative committees of the Congress with a reorganization package not subject to amendment.

The record will show that the most common form of reorganization is by statute, by positive substantive law, reviewed by the appropriate committees, and amended as the Congress sees fit.

Why did the President choose the less usual unamendable reorganization plan route for this particular package today? The answer should be obvious. Statutory reorganizations are open to amendment, and this plan, repugnant and damaging in some of its aspects to congressional prerogatives, would never survive the legislative process intact.

The question was asked by the gentleman from New York (Mr. ROSENTHAL) about what things this plan does or accomplishes that could not be accomplished simply by Executive order.

If the gentleman will look at the additional views that I have submitted in the committee report in connection with this reorganization plan, he will find

them listed on page 20 and they are as follows:

First, the plan changes the name of the Bureau of the Budget to the Office of Management and Budget in order to convey a greater sense of commitment to the management needs of Government.

Second, this plan is necessary to overcome the limitations of the Russell amendment which places some limitations on funded interagency committees and similar units created by Executive order.

Third, to create six executive level V positions in the Office of Management and Budget, the plan is required.

Finally, the plan is absolutely necessary to authorize the President to receive total discretion in redelegating Bureau of the Budget functions to whatever agency or individual he chooses.

The objectionable aspects of the plan are pointed out in the committee report and effectively summarized on page 3.

I would only highlight a few of them here.

In the first place, as the committee report indicates, this plan violates the statutory requirement of the reorganization Act that officers authorized by reorganization plans be either confirmed by the Senate or be in the competitive civil service.

In disregard of this requirement of law, Reorganization Plan No. 2 provides that the Executive Director of the Domestic Council shall be an assistant to the President who, thus, is neither in the competitive service nor subject to Senate confirmation. As a Presidential assistant, he becomes cloaked in a silent shroud of executive privilege.

The plan may in fact name the nameless—but named or not, the Executive Director is still voiceless so far as the Congress is concerned.

If the basic Reorganization Act itself of 1949 which is used as authority for this reorganization plan is not an unconstitutional abdication to the President of essential legislative functions with which Congress is invested, it is at least a reversal of the constitutionally prescribed legislative process and is, to the degree that it strengthens the hand of the President vis-a-vis the Congress, in derogation of the power of Congress. As such, the Reorganization Act should always be strictly construed.

And this is not the first time that the administration has sought to stretch the limits of delegation under the Reorganization Act. For example, Reorganization Plan No. 1 of 1969 had the effect of authorizing an agency to exercise a function not expressly authorized by law despite the proscription of the Reorganization Act in this regard. The Interstate Commerce Act, under which the Interstate Commerce Commission was established, made no provision for selection of a chairman, yet plan No. 1 authorized the President to designate the chairman. In attempting to validate this apparent illegality, a previous violation to the same effect was cited by the administration spokesman as a precedent. That is a sad commentary on this process.

So it will be if we sanctify this ille-

gality, it will become a precedent for the next violation.

Second, by permitting the transfer of all of the existing functions of the Bureau of the Budget to the President with almost unlimited power to redelegate, we will sanction the further obscuring from Congress of large and important areas now under our cognizance.

The establishment of the Domestic Council, chaired by the President, does not in itself concern me.

The President already chairs meetings of his Cabinet, or of such members thereof as he chooses to convene, such as the Urban Affairs Council and the Rural Council. But Reorganization Plan No. 2 freezes this structure into law for all future Presidents. Thus, I am more concerned about the effect of the plan in rendering unaccountable to Congress and beyond the power of Congress to question the Executive Director of the Domestic Council and his large staff who are charged with supporting policy development.

Moreover, the Domestic Council will find itself sandwiched between the upper and nether millstones of a Presidential assistant advising the President on policy decisions on the one hand and acting as Executive Director of the Domestic Council, developing policy recommendations, on the other hand. Incredibly enough, these two responsibilities will be exercised by the same person.

While wearing the hat of Assistant to the President, the President's chief aide will continue to be interposed between the President and his domestic Cabinet. He can mute the voices of the very Cabinet officers who are entitled to be heard by the President on the great domestic issues that concern them, and make it more difficult for Cabinet secretaries to respond to congressional committee jurisdiction over their departments.

When this omnipresent individual puts on his other hat as Executive Director of the Domestic Council staff, he will insulate the Cabinet officers from their own departments as he and his staff filter information flows and alternative proposals from the departments and, in effect, control policy formation. Initiative could be impeded, alternatives blocked, and originality stifled as a strong staff director hammers out a consensus.

In thus bestowing additional power and prestige upon his principal assistant, the President may be aggravating problems which have already occasioned widespread concern. Evidences of this concern are revealed in a number of recent articles which I shall place in the RECORD following my remarks.

Let me quote the headline of only one of them, and that is the May 8th copy of the Wall Street Journal, which states, "An Inaccessible Nixon Stirs Anger and Despair Within the Administration. Aides Charged With Isolating the President. Some Officials Are Talking of Resigning."

The question raised here is whether or not the administration—the President—who has the ultimate responsibility—the man at whose desk the buck stops—is going to be more insulated from his Cabinet officers by this plan or whether

his administration will be more available to those people who are actually charged in connection with the congressional process with the policy development responsibilities that Cabinet officers have traditionally had.

The burden of these articles is that Cabinet officers are insulated from the President by his aides. To elevate one of these aides to an even higher level of influence could only serve to further diminish each Cabinet officer while increasingly shutting off direct and private contact with the President.

Finally, it is very difficult to give a strong answer to the argument that the President should be permitted to reorganize his own personal office. However, that argument is not appropriately applied to this reorganization plan today. More than the President's Office is involved. We are asked to sanction today fundamental changes in the power structure of Government—the relationship of Congress to the Bureau of the Budget and the various Cabinet departments.

I think it is not too strong a statement to say that we are being asked to approve in this irregular reorganization plan procedure, the creation of a nonelected vice president for domestic affairs. While that idea may not be all bad, Congress, through appropriate committees of jurisdiction, should have been able to make its input to such reorganization.

To that end, then, the idea of an effective reorganization, I support legislation which has been introduced to authorize a number of the desirable aspects of the proposed reorganization plan. It is my hope that this legislation will be moved along rapidly and it will provide each Member a reasonable opportunity to pass upon the merits and demerits of such proposal as opposed to the non-amendable reorganization plan approach.

Contrary to those who are critical of this action of disapproval, I am not seeking to deny the President his right to run his affairs. We are instead seeking to exercise our constitutional right as a legislative body to work with him cooperatively to establish the structure best suited to safeguard and advance the rights of our mutual constituencies.

Mr. Chairman, I include at this point the newspaper articles I referred to:

[From the Wall Street Journal, May 8, 1970]

AN INACCESSIBLE NIXON STIRS ANGER AND DESPAIR WITHIN ADMINISTRATION—AIDES CHARGED WITH ISOLATING PRESIDENT; SOME OFFICIALS ARE TALKING OF RESIGNING—WHITE HOUSE STAFF'S DEFENSE: TURMOIL AT THE TOP

(By Richard F. Janssen)

WASHINGTON.—A deepening malaise grips the highest levels of the Nixon Administration, as many of the men the President picked to help him run the Government find themselves increasingly cut off from access to the Chief Executive himself.

Cabinet members and sub-Cabinet officials complain that Mr. Nixon is insulated from them by a screen of elite aides; information and competing opinions fail to filter through to the lonely Oval Office. Issues pile up awaiting decision. When a decision does finally emerge, the Cabinet men and their top lieutenants may find it unrecognizable; their

counsel has been overruled by the men in the tiny innermost circle.

Morale sags. Men who planned to stay the course now talk of leaving, and men who planned to leave at the end of the year talk of leaving now.

MANY ISSUES OF INVOLVED

The troubling situation can hardly be overstated. The unhappiness and disillusionment is deep and wide, predating Cambodia and Kent State and encompassing a range of domestic and foreign issues. Interior Secretary Walter Hickel's plaintive bid for the Presidential ear—a Cabinet member forced to write a letter and leak it to the press in order to obtain the President's attention—is merely the most dramatic and public evidence.

Consider these other examples:

Secretary of State William Rogers and Defense Secretary Melvin Laird have been caught off guard by some of the most momentous Nixon decisions regarding the Southeast Asian war, in part because of White House fear that their departments can't keep secrets.

Housing Secretary George Romney, reading the papers while on vacation in Hawaii, learned for the first time that the White House was contemplating deep cuts in his Model Cities budget. He is now back here—"hopping mad," according to a top aide—demanding a face-to-face confrontation with the President before a final decision is made.

A high Commerce Department official with a pressing question about a vital foreign trade policy problem strove in vain for one whole year to obtain an audience with the appropriate White House staffers.

A Transportation Department chieftain needing a Presidential yes or no on a plan for preserving rail passenger service was sidetracked so long that he toyed with the idea of stomping into the White House and setting up an electric train to dramatize his frustration.

AN OLD COMPLAINT

Disappointment over lack of access to a President is nothing new in Washington; a common capital cliché has it that the scarcest commodity in the world is the time of the President of the United States. But Nixon appointees can recite that cliché with unusual feeling—and now that Cambodia and the campus are such overriding concerns, officials handling less dramatic matters can expect to find the President even less accessible than before.

The lack of Presidential attention and the absence of clear policy positions result in frustrated floundering by administrators in such fields as budget and taxes, foreign trade, consumer protection, farm price props, school desegregation, urban improvements and the war on poverty.

Recent weeks have produced some agonizing economic developments, ones that presumably should have been receiving top-level attention and analysis. Yet at one time or another four key economic policy-makers—Treasury Secretary David Kennedy, Budget Director Robert Mayo, Commerce Secretary Maurice Stans and Federal Reserve Board Chairman Arthur Burns—were out of the capital on assorted missions in South America. Aides suggested, only partly in jest, that their bosses all figured they would be having no greater impact on policy remaining in Washington than traveling abroad.

BACK TO THE UNIVERSITY

Numerous second-level Administration men talk in private about cutting short their service in the Government. One sub-Cabinet-rank official who had expected to have a major role in making economic policy feels sufficiently shut out to be thinking now of leaving by the end of the year, rather than staying the whole four years. Another sub-Cabinet member begins stressing his university's desire to have him back teaching

in February; associates are convinced he wouldn't be paying much attention to that deadline if he found his present work more rewarding. Speculation grows that some Cabinet men may quit after November's Congressional elections, if not before.

In December 1968, introducing his 12 Cabinet members to the American people on television, President-elect Nixon promised that "every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decision we can possibly reach." Yet today only four of those men—Attorney General John Mitchell, Secretaries Laird and Rogers and Labor Secretary George Shultz—are said to have ready access to the boss.

Mr. Mitchell, the bond-market lawyer who managed the Nixon election campaign, wields paramount influence; even the other three sometimes find themselves in the dark about what's on the Nixon mind. Only four days before the President announced the commitment of troops to Cambodia, Mr. Rogers was telling Congressmen such a course would mean "our whole program (of Vietnamization) is defeated." Earlier, Mr. Laird didn't know up to the last minute that the President would announce a decision to pull 150,000 troops out of Vietnam within 12 months; the Defense Secretary kept right on talking almost to the very end about 40,000 to 50,000 troops within four months.

In general, frustrated would-be policymakers concede high regard for the intelligence of the key men around the President. But there's deep resentment and growing concern about what is felt to be his overreliance on them. Besides Mr. Mitchell, the names most mentioned as part of the inner circle are John Ehrlichman, majordomo for domestic affairs; Henry Kissinger, the foreign-affairs counterpart; H. R. Haldeman, who decides which persons and papers get through to the President, and Peter Flanagan, general troubleshooter.

Frequently, however, a Cabinet member can't even penetrate to anybody in this inner circle, let alone to the President himself. White House men confirm that it's quite common for the head of a Cabinet department to be denied an audience with Mr. Ehrlichman and instead be shunted to one of his half-dozen deputies—even though the deputy may be half as old as the Cabinet member and far less experienced.

The official current defense of this procedure seems far removed from Mr. Nixon's December 1968 promise of easy access. "We can't have a lot of Cabinet guys running in to the President," a White House insider asserts, "or he'd never have a question refined to where it's worth his making a decision."

A NEAT SYSTEM

Another Nixon intimate rejects the suggestion that this emphasis on orderly processes denies the President any real feeling for what's going on around him and in the nation at large. Through memos and talks with the top staff aides, he insists, the President gets a very full understanding of what the Cabinet departments are urging. Even more important, this man argues, the present system somehow tends to keep the President from becoming overly preoccupied and immersed in any one problem—"He's not going down to the war room in his slippers like LBJ."

Views may quite legitimately differ, of course, on what subjects are vital enough to warrant speedy Presidential attention and decision. But many Government men complain that the current White House team often fails to recognize how important some matters are.

According to insiders, the "Railpax" plan for passenger service was mired for months outside the President's office, kept there by Presidential aides concerned over the poten-

tial budget impact. Finally, to force the issue, frustrated Transportation Department officials leaked a report that the plan had received the Nixon blessing. Some accuse Mr. Ehrlichman of recognizing this pressure attempt and retaliating by holding a decision back still longer. Now an impatient Congress has devised a costlier plan of its own—which the President is expected to accept.

The Commerce Department official (a Nixon appointee) needing guidance about possible expansion of trade with the Soviet bloc says he tried all through 1969 to obtain an audience with Henry Kissinger. He failed, and now others observe that, in the absence of a crystallized Administration position, Congress has done only minor tinkering instead of major "bridge-building" between East and West.

TAX INCENTIVE PLAN

The White House staff stalled for almost a year on details of a Presidential proposal for wealthy nations to give tariff preference to poorer countries. In the end, the original plan was approved, but meantime other key nations had impatiently gone ahead with plans of their own, and pessimists here fear it now may be impossible to get everybody in step.

A prime casualty of White House delays is the idea of tax incentives to business for helping solve social problems—training the hardcore unemployed and locating plants in poverty areas to create jobs there. In the 1968 election campaign, Mr. Nixon portrayed this approach as a cornerstone of domestic strategy. Even when the costs and complexities loomed larger and the once-sweeping schemes were pared down to pilot projects, Presidential Counselor Arthur Burns kept the concept alive.

When Mr. Burns moved to the Federal Reserve in February, however, nobody at the White House wanted to take over the idea. Instead, it was handed—without any Presidential guidance, and with instructions to do whatever they wanted—to two unenthused Treasury men, tax policy chief Edwin S. Cohen and Internal Revenue Service Commissioner Randolph Thorer. Predictably, they have let the package languish. "Between Carswell and Cambodia, I doubt this ever came to the President's attention," asserts a disappointed advocate of the tax-incentive approach.

Even at the Budget Bureau, long the all-powerful overseer of all Presidential legislative proposals, the aura of cool command is fading. "The bureau was completely in the dark" about a Presidential effort to shape a major piece of labor law, says an official of another agency. "They were asking us who to contact at the White House to find out what was going on."

AN OVERLOOKED MATTER

White House aides may even be undercutting the Budget Bureau's most basic role—helping slice the fiscal pie. It was after the President brainstormed with his immediate staff that he suddenly decided to sweeten his school desegregation statement with a promise to divert \$500 million from other domestic programs to help schools cope with racial problems. Nobody could say precisely where the money was to come from, however, because budget chief Mayo didn't even know of his huge new chore until he read about it in the papers. And the decision as to where the money is to come from still hasn't been made, six weeks later.

While that left-out feeling is perhaps most painful in such traditional Government power centers as the Budget Bureau, it is also demoralizing in less pivotal departments. Housing Secretary Romney hasn't minded admitting that programs to stimulate home-building must remain low in priority until inflation is checked, but he was stung to read while on his Hawaiian vacation that a big chunk of the extra school money was likely

to be provided out of his already depressed urban programs.

"That's really an affront to a Cabinet member," observes one Romney aide. Another finds the slight all too typical of that "bunch of whiz kids" at the White House. Besides resenting the way the decision is being made, the HUD Secretary himself views the likely slashes in his budget as fresh evidence of something more troubling: A deep disdain for urban problems among politically oriented men in the White House.

UPSTAGED BY AGNEW

The Administration's school desegregation policy still is far from clear to the Government officials who must work in this field, even though the problem has received at least passing Presidential attention. In part, this confusion may stem from the fact that Health, Education and Welfare Secretary Robert Finch, the logical man to handle the matter, has been upstaged by a special White House panel headed by Vice President Agnew, and its workings remain obscure. The panel's staff chief, Robert Mardian, so diligently avoids reporters that down-the-line agencies despair even of learning about policy through the press. HEW's old-line Office of Education is in turn upstaged by Mr. Finch, and reports abound of Commissioner James Allen's early departure.

An Allen aide, Anthony J. Moffett, 25-year-old director of the Office of Students and Youth, announced his resignation just yesterday. Assailing recent Nixon and Agnew statements about young people and campus disturbances, Mr. Moffett said: "The President and his most trusted advisers do not view themselves as leaders of all of the American people."

Poverty-warriors in the Office of Economic Opportunity grumble that they face the ultimate embarrassment of a bureaucrat—decisions so sluggish that unspent funds may have to be turned back to the Treasury when the fiscal year expires June 30. The Ehrlichman operation comes in for criticism among HEW's welfare planners, too. They complain that the White House staffers simply don't know enough about the details to make decisions on crucial changes required by the Senate in the President's massive welfare reform plan. Veteran HEW experts would be happy to help, but no one asks. Says one with a shrug: "I guess the White House just doesn't trust us."

[From the New York Times, May 8, 1970]

HICKEL'S ADVISERS TELL WHY HE ACTED

(By E. W. Kenworthy)

WASHINGTON.—"Why Wally Hickel?"

That was the question asked all over this city today. How was it that Secretary of the Interior Walter J. Hickel—a former Governor of Alaska, a self-made millionaire, a heating and plumbing contractor, owner of shopping centers, motels and expensive housing developments—how was it that this man, so apparently square, should be the one member of the Cabinet to write a letter to President Nixon saying bluntly that his Administration was consciously alienating the young people of America by failing to communicate with them?

"It came right from the heart and it was meant for the President," said one Interior Department official today who is a trusted adviser to the Secretary.

The official went on to express regret that the letter had somehow leaked to the press, but he volunteered the feeling that, however much the White House might be angered by this leak and however much pressure was put on Mr. Hickel, the Secretary would not recant or retreat from his deeply held conviction that leaders of the nation had an obligation "to communicate with our youths and listen to their ideas and problems." There was no doubt here, considering

the risks to his political career, that Mr. Hickel had spoken from the heart. And there was not much doubt that he would not recant—his stubbornness is a byword.

But what had made him believe he must carry his dissent to the President? What influences had reinforced his own feelings? What events had preceded the sending of the letter?

To these questions, there came answers today from some of Mr. Hickel's closest associates who spoke freely but not for attribution.

And their answers served to dispel some cynical rumors here that the letter had been stage-managed by the White House, presumably in an effort to establish a belated Presidential liaison with the young people.

One man who has long been close to the Secretary gave this account today of the genesis of the letter.

"First," he said, "there was Hickel's own feelings about the Vietnam war. He has been increasingly turned off by it. He has said repeatedly [to friends] that 'If it comes to a choice between continuing the war in order to win it and the risk of increasing the contention in the country, with people set against people, I'm in favor of pulling out even if we lose it.'"

Second, this aide said, Mr. Hickel has undoubtedly been considerably influenced by three young assistants—Malcolm Roberts; Michael Levett, a graduate of the University of California law school at Los Angeles and a White House Fellow on assignment to the Interior Department; and Pat Ryan, formerly Mr. Hickel's special assistant when he was Governor of Alaska.

All of these assistants, it was said, have grave doubts about Vietnam policy and all have a sympathetic understanding of the problems of the young. Mr. Levett, for example, was once an assistant to former Senator Ernest L. Gruening, Democrat of Alaska, one of the earliest and most implacable critics of the war.

MEETINGS WITH STUDENTS

Third, according to this informant, Mr. Hickel has talked with a large number of college students who came to the Interior Department in connection with SCOPE (Student Councils on Pollution and Environment), a program sponsored by the Interior Department over the Christmas holidays. He saw many more in connection with Interior's participation in earth day on April 22.

"He's sensitive and perceptive to things he's seen and heard around him," one of his aides said today. On one occasion, he talked with nine students [in connection with SCOPE] for four hours. He became convinced of the seriousness and purpose of the young people."

Another aide said of these meetings with young people: "They had a real impact. He feels they are good kids, idealistic kids."

This associate said that the events in the last few days brought the Secretary's concern to the point of resolution.

THE CAMBODIAN DECISION

"Before the President's speech announcing the Cambodian invasion last Thursday night," the aide said, "the President briefed the Cabinet. Hickel was very disturbed by the escalation. He was also disturbed by the President's statement in his speech about 'great universities being systematically destroyed,' and his off-hand characterization of student dissenters the next day as 'bums.'"

"After the Cambodian invasion," the aide went on, "there was a regularly scheduled staff meeting at Interior in which there was much discussion of the President's move. As a result of the discussion, Hickel got this thing that he had to go to the White House and talk to the President personally and make him see the error of his ways."

On Monday, the day of the Kent College killings, Mr. Hickel called the two eldest of

his six sons—Walter, 21 years old, at the University of Alaska, and Jack, at the University of San Francisco.

"They were very upset," the aide related, adding that the Secretary has been very close to his sons. "After the telephone calls, he made up his mind he had to do something," the aide said, continuing:

"Through Pat Ryan, he tried to set up an appointment with the President. He was turned down, presumably by a White House aide. He then tried to see John Ehrlichman [Presidential assistant for domestic affairs] and he was out of town."

"Wally felt he just had to get it off his chest, and he called Rogers on Tuesday and said, 'I've just got to talk to you.' And Bill Rogers said, 'Come on over.' When he finished talking, he said, Rogers said to him, 'I agree with you.'"

When Mr. Hickel returned to his office, the aide said, he decided that, if Secretary of State Rogers agreed with him, he would write a letter to the President. He wrote a rough draft before going home and worked on it at home that night. Then on Wednesday, May 6, after talking with some of his advisers, he revised it and sent it off.

"ENGLAND'S CAMBODIA"

The aide related that Mr. Hickel, in order to make certain of his point about the youthfulness of the leaders of the "violent" colonial protest against England preceding the Revolution, had one of his assistants look up ages of Patrick Henry, Thomas Jefferson, James Madison and James Monroe. The aide also said that in the early draft of the letter, Mr. Hickel called the American Revolution "England's Cambodia."

The first reaction of the White House to the letter and the leak, the aide said, was one of anger. A White House assistant, it was related, called Mr. Ryan, the Secretary's personal assistant, and said: "If you find the S.O.B. responsible for leaking that letter I want you to fire him." To which Mr. Ryan was said to have replied: "If you find the S.O.B. responsible for not letting Hickel see the President, I want you to fire him." This afternoon the Interior Department issued a statement saying the department had been "swamped" with telegrams and telephone calls on the Secretary's letter, and that the comments were "overwhelmingly favorable."

"ANOTHER RIGHT ARM"

There was one call that indicated that the White House was fully aware of the impact of the letter and was attempting to convert the Secretary's new popularity into a line of communication between the President and the young.

John Ehrlichman, it was learned, called Mr. Hickel and said he was "offering him another right arm—the President's."

Mr. Hickel likes man-to-man dealings, and this, his friends say, accounts for his suggestion to the President yesterday that "you consider meeting, on an individual and conversational basis, with members of your Cabinet." He has seen the President privately only twice in 15 months.

He also chafes at restraints. Since Henry A. Kissinger, the President's foreign affairs adviser in the White House, has twice blocked his acceptance of an invitation by the Soviet Government to visit Russia, Mr. Hickel is not much enamored by Mr. Kissinger, according to his friends.

Mr. Hickel often talks like an unreconstructed 19th-century, laissez-faire capitalist, and he has been an aggressive entrepreneur. But, his friends all attest, he thinks of himself as a populist, and he sometimes acts like one.

For example, when Governor, he got through the legislature a bill authorizing him to build a small state-owned refinery on the Kenai Peninsula sufficient for the state's own fuel needs. The state takes "in

kind" the 12.5 per cent royalty due it from oil produced in the area, refines the crude and saves money. Mr. Hickel shrugged off charges that this was "socialism."

One friend said that Mr. Hickel, ever since he entered public life, has refused to attack opponents personally, insisting on trying to open communications with them and "bring out the best in them." That, his friend said today, was the reason he was appalled at what he views as Vice President Agnew's confrontation tactics, imputation of motives, and intemperate language.

[From the New York Times, May 8, 1970]

WASHINGTON: WHO ADVISES THE PRESIDENT? (By James Reston)

WASHINGTON.—One of the most surprising things about the violent opposition in the Congress and the universities to the invasion of Cambodia is that President Nixon was genuinely surprised by it.

He was forewarned time and again by his own people about what would happen if he invaded Cambodia, but he was astonished when the warnings came true, and this is not the first time. He misjudged the opposition to his Supreme Court nominations of Judges Haynsworth and Carswell as much as he misjudged the opposition to his adventure in Cambodia, and this raises questions not only about his personal judgment but about where he is getting the advice he chooses to follow.

THE REJECTED FRIENDS

Paradoxically, his decisive advice is not coming from his oldest friends in the Cabinet. He has been closer personally to William Rogers, his Secretary of State, and to Robert Finch, his Secretary of Health, Education and Welfare, over the last fifteen or twenty years than to anybody else in his Cabinet or on his White House staff, but there is no evidence that they are his principal advisers on foreign or domestic affairs. In fact, they are probably more unhappy about the present plight of the Administration than anybody else in Washington tonight.

The Nixon Cabinet is clearly not playing the powerful role Mr. Nixon said he wanted it to perform at the beginning of his Administration. He was quite specific about what he expected from them during and after the Presidential campaign of 1968.

During the campaign he said: "The President cannot isolate himself from the great intellectual ferment of his time. On the contrary, he must consciously and deliberately place himself at their center. . . . This is one reason why I don't want a Government of yes-men."

When he introduced his Cabinet on television at the beginning of the Administration he said, "Every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decisions we could possibly reach."

But the Cabinet has not worked that way under President Nixon, any more than it did under Presidents Johnson and Kennedy. Increasingly, and earlier than in most Administrations, Mr. Nixon has isolated himself with a few members of his White House staff and followed the advice of Attorney General Mitchell and Vice President Agnew.

Thus, by the accident of a newspaper "leak," we now find Secretary of Interior Walter J. Hickel complaining in a private letter to the President that the Administration appears to lack an appropriate concern for the attitude of young Americans, and appealing to the President to keep in touch with his own Cabinet.

THE NIXON PARADOX

"Permit me to suggest," Secretary Hickel wrote, "that you consider meeting, on an individual and conversational basis, with members of your Cabinet. Perhaps through such conversations, we can gain greater in-

sight into the problems confronting us all. . . ."

This helps explain what has been going on here behind the scenes. The President, for all his talk of "teamwork," has not been using to the full his Cabinet, whose members are in touch with the realities of the problems in their areas of responsibility, but has increasingly been closeted with his White House staff, who are more isolated from the people at home and abroad than almost anybody else in the Administration.

The result is that the President now finds himself precisely where he said he would not be: isolated from the great intellectual ferment of his time, and even from his own dissenting Cabinet members, and acting on assumptions which turn out to be false.

Accordingly, he is now in a dangerous situation, both at home and abroad. By his lunge into Cambodia, he has not destroyed the enemy or wiped out the sanctuaries, but aroused such a protest at home that he has committed himself to withdraw within seven weeks from Cambodia, thereby inviting the enemy to establish new sanctuaries in an area which includes the Cambodian capital.

In the process, he has not only divided his own Cabinet and party, but almost achieved the impossible goal of reviving the confused and incoherent antiwar movement and uniting the Democratic party.

This is clearly not what he intended, and it is amazing that it has happened to Richard Nixon. For he is a cautious man, who says he believes in careful staff work, getting the facts before he moves, organizing the Cabinet and listening to their views before he acts; but he didn't do it, and is now in a jam because he broke all his own rules about getting the facts and never being surprised.

[From the Washington Post, May 10, 1970]

LACK OF CONTACT WITH NIXON FRUSTRATES ECONOMIC ADVISERS

(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the war will have either no effect or at worst a negligible impact on the economy.

But do they know what they are talking about?

It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charles E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months.

The Treasury Secretary even assured French Finance Minister Valéry Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt re-assured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's,

Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they do get in to see Mr. Nixon, they are never alone with him; either Ehrlichman, Flanigan, or other aides are present.

Flanigan, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as a well-informed, had expected. Now, they don't know what comes next.

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

Mr. ERLBORN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman from Ohio for yielding, and I congratulate him on this effective opposition to the reorganization plan.

I would only ask that the gentleman consider for a moment and respond if he will to the thought that he and others who support this rejection of the reorganization plan have expressed great concern about the lost prerogatives of Congress or the jeopardy that the prerogatives are being placed in by this particular plan. Would the gentleman agree that which has long since been abandoned, namely, the prerogative of the Congress to initiate legislation and actually apply the oversight which it is charged with, has long since occurred, and it would be in the nature of locking the barn after the horse is gone to raise that issue at this point?

Mr. BROWN of Ohio. That is a concession, I might say to the gentleman from Arizona, that I am not ready to make. Otherwise I would not be serving

in this body. Probably I would be at home writing nasty newspaper articles, as I was before serving in this body.

I do not think we are ready to accept that the legislative function is one that can be undertaken lightly in our Government today. We have a prerogative, it seems to me, which should be exercised, and that, I might say to the gentleman from Arizona, is the very reason I stand here today taking the position that I do. As I pointed out earlier in colloquy with the gentleman from California (Mr. HOLIFIELD), I have observed that administrations come and administrations go, and Members of Congress come and Members of Congress go, but the functions of the two responsibilities, it seems to me, ought to be kept pretty much in balance.

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

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

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

Mr. BROWN of Ohio. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from Ohio (Mr. BROWN). He has made a splendid statement in opposition to the pending plan to reorganize the office of the President. The gentleman from Ohio is also a member of the subcommittee which I have the honor to chair. He also acquits himself well on that committee.

The gentleman from Ohio does not know it, but when we acted on this legislation before the full Government Operations Committee, I told the acting chairman, the distinguished gentleman from California (Mr. HOLIFIELD), that I reserved the right to vote against this disapproving resolution and for the reorganization plan because I am one of those who believes the President should have the power to appropriately reorganize the Executive Office. In some way, he should be closer to all of the agencies of Government and better prepared to direct their operations. He must have all the necessary tools to enable him to more effectively carry out his job. Not being a member of the subcommittee, I had not had a chance to examine either the hearings or the committee report when this matter came up in the committee.

After carefully examining the reorganization proposal, I have serious reservations about it, certainly, in its present form. Regrettably, the plan cannot be amended by the House. It must be accepted or rejected as it is. The gentleman from Ohio articulates very clearly the dangers of separating policy from administration, and policy from fiscal and management responsibilities.

I think it rather dangerous to place so much responsibility in the hands of a so-called Domestic Council composed of men already serving so many agencies and on so many committees and commissions that they will of necessity have to leave the basic responsibility for Council work and decisions in the hands of the Council's executive director and those who work under him. And the director will be immune from congressional prob-

ing, since there is no requirement that his appointment be confirmed by the Senate. I am also concerned over the question raised by my colleague from North Carolina (Mr. ANDERSON).

A professional staff, responsible only to the President, would be assuming responsibility as Mr. BROWN so well said:

For defining national goals, identifying priorities, recommending policy . . . and overseeing agency conduct and reviewing the administration of programs.

This "heart of Government operations" should not be handled in this way.

A so-called super cabinet composed of Cabinet members who have too little time now to perform responsibilities they already have, is not the answer.

I think the gentleman from Ohio has performed a great service, not only by the fine statement he has just completed, but through his separate views in the report of the committee. His fine discussion has had tremendous weight with me in the decision I have made to vote for the disapproving resolution and against the plan in its present form. I am fearful it has not been read by enough Members.

I am concerned that we cannot amend the reorganization plan. If we could appropriately do so I would have no hesitation in supporting it, because the President needs the right kind of help.

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the sentiments of the gentleman from North Carolina (Mr. FOUNTAIN).

The point was made that this reorganization plan, was recommended by an appointed commission, the Ash Commission, and the indication was that that made it something special. The gentleman knows, in the Government Operations Committee, we are looking into the inordinate use of separate commissions. It seems to me that also is a yielding of our congressional prerogative to a degree and something we ought to give consideration to.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. JONES).

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

Mr. JONES of Alabama. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I rise in opposition to the resolution and in favor of the reorganization plan.

Mr. JONES of Alabama. Mr. Chairman, in the consideration of this proposition I believe that we should take some common basis of reasoning for what we are trying to decide; that is, whether or not the reorganization plan, even if effected, would be a helpful instrument or a helpful agency for the President of the United States to better carry out his occupation.

There is not a single thing this reorganization proposal has in it that the President does not already possess. It only represents a divestiture of legislative responsibilities which we possess now, which we would yield to the executive branch of the Government.

What we are seeking to do is to make the Bureau of the Budget a more responsive agency, an agency that will give us a reaction, will give us responses, will

give us analyses, and will give us proportions on the various and going programs and schemes of the Federal Government.

If we impose on the Bureau of the Budget another executive agency which is going to take into account the priorities, the needs, the use and the disposition of the Federal Government, then we will less heed the needs of our people and our constituents.

It seems to me at this stage of the game, when we have been talking about bureaucracy, talking about overlaying in operations of the Federal Government and the frailties of the Federal Government in not responding to the people, that here we would engage another agency to make another and harder hurdle for the people who want to transact business with the Government.

Let us reason again. Let us talk about the functions of Government.

We had the reorganization under the first Hoover Commission report. This is just one of the propositions that was included in the Hoover Commission report in 1949. It was so totally discredited that the people on that side of the aisle would not accept it. It was looked upon and frowned upon as being a distraughtful thing, a frightening thing to the people who had to deal with the Bureau of the Budget.

Now we come along and we say we are only going to give the Bureau of the Budget the right to make priorities in use of all the public laws we have enacted, and we are going to superimpose another function on them, to give them the guidelines and to make this association of one agency to the other.

Under the provisions of this reorganization plan the functions of Government will be transferred. The legitimacy of that is set up. So we do not know where we stand or what the ultimate results might be if we transfer one activity or one agency from one department to another. It is not like saying that you are going to transfer the Corps of Engineers to the Department of the Interior. This is a question as to whether you want to transfer the functions of those agencies.

Now, the functions of Government are the most important thing that we have.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. JONES of Alabama. We have invested in all of our public laws the responsibilities dealing with every agency of the Government. Those reviews must be cumulative and must be presented to the Bureau of the Budget so that they can receive expenditures, receive approval and appropriation, and meet whatever other requirements are necessary. However, here we not only give that extended right, but we make a greater enlargement on it so that they can transfer the functions from one agency to another.

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

Mr. JONES of Alabama. Yes; I yield to the gentleman.

Mr. ERLBORN. Let me reassure the gentleman that there is nothing in this plan that gives the President or anyone

else the power to transfer functions from one agency to the other. There is nothing in this plan that disturbs the present status of the Corps of Engineers. None of the fears expressed by the gentleman are incorporated in this plan.

Mr. JONES of Alabama. I disagree totally with the gentleman that those activities cannot be traded under this arrangement. The question is not the organization of the agency but the functions of the agency can be transferred from one to the other. That is where the harshness of this whole transaction comes in. We are laboring under the notion that we are going to have a reorganization here. Why do we have to have a reorganization when every agency of the Government is responsible to the Bureau of the Budget, when all of its reports, all of its examinations, and all of its credentials must be examined there? Why do we want to come up here now and say that the Bureau of the Budget is incapable or is lacking in its capabilities for making an examination and then transmitting this to the Congress for the purpose of making national policy?

It seems to me that if we are going to do anything at all, it is to fortify the amount of money made necessary for the Bureau of the Budget rather than to create a superimposed agency to direct the Congress, the Bureau of the Budget, and the President and all other activities of the Federal Establishment.

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

Mr. Chairman, I take this time now to reiterate what I just told the gentleman from Alabama; namely, that there is nothing in this plan that would in any way derogate the powers, the functions, or the structure, including the functions of the Corps of Engineers or any other agency.

I would at this moment like to yield to the gentleman from California (Mr. HOLIFIELD). If I could have the gentleman's attention, I would ask the gentleman from California—and I will yield to him for the purpose of answering this question—in your opinion, is there anything in this plan that would allow the transfer of the functions of the Corps of Engineers or any other agency from one to the other; that is, anything outside of the Executive Office of the President?

Mr. HOLIFIELD. Well, all of the present functions of the Bureau of the Budget are transferred to the President. And, then, there is a separate law known as the "McCormack Act" whereby he can delegate throughout the Government. I also happen to know that there are other plans being prepared by the Ashe Council. I am not sure what those plans are.

So, I think the language is unclear, it is ambiguous. I think it is subject to different interpretation as was proven by the fact that the Attorney General and the Comptroller General, one gave an opinion that it was illegal and one gave an opinion that it was legal.

Mr. ERLBORN. I must interrupt the gentleman at this point but I shall yield to him again in just a moment. I

wish the gentleman would be responsive to my question.

Mr. HOLIFIELD. I thought I was.

Mr. ERLBORN. I hope the gentleman will honestly answer this: Is there anything in this plan that will allow the President to transfer any of the functions of the Corps of Engineers?

Mr. HOLIFIELD. I do not believe so. I said that when I was in the well of the House, that I did not think it would be. I said also that the Domestic Council, acting through the Executive Director, could make program recommendations to the President setting up priorities on national programs, which, in turn, could be effective against projects of the Army Engineers.

Mr. ERLBORN. Let me just wind up by saying that I wish to assure the gentleman from Alabama (Mr. JONES) that the understanding of the gentleman from California (Mr. HOLIFIELD) and my understanding is the same and that is the fact that the Army Corps of Engineers is not affected by this reorganization plan in any way whatsoever. The gentleman from California is right. Some other day—tomorrow, the next day or Saturday at some other time in the future—this question may come up and this Congress may have to pass on it either through substantive legislation or through a reorganization plan. But no powers of the Corps of Engineers are involved in this plan.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ERLBORN. I yield further to the gentleman from Alabama.

Mr. JONES of Alabama. The gentleman from Illinois apparently is not acquainted with the law of 1899 in which that authority is vested in the President. So, consequently, in this reorganization plan, he does have that power and that authority.

Mr. ERLBORN. Well, I decline to yield further to the gentleman from Alabama.

Let me again say that there is nothing in this plan to that effect. If there is some preexisting law that gives the President the right to do this, that stands on its own two feet. If the President has the power to do it today, he will have the power to do it tomorrow or Saturday if this plan becomes effective. But I understand that there are members of the Public Works Committee who have been given cause for thinking that something was going to be taken away from the Corps of Engineers or that their personal projects would have to be cleared through the new Domestic Council.

I want to reiterate once again that this plan does not do any of those things. These fears which are being spread may help defeat the reorganization plan, but the fears are totally unfounded. These tactics should not be used to defeat the plan. Arguments against it should be based on fact.

Mr. JONES of Alabama. Mr. Chairman, if the gentleman will yield further, I am pleased that the gentleman is making this legislative record because I think it is noteworthy. After all we are apprehensive not only as to this Budget Direc-

tor but as to all past Budget Directors that we would receive proper consideration.

Mr. ERLBORN. Well, I hope that I have been able to help allay the fears of the gentleman from Alabama.

Mr. JONES of Alabama. I will say to the gentleman further, if he will yield—

Mr. ERLBORN. I yield further to the gentleman from Alabama.

Mr. JONES of Alabama. There have been great disappointments on the part of those who have worked so long and so hard and earnestly in the field of water resources development and we hate to see a superimposed authority over the Bureau of the Budget.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ERLBORN. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman from Illinois for yielding.

I would simply comment, in light of the gentleman's very explicit discussion of the strawman just raised, I would like to point at another one, if I may, Mr. Chairman, and that is the fear that we are insulating for all time a President who by nature is difficult to get to see.

As stated by the gentleman from Ohio and by several other Members who also support the disapproval resolution, this President is a difficult person to see. In my short memory and in my own short political memory, I can think of no President who was easy to see and simple to see.

It occurs to me that no matter what structure you erect or what structure is not erected a President who wishes to remain insular will remain insular and one who seeks out certain counsel is going to seek out that counsel regardless of the reorganizational plan you present or adopt.

So I submit that a few of the basic objections to the reorganizational plan simply will not stand examination. We recognize the need for some type of reorganization plan and I would hope that we could reject this disapproval resolution in order that we might get on with the business of reorganizing the executive branch.

Mr. ERLBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

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

Mr. Chairman, there has been much argument this afternoon valid and very constructive, both for and against the Reorganization Plan No. 2 for 1970. I shall support the reorganization plan and vote "no" on the House Resolution 960.

Our Nation today is beset with many problems both domestic and international. The hue and cry today is for the President and for government including the Members of this Congress to find solutions to these difficult problems, and yet much of the blame from within Congress and from the public is directed to the President, that he must find solutions to our serious problems. That is what the President is asking for here—new opportunities, new legislation and a

new working framework that he might use to develop better solutions to our serious problems rather than the cumbersome system that has been used in the past and up to the decade of the seventies. We need new ideas and new solutions.

For many years Members of the Congress from both sides of the aisle, for that matter, along with various task forces, study groups and independent scholars have called for reform in the Executive Office of the President. They have called for reform because they realized that the responsibilities of the President overburdened the machinery which he has to meet those responsibilities. They called for reform because they were unsatisfied with ad hoc and piecemeal arrangements with which one President after another has tried to fill this organizational gap. And the reforms they called for—again from both sides of the aisle—are by and large the same reforms which are contained in President Nixon's recommendation for a reorganization plan.

This reorganization plan has been a year in the making. It was prepared with the greatest amount of care, piece by piece and step by step. It was based on thorough and careful consultation with scholars, administrators, businessmen, Government officials both Democrat and Republican, from the present and the past, and Members of the Congress as well. From the vast array of studies which have been made about this matter, in and out of Government, the President's Advisory Council on Executive Organization drew out the very best ideas, refined them, brought them up to date and put them together in a reorganization plan which has been hailed from one end of the country to the other as the long awaited answer to a pressing governmental problem.

Now, at the end of this full year of study and work, a year of work which brought together the results of so many additional years of study by so many other people, in and out of Government, now at the end of all of this the Members of the House of Representatives are being asked by some to kill the plan after only a few hours or a few days of cursory examination. I do not believe that this is in the best interest of better Government. I hope the Members of this body will agree with me.

The cursory nature of the opposition's examination is evidenced by the many mistakes they have made in criticizing the bill presented here this afternoon. To mention just one example, some of the opponents this afternoon said this will change the powers of the Civil Service Commission. In truth the plan will not really change the powers of the Civil Service Commission in any way. In fact it gives the new Office of Management and Budget no power whatsoever to recruit, evaluate or train any individuals. When the critics make this argument, they are wrong on the facts and their error dramatizes the superficial nature of their analysis.

Or take another argument—the argument that department and agency heads will be downgraded by a new domestic

head of the Domestic Council. In fact, the plan achieves just the opposite effect—it will enhance the role of the Department and agency heads, who will, after all, be the permanent members of this Council. Those who worry about the power given a new domestic head expose a weakness of their own argument by suggesting at the same time that the head of the Domestic Council be made responsible to the Congress. If there is any way to make this official less the servant of the President and the Cabinet officers and more independent and powerful, it seems to me it is removing him from the staff role and giving him an independent status.

The list of specific points of refutation could go on and on. Suffice it to say that the critics of the plan have not studied it at length, nor have they arrived at sound and reasonable objections to it so far as I can see.

I urge the Congress not to bend to this opposition but rather to uphold a program which is the result of thorough and lengthy study and which—for very good reasons—has drawn wide support within the Government and throughout the Nation.

The gentleman from New York suggested a member of the President's Cabinet was not available for the President and that statement was made, I understand, on a recent television program by the Cabinet member.

It seems to me, this is additional evidence that we need a program like this. I think this is additional evidence that we need a streamlining of the Cabinet and we need a streamlining of the executive department so that we can get decisions more quickly and increase the effectiveness of the executive.

Also, the gentleman from Louisiana a moment ago said, and it has been brought up again, that the responsibility and jobs of the Corps of Engineers are being delegated to the Department of the Interior by this reorganization plan.

It seems to me here again we are going to eliminate this very thing by this Council. Because we are going to have an organization that is going to bring the executive effort together to be sure that we do not have duplications of effort and responsibility. So far as I know, today it is possible for the Corps of Engineers and the Department of the Interior to be looking at one valley for a reservoir and up to the time of land acquisitions and advanced planning not know of the others interest. They might both be spending lots of money looking and planning for the same area.

For that matter, the Office of Economic Opportunity through some program such as Green Thumb might be looking to plant trees out there. The Department of the Interior might also be looking for a place where they might have a national landmark. The Department of Agriculture might be considering a small watershed project. There would be four executive agencies each spending money and time on one project without any knowledge of the other. So it seems to me, we would be eliminating these very things. Coordination is essential for efficient and effective government.

Then, finally, the gentleman from Ohio made mention of the young people of our Nation, that the young people had problems and want to see better government and new responses from the Government. They want to see an independent attitude of Government, especially of their legislators.

What is the cry today of the young people? Reform—reform and progress. If there is one word that typifies our American society, I suppose that one word would be "change".

I say that today if you vote to not allow the President to reorganize the executive branch in the decade of the seventies, are you being progressive? Are you living up to the dynamic changes that exist in our society?

Or are you being the progressives and reformers that the young people want to see?

If we really want to solve the problems of the seventies and be prepared for the problems of the eighties, we had better make some changes in government so that we can keep up with them and you have the opportunity today to do just that.

If you believe in reform, change, and progress, you will vote "no."

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I oppose Reorganization Plan No. 2 of 1970 and shall vote for the disapproval resolution. This will be with some regret, because certain objectives of the plan are conceptually appealing. For instance, I find merit in the proposition that the Bureau of the Budget should be changed so as to strengthen its management functions. Unfortunately, the course which the President's plan would follow is far too uncertain.

Part I of the plan starts out by transferring to the President all the functions that Congress has vested in the present Bureau of the Budget or its Director. The Bureau would not be abolished but just renamed as the Office of Management and Budget. For at least a moment, though, it would be an entity in suspended animation without powers or duties.

According to the President's message, he intends to delegate his newly acquired functions to the Office of Management and Budget as soon as the plan takes effect. The reason for this procedure, as the Bureau of the Budget explains, is that "by vesting all Bureau functions in the President, it will be possible for him to make subsequent delegations of unrelated functions to appropriate agencies."

The Bureau also tells us that the transferred functions which might be redelegated by the President would be "ministerial," like setting per diem or uniform allowances. But nothing in the plan nor in other law requires that the functions subject to redelegation by the President to the head of another Federal agency shall be limited to any particular type. Presumably, the Bureau's reference to ministerial functions means those which involve no exercise of discretion. But we must not forget that these may include matters of great con-

sequence and complexity requiring a large measure of ability, judgment, and experience for their resolution.

The present Bureau of the Budget carries a heavy cargo of important statutory functions. The Congress loaded this cargo, just as the Congress also created the Bureau itself and in 1921 and then in 1939 allowed its transfer from the Treasury Department to the Executive Office of the President. When President Franklin Roosevelt proposed this transfer he spoke of the purpose in his message. He stated there that many of the Bureau's activities would be facilitated if the Bureau were not part of one of the executive agencies. Thus, the very reason for the Bureau's present location is that it should be able to maintain its separate functional identity.

A list drawn up by the Bureau of the Budget shows 58 of the statutory functions that would be transferred under the plan. This list, which does not include all statutory references to congressionally imposed functions, appears at page 36 in House Report No. 91-1066 on House Resolution 960.

The diversity and significance of many of these functions may be shown, I think, by some of the subjects they cover:

- (1) Agency reviews of their operations.
- (2) Comparability of Federal and private salaries.
- (3) Travel and subsistence expenses.
- (4) The Agricultural Trade, Development, and Assistance Act of 1954.
- (5) Department of Defense stock funds.
- (6) Disputes concerning prison-industries products.
- (7) Organization and management of the Executive Branch.
- (8) Collection and dissemination of statistical information.
- (9) Servicemen's Group Life Insurance.
- (10) Post Office Department fund transfers.
- (11) Reimbursements for excess property transfers.
- (12) Fiscal and policy control of automatic data processing.
- (13) The Demonstration Cities Act.
- (14) Specialized or technical services for States and local governments.
- (15) Coordinating Federal information collection.
- (16) Fund transfers to or from the CIA.

In dealing with this plan we confront the possibility that under it any President, not merely the incumbent, could parcel out any or all of the transferred functions to the head of almost any executive agency. It is easy to imagine that persuasive grounds might be advanced to make any number of transfers from the Presidency or from the Office of Management and Budget to other agencies. Let us look at some possible examples: Fiscal and policy controls over automatic data processing—to the General Services Administration or the Department of Defense. Regulation of per diem allowances—to the Civil Service Commission. Designation of specialized or technical services—to the General Services Administration or the Department of Health, Education, and Welfare. Comparability of Federal salaries with those of private enterprise—to the Department of Labor or the Civil Service Commission. Coordination of collecting Federal information under the Federal

Reports Act—to the National Archives.

Mr. Chairman, I am not ready to endorse a plan which in effect would deny Congress a voice in making changes like these.

At least 12 standing committees of the House have interests which directly relate to one or more of the 58 Bureau functions I mentioned before. The breadth of this interest adds to the gravity of the choice the plan requires us to make because of its omnibus transfer of Bureau functions to the President.

I believe there is a compelling need for further consideration of this issue by the Congress. During the committee hearings on House Resolution 960, the Assistant Director of the Bureau of the Budget was asked about the opportunity Members of Congress were given to comment on the plan before it was formally submitted. Here is how he replied:

Well, we unfortunately were not able to reach everyone that we had wanted to reach in the time that we wanted to reach them. We did make every effort we could to talk with people before it came up. I would agree with Mr. Brown that it would have been desirable, however, to have had more time.

Mr. Chairman, I am pleased that this needed time can now be obtained—even though the plan is rejected—as a result of the introduction of legislation to enact many of the features of the plan. It is my understanding that the majority of the Committee on Government Operations intends to report out such a bill. In this way each Member of Congress will have the opportunity to make his own constructive contribution to the achievement of the worthy objectives of Reorganization Plan No. 2.

Mr. Chairman, I am also alarmed about the President's plans for the Civil Service. There are many, like the gentleman from North Carolina (Mr. HENDERSON), who feel the merit system, so laboriously built by the Congress over the years, is being endangered by this reorganization.

During our hearings, representatives of the major Government employee organizations testified. John F. Griner, the president of the American Federation of Government Employees, claiming representation of 650,000 Federal employees, said that part 1 of the reorganization plan "would seriously undermine and, perhaps, irreparably shatter the still uncompleted structure of the Federal employee merit system." He was referring, of course, to the section dealing with the new Office of Management and Budget and the President's intention to give it a key role in recruiting, motivating, deploying, training, and evaluating career executive talent throughout the Government.

Mr. Griner's alarm was shared by Nathan T. Wolkomir, president of the National Federation of Federal Employees, another large group of Federal workers. He said his organization stood unequivocally against the plan and "We are naturally concerned if there is any possibility for having a spoils system even if only limited to the top ranks of the Civil Service." He spoke also of the fact that executive manpower development is a function now being carried out by

the Civil Service Commission and that it should remain in the Commission.

A former Assistant Postmaster General, not now in the Government, strongly opposed this aspect of the plan, stating that he saw no reason why the management career service should be separated from the rest of the Civil Service and transferred over into the White House. He said he was well aware of the pressures that can be brought upon personnel officials of the Government by people on the President's staff to take certain actions not necessarily in the best interest of the Federal Government or the senior career service.

Probably the most telling advice on this matter was given by our former colleague Robert Ramspeck, who was at one time chairman of the Committee on Post Office and Civil Service and later a Chairman of the U.S. Civil Service Commission.

Bob Ramspeck said the only way we can have a merit system in the Government is to have a bipartisan commission and he could not support that part of the plan that would put the recruitment and training of people in the Budget Office.

These are powerful voices raised in behalf of the merit system in Government. I, for one, cannot support a reorganization plan that would reverse the clear trend toward a nonpartisan, professional career Civil Service uninfluenced by White House politics.

Mr. Chairman, I think there are important substantive objections to the plan and I think we have been kind of fencing a little bit this afternoon.

I wonder if I can try to put this, at least so far as I am concerned, in focus.

Very candidly, there was a discussion about the question of the members of the Council, Mr. Ash and his colleagues using Government appropriated funds in lobbying Members of Congress on the value of this plan.

I personally am not very offended by that. I think perhaps if I had been the author of the plan, I might have with some degree of zeal urged the Members of the House to support the position that I had taken.

But the point that was made that the members of this Commission who are all substantial executives in their field have a kind of enamored view of executives and executive departments.

I do not think that they have the understanding of the role of Congress that all of us have, nor do I think that they have a commitment to the integrity of Congress that all of us have. I remember learning in school that we are coequal branches of Government, and all of us grew up understanding that this meant some degree of equal responsibility and equal ability to act.

What has developed in the recent past is a technological imbalance. The fact that the President has at his command the tools and techniques of the mass media, television, his ability to call instant press conferences, and things of that sort gives him a unique advantage over us, over the Congress. That is something that the Constitution did not intend.

What this plan does is to continue to rivet into the coffin of the Congress the weakness that the growing bureaucracy of the Executive has. I do not suggest that this is particularly true of the present incumbent of the White House, but it is a system that we have permitted to grow. Up until now we have found that the Bureau of the Budget, by statute, is a very responsive body. They have residing with them today 58 functions that Congress specifically gave to them, and under this plan these 58 functions will be transferred to the President for his disposal to other areas of Executive responsibility; additionally, the Executive Director of the Domestic Council, who will in fact be the domestic czar and be the boss of the Cabinet officers who are participating in major decisions affecting the future of legislation, will be totally unresponsive to the Congress.

This plan, if we go forward with it—and I am beginning to doubt that we will—will voluntarily give away more of the congressional responsibility than any single piece of legislation we have considered in the last half dozen years. We are almost illicitly strengthening the hand of the Government in the claim to efficiency. Now, efficiency is a very nice thing to have around. But if you are going to make more efficient a former co-equal, but now someone in much greater strength and magnitude, then you have destroyed the whole constitutional system under which we have operated.

My other very strong objection to this plan is that it does not make for open government. My very good friend from Indiana and my good friend from Illinois have talked about the demand of students for reform, and they have talked about the winds of the change. But the one thing that they forgot to mention is that if this plan moves forward it makes for more closed government. It is opposed to open government. This again is another classic example of the one thing we have learned in the last 6 or 7 years, that Congress, by forfeiting its responsibility, lets the Executive on occasion—and I use this word very, very cautiously—almost run amok. We are continuing to let the Executive gain strength at our loss, and we are giving up review of 58 statutory functions that we have specifically delegated to the Bureau of the Budget. We are forgoing the opportunity to question under congressional scrutiny the head of the Bureau of the Budget.

My friend from Indiana has suggested that the President is inaccessible. He has raised that issue. There has been conversation about the inaccessibility of the President. I do not suggest that this President is more or less inaccessible than any other President, but we are contributing to the bureaucracy that prevents us from having accessibility to the President.

I think it is a fact, and I would like to put it in the RECORD and will ask to do so when we go back into the House some recent comments in the press.

The May 8 Wall Street Journal says: "Turmoil at the Top; an Inaccessible Nixon Stirs Anger and Despair Within

Administration; Aide Charged With Isolation of President; Some Officials Are Talking of Resigning."

In the Washington Post the headline says: "Lack of Contact With Nixon Frustrates Technical Advisers."

The New York Times of May 1970 says: "Nixon Too Aloof, Officials Charge, Complaints of Inaccessibility Growing in Washington."

What we are doing here is hurting the President and building another super-bureaucracy to prevent any accessibility to him.

What we are trying to do is not only destroy congressional prerogatives, but also destroy the Presidency. How much further can we continue to isolate the President from the realities of our society? We are having a super-duper Director of a super Council direct the Cabinet officers and prevent them from consulting with the President and seeking his assistance on the programs they want.

How can we intelligently call ourselves legislators if we are going to participate in the most hypocritical action of efficiency I have ever seen.

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

Mr. ROSENTHAL. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I do not agree that the President is going to remove himself from anyone. He is a part of this Council. He is going to be bringing all the effort of the Executive toward solving one problem, assuring that we are not duplicating efforts, and exerting all our efforts on the problem and finding quick solutions.

Mr. ROSENTHAL. Mr. Chairman, I include certain editorials at this point for the information of the Members:

[From the New York Times, May 10, 1970]
NIXON TOO ALOOF, OFFICIALS CHARGE, COMPLAINTS OF INACCESSIBILITY GROWING IN WASHINGTON

(By E. W. Kenworthy)

WASHINGTON, May 9.—"The White House has paid damned little attention to our report or to working with those who wrote it," a member of the staff of the National Commission of the Causes and Prevention of Violence asserted recently.

The top aide of the commission added that, when the report was completed last December, President Nixon at first showed some interest in it. But, the staff member said, the President delegated the whole matter to John D. Ehrlichman, his assistant on domestic affairs, and Mr. Ehrlichman in turn delegated it to Egil Krogh, one of his assistants.

What upset the commission staff member about the alleged White House neglect was that the studies prepared for the violence commission contained recommendations on how to respond to the dissent and disaffection of the young.

But, he went on, the President and his closest advisers "did not turn to us. They had made up their minds simply that the kids are wrong and everything is a matter of law enforcement. Now they are paying the price of having lost faith and trust in the academic community and the young."

TYPICAL OF GRIEVANCES

This complaint about the purported inaccessibility of President Nixon to all but a few of his inner circle of personal advisers in the White House was typical of the grievances

privately voiced by high officials in the wake of the disclosure of a critical letter sent to the President by Secretary of the Interior Walter J. Hickel.

In the letter, Mr. Hickel pleaded with the President to open channels of communication not only with the young but also with his own Cabinet. Perhaps through such conversations, Mr. Hickel wrote, "we can gain greater insight into the problems confronting us all, and, most important, into the solutions of these problems."

What seemed peculiarly ironic to many observers in Washington and in the academic community was that Mr. Hickel was begging the President to do what he had pledged himself to do during his 1968 campaign.

In a speech on his concept of the Presidency, Mr. Nixon had said that a President "should not delude himself into thinking that he can do everything himself, or even make all the decisions himself. America today cannot afford vest-pocket government, no matter who wears the vest."

BROADEST POSSIBLE BASE

For that reason, the President continued, he did not want a Cabinet of "yes-men," but one with the broadest possible base whose advice to him would be filtered through the best thought in the country. Because "the lamps of enlightenment are lit by the spark of controversy," he said, "dissenters would be brought into policy discussions to insure a true ferment of ideas."

To judge from the high-level complaints of what has been described as the President's isolation, his practice has fallen far short of his prescription.

The most startling revelations of the President's decision-making process and the closeness with which he holds his decisions involved Secretary of Defense Melvin R. Laird and Secretary of State William P. Rogers.

Mr. Laird did not know until the last moment that the President had decided to announce that 150,000 men would be brought home from South Vietnam over the next year. Mr. Laird had confidently told associates and key members of the Senate and House Armed Services Committees that Mr. Nixon would announce the withdrawal of 40,000 to 50,000 troops over four months.

CONTRADICTIONS FOUND

Mr. Rogers told a House Appropriations subcommittee on April 23 that "we have no incentive to escalate" the war, and that any diversion of troops into Cambodia would defeat "our whole program" of Vietnamization. Five days later, South Vietnamese troops, with United States advisers and the support of American aircraft, struck across the Cambodian border; seven days later, United States troops attacked in the Fishhook area.

Instances of failures in communication—either as a result of the President's self-imposed isolation or the zeal with which he is protected by the concentric White House rings around Mr. Ehrlichman and Henry A. Kissinger, the foreign affairs adviser—are plentiful.

For example, George Romney, Secretary of Housing and Urban Development, has complained that for long stretches he has not been able to reach the President by telephone. And Mr. Romney learned while on vacation in Hawaii of White House plans to take money from his Model Cities program to help finance the program to improve some schools in Negro areas and to desegregate others.

LACK OF CONTACT WITH NIXON FRUSTRATES ECONOMICS ADVISERS

(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the

war will have either no effect or at worst a negligible impact on the economy.

But do they know what they are talking about?

It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charis E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months.

The Treasury Secretary even assured French Finance Minister Valéry Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt re-assured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's, Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out and of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they do get in to see Mr. Nixon, they are never alone with him: either Ehrlichman, Flanigan, or other aides are present.

Flanigan, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as well-informed, had expected. Now, they don't know what comes next.

TURMOIL AT THE TOP: AN INACCESSIBLE NIXON STIRS ANGER AND DESPAIR WITHIN ADMINISTRATION; AIDES CHARGED WITH ISOLATING PRESIDENT; SOME OFFICIALS ARE TALKING OF RESIGNING; WHITE HOUSE STAFF'S DEFENSE

(By Richard F. Janssen)

WASHINGTON.—A deepening malaise grips the highest levels of the Nixon Administration, as many of the men the President picked to help him run the Government find themselves increasingly cut off from access to the Chief Executive himself.

Cabinet members and sub-Cabinet officials complain that Mr. Nixon is insulated from them by a screen of elite aides; information and competing opinions fail to filter through to the lonely Oval Office. Issues pile up awaiting decision. When a decision does finally emerge, the Cabinet men and their top lieutenants may find it unrecognizable; their counsel has been overruled by the men in the tiny innermost circle.

Morale sags. Men who planned to stay the course now talk of leaving, and men who planned to leave at the end of the year talk of leaving now.

MANY ISSUES INVOLVED

The troubling situation can hardly be overstated. The unhappiness and disillusionment is deep and wide, predating Cambodia and Kent State and encompassing a range of domestic and foreign issues. Interior Secretary Walter Hickel's plaintive bid for the Presidential ear—a Cabinet member forced to write a letter and leak it to the press in order to obtain the President's attention—is merely the most dramatic and public evidence.

Consider these other examples:

Secretary of State William Rogers and Defense Secretary Melvin Laird have been caught off guard by some of the most momentous Nixon decisions regarding the Southeast Asian war, in part because of White House fear that their departments can't keep secrets.

Housing Secretary George Romney, reading the papers while on vacation in Hawaii, learned for the first time that the White House was contemplating deep cuts in his Model Cities budget. He is now back here—"hopping mad," according to a top aide—demanding a face-to-face confrontation with the President before a final decision is made.

A high Commerce Department official with a pressing question about a vital foreign trade policy problem strove in vain for one whole year to obtain an audience with the appropriate White House staffers.

A Transportation Department chieftain needing a Presidential yes or no on a plan for preserving rail passenger service was sidetracked so long that he toyed with the idea of stomping into the White House and setting up an electric train to dramatize his frustration.

AN OLD COMPLAINT

Disappointment over lack of access to a President is nothing new in Washington; a common capital cliché has it that the scarcest commodity in the world is the time of the President of the United States. But Nixon appointees can recite that cliché with unusual feeling—and now that Cambodia and the campus are such overriding concerns, officials handling less dramatic matters can expect to find the President even less accessible than before.

The lack of Presidential attention and the absence of clear policy positions result in frustrated foundering by administrators in such fields as budget and taxes, foreign trade, consumer protection, farm price props, school desegregation, urban improvements and the war on poverty.

Recent weeks have produced some agonizing economic developments, ones that presumably should have been receiving top-level attention and analysis. Yet at one time or another four key economic policy-makers—Treasury Secretary David Kennedy, Budget Director Robert Mayo, Commerce Secretary Maurice Stans and Federal Reserve Board Chairman Arthur Burns—were out of the capital on assorted missions in South America. Aides suggested, only partly in jest, that their bosses all figured they would be having no greater impact on policy remaining in Washington than traveling abroad.

BACK TO THE UNIVERSITY

Numerous second-level Administration men talk in private about cutting short their service in the Government. One sub-Cabinet-rank official who had expected to have a major role in making economic policy feels sufficiently shut out to be thinking now of leaving by the end of the year, rather than staying the whole four years. Another sub-Cabinet member begins stressing his university's desire to have him back teaching in February; associates are convinced he wouldn't be paying much attention to that deadline if he found his present work more rewarding. Speculation grows that some Cabinet men may quit after November's Congressional elections, if not before.

In December 1968, introducing his 12 Cabinet members to the American people on television, President-elect Nixon promised that "every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decision we can possibly reach." Yet today only four of those men—Attorney General John Mitchell, Secretaries Laird and Rogers and Labor Secretary George Shultz—are said to have ready access to the boss.

Mr. Mitchell, the bond-market lawyer who managed the Nixon election campaign, wields paramount influence; even the other three sometimes find themselves in the dark about what's on the Nixon mind. Only four days before the President announced the commitment of troops to Cambodia, Mr. Rogers was telling Congressmen such a course would mean "our whole program (of Vietnamization) is defeated." Earlier, Mr. Laird didn't know up to the last minute that the President would announce a decision to pull 150,000 troops out of Vietnam within 12 months; the Defense Secretary kept right on talking almost to the very end about 40,000 to 50,000 troops within four months.

In general, frustrated would-be policy makers concede high regard for the intelligence of the key men around the President. But there's deep resentment and growing concern about what is felt to be his overreliance on them. Besides Mr. Mitchell, the names most mentioned as part of the inner circle are John Ehrlichman, majordomo for domestic affairs; Henry Kissinger, the foreign-affairs counterpart; H. R. Haldeman, who decides which persons and papers get through to the President, and Peter Flanigan, general troubleshooter.

Frequently, however, a Cabinet member can't even penetrate to anybody in this inner circle, let alone to the President himself. White House men confirm that it's quite common for the head of a Cabinet department to be denied an audience with Mr. Ehrlichman and instead be shunted to one of his half-dozen deputies—even though the deputy may be half as old as the Cabinet member and far less experienced.

The official current defense of this procedure seems far removed from Mr. Nixon's December 1968 promise of easy access. "We can't have a lot of Cabinet guys running in to the President," a White House insider asserts, "or he'd never have a question refined to where it's worth his making a decision."

A NEAT SYSTEM

Another Nixon intimate rejects the suggestion that this emphasis on orderly processes denies the President any real feeling for what's going on around him and in the nation at large. Through memos and talks with the top staff aides, he insists, the President gets a very full understanding of what the Cabinet departments are urging. Even more important, this man argues, the present system somehow tends to keep the President from becoming overly preoccupied and immersed in any one problem—"He's not going down to the war room in his slippers like LBJ."

Views may quite legitimately differ, of course, on what subjects are vital enough to warrant speedy Presidential attention and decision. But many Government men complain that the current White House team often fails to recognize how important some matters are.

According to insiders, the "Railpax" plan or passenger service was mired for months outside the President's office, kept there by Presidential aides concerned over the potential budget impact. Finally, to force the issue, frustrated Transportation Department officials leaked a report that the plan had received the Nixon blessing. Some accuse Mr. Ehrlichman of recognizing this pressure attempt and retaliating by holding a decision back still longer. Now an impatient Congress has devised a costlier plan of its own—which the President is expected to accept.

The Commerce Department official (a Nixon appointee) needing guidance about possible expansion of trade with the Soviet bloc says he tried all through 1969 to obtain an audience with Henry Kissinger. He failed, and now others observe that, in the absence of a crystallized Administration position, Congress has done only minor tinkering instead of major "bridge-building" between East and West.

TAX INCENTIVE PLAN

The White House staff stalled for almost a year on details of a Presidential proposal for wealthy nations to give tariff preference to poorer countries. In the end, the original plan was approved, but meantime other key nations had impatiently gone ahead with plans of their own, and pessimists here fear it now may be impossible to get everybody in step.

A prime casualty of White House delays is the idea of tax incentives to business for helping solve social problems—training the hard-core unemployed and locating plants in poverty areas to create jobs there. In the 1968 election campaign, Mr. Nixon portrayed this approach as a cornerstone of domestic strategy. Even when the costs and complexities loomed larger and the once-sweeping schemes were pared down to pilot projects, Presidential Counselor Arthur Burns kept the concept alive.

When Mr. Burns moved to the Federal Reserve in February, however, nobody at the White House wanted to take over the idea. Instead, it was handed—without any Presidential guidance, and with instructions to do whatever they wanted—to two unenthusiastic Treasury men, tax policy chief Edwin S. Cohen and Internal Revenue Service Commissioner Randolph Thrower. Predictably, they have let the package languish. "Between Carswell and Cambodia, I doubt this ever came to the President's attention," asserts a disappointed advocate of the tax-incentive approach.

Even at the Budget Bureau, long the all-powerful overseer of all Presidential legislative proposals, the aura of cool command is fading. "The bureau was completely in the dark" about a Presidential effort to shape a major piece of labor law, says an official of another agency. "They were asking us who to contact at the White House to find out what was going on."

AN OVERLOOKED MATTER

White House aides may even be undercutting the Budget Bureau's most basic role—helping slice the fiscal pie. It was after the President brainstormed with his immediate staff that he suddenly decided to sweeten his school desegregation statement with a promise to divert \$500 million from other domestic programs to help schools cope with racial problems. Nobody could say precisely where the money was to come from, however, because budget chief Mayo didn't even know of his huge new chore until he read about it in the papers. And the decision as to where the money is to come from still hasn't been made, six weeks later.

While that left-out feeling is perhaps most painful in such traditional Government power centers as the Budget Bureau, it is also demoralizing in less pivotal departments. Housing Secretary Romney hasn't minded admitting that programs to stimulate homebuilding must remain low in priority until inflation is checked, but he was stung to read while on his Hawaiian vacation that a big chunk of the extra school money was likely to be provided out of his already depressed urban programs.

"That's really an affront to a Cabinet member," observes one Romney aide. Another finds the slight all too typical of that "bunch of whiz kids" at the White House. Besides resenting the way the decision is being made, the HUD Secretary himself views the likely slashes in his budget as fresh evidence of something more troubling: A deep disdain for urban problems among politically oriented men in the White House.

UPSTAGED BY AGNEW

The Administration's school desegregation policy still is far from clear to the Government officials who must work in this field, even though the problem has received at least passing Presidential attention. In part, this confusion may stem from the fact that Health, Education, and Welfare Secretary Robert Finch, the logical man to handle the matter, has been upstaged by a special White House panel headed by Vice President Agnew, and its workings remain obscure. The panel's staff chief, Robert Mardian, so diligently avoids reporters that down-the-line agencies despair even of learning about policy through the press. HEW's old-line Office of Education is in turn upstaged by Mr. Finch, and reports abound of Commissioner James Allen's early departure.

An Allen aide, Anthony J. Moffett, 25-year-old director of the Office of Students and Youth, announced his resignation just yesterday. Assailing recent Nixon and Agnew statements about young people and campus disturbances, Mr. Moffett said: "The President and his most trusted advisers do not view themselves as leaders of all of the American people."

Poverty-warriors in the Office of Economic Opportunity grumble that they face the ultimate embarrassment of a bureaucrat—decisions so sluggish that unspent funds may have to be turned back to the Treasury when the fiscal year expires June 30. The Ehrlichman operation comes in for criticism among HEW's welfare planners, too. They complain that the White House staffers simply don't know enough about the details to make decisions on crucial changes required by the Senate in the President's massive welfare reform plan. Veteran HEW experts would be happy to help, but no one asks. Says one with a shrug: "I guess the White House just doesn't trust us."

Mr. ERLBORN. Mr. Chairman, I yield to the gentleman from Michigan (Mr. GERALD R. FORD), such time as he may consume.

Mr. GERALD R. FORD. Mr. Chairman, when we get into the House of Representatives, I will ask unanimous con-

sent to include in my remarks certain letters from members of the President's Advisory Council on Executive Organization.

Mr. Chairman, the gentleman from New York (Mr. ROSENTHAL), has made several observations and comments which are critical of the President's plan. I would like to respond to those particular charges or allegations.

One, the question of inaccessibility: I think the gentleman from New York knows very well that the chairman of the Domestic Council will be the President of the United States and in that capacity he will be sitting with members of the Council and will be counseling with them on the matters that are before the Council. Contrary to the belief of Mr. ROSENTHAL, the President will be more accessible to the members of the Domestic Council, and they will have a better opportunity to express their views to him in person, and each of them along with the President will have a better opportunity for an exchange of views in this atmosphere.

I think it is fair to say that the President will be more accessible rather than more inaccessible.

What particularly bothers me is the allegation or the implication perhaps that the group of eminent citizens who make up the President's Advisory Council on Executive Organization, have performed their assignment in a rather cavalier way and did not dig into the problems confronting a President in the management of his Office and the executive branch of the Government on the domestic side.

I have personally talked with four of the members of that Advisory Council, I have read with care the letters which they have sent to me and, I gather, to all Members of the House. It seems to me that they have thoroughly analyzed the problems facing a President and their endorsement of the reorganization plan is very persuasive to me.

Let me read off, for the benefit of those who have not taken the time, the names of the individuals who serve on the Advisory Council and their positions of responsibility.

Mr. Roy L. Ash, president of Litton Industries, Inc., a person who I believe, by any standards, is a management expert. He wholeheartedly endorses the proposal.

The letter is as follows:

EXECUTIVE OFFICE OF THE
PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON
EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: You will be voting sometime this week upon House Resolution 960 which disapproves Reorganization Plan No. 2 of 1970. I am writing to call to your attention the significance of that Plan and to express my hope that Congress will allow its enactment.

As you may know, I am Chairman of the President's Advisory Council on Executive Organization. In part, my interest in Plan No. 2 is based on our Council's intensive study of the President's Office made last year. For a long time prior to my work on the Council, however, I have been deeply con-

cerned about the increasingly complex management problems of the Executive Branch, especially those in the Executive Office of the President.

The proposals in the President's Plan are not exceedingly novel. Rather, they are a distillation and synthesis of ideas developed over the years by members of both parties in the Congress as well as the Executive Branch. The steps proposed for the President's Office are specifically designed to allow greater delegation and to enhance the effectiveness of the entire Executive Branch.

In brief, the Reorganization Plan sets up a Cabinet Level Domestic Council chaired by the President. The Council with its staff represents a formal mechanism to help the President deal with the proliferating number of domestic programs which frequently involve six or seven agencies or more. We have all recognized the need for a more coherent way of formulating domestic policies and programs—a way to insure that Department and agency heads retain their prime role in the development of program alternatives. I firmly believe the Domestic Council represents an important and necessary mechanism to accomplish these ends.

The President's Plan also establishes an Office of Management and Budget to which he will delegate all the functions of the Bureau of the Budget. As indicated by its name, the Office will focus increased attention and personnel on those management activities needed to put programs into action. No longer can either Congress or the President assume that programs once legislated and funded will automatically produce the desired results. Plan No. 2 indicates the President's desire to use other important management tools in conjunction with the budget to make sure that Federal programs operate effectively.

Sound organization and management are essential if the federal government is to fulfill its missions and this is what the Plan provides for the Presidency. I hope you agree that the President needs better means to formulate integrated programs and achieve in actions, the results that he and the Congress intend.

I urge you to vote against Resolution 960 so that Reorganization Plan No. 2 may take effect.

Sincerely,

ROY L. ASH,
President,
Litton Industries, Inc.

Another member of the Council is John B. Connally, a former Governor of the State of Texas and a former Secretary of the Navy under the Kennedy administration. He very vehemently urges the House of Representatives to support Reorganization Plan No. 2, and he urges that the President be given these new tools for the purpose of improving the efficiency and effectiveness of the executive branch and particularly his own office.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: Sometime this week, Congress will be considering Reorganization Plan No. 2. I am writing to you to voice my strong support for the Plan.

The President's Advisory Council for Executive Organization was in large measure responsible for formulating the Plan now

before you. As a member of the Council, I was particularly interested in insuring that organizational changes were recommended to correct the serious problems of managing Federal programs on the state level. The Division of Program Coordination—proposed by the Plan—would establish a Washington-based staff, active in the field, to identify and help remedy interagency program bottlenecks.

The Reorganization Plan sets up a Cabinet Level Domestic Council chaired by the President. From my experience, the President faces almost insurmountable problems in managing domestic programs. In the past, a small White House staff has dealt with these matters on an ad-hoc, worst-first basis. There has been no systematic way for the President to reach out and formulate solutions to problems before they reach crisis proportions. Reorganization Plan No. 2 establishes a formal body and provides sufficient staff for this purpose. The Domestic Council which is comprised of the domestic agency heads, will address domestic problems through ad hoc task forces, headed by individual Cabinet members.

Reorganization Plan No. 2 also establishes an Office of Management and Budget. This Office will broaden the role of the Bureau of the Budget emphasizing long term program evaluation and other important non-budgetary functions in addition to year-to-year budgeting. The President can no longer assume that programs once legislated and funded will automatically produce the desired results. Plan No. 2 provides the President with the management tools, in addition to the budget, to ensure that federal programs operate effectively.

I urge you to approve Reorganization Plan No. 2.

Sincerely,

JOHN B. CONNALLY,
Partner,
Vinson, Elkins, Searls and Connally.

Another member of the Advisory Council on Executive Organization is Mr. Walter Thayer, president of Whitney Communications Corp. Mr. Thayer's reputation as a businessman I believe is well known to all who are cognizant of top executives in the business community. He, like the others, has urged me, as well as other Members of the House, to support the President's reorganization plan.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: As you may know, I am a member of the President's Advisory Council whose recommendations have formed the basis for Reorganization Plan No. 2 of 1970. I am writing you, however, to voice individually my strong support for the Plan.

There is a great need to provide the Presidency with an organizational structure to assure that our domestic programs do not remain in an inconsistent patchwork pattern. At the same time we must recognize that each administration must have flexibility in shaping the complicated network of inter-related, interagency domestic programs. I am confident the Domestic Council proposed in the President's Plan will provide these answers. Moreover, such a Council will reverse the trend of policy and program issues moving toward the White House informal staff, since working sub-groups of the Council will permit Department and agency

heads to participate more fully in the policy making process.

Even so, program development and execution must be aided by more attention to the organizational and management implications of program decisions. We must be able to learn quickly whether programs are really achieving the objectives intended by Congress. Such knowledge will come from the better information system contemplated. Also, the Office of Management and Budget, proposed in the Plan, will provide needed emphasis on managing—not just house-keeping.

In short, the President needs these management tools to discharge the responsibilities of his Office—he needs the organizational structure that will permit him to delegate more confidently to the agencies the overwhelming tasks of the Executive Branch. I earnestly hope that you and the other members of Congress will help this President—and future Presidents—to avail themselves of the organizational structure which will best serve the cause of government as we think this will.

With kind personal regards,

WALTER N. THAYER,

President,

Whitney Communications Corp.

Then we go to the academic world. Dr. George P. Baker, dean emeritus, Graduate School of Business Administration, Harvard University, also by letter has urged Members of the House to approve the President's Reorganization Plan No. 2.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: I am writing you to express my strong personal support for Reorganization Plan No. 2 which is currently being considered by the Congress. My interest in the organizational problems of the government is a long standing one and I consider it a rare privilege to be presently serving on the President's Advisory Council on Executive Organization. As you probably know, this Council's recommendations to the President resulted in the Reorganization Plan which is now before you.

The real question is one of making the President's job manageable by providing him with the necessary organizational mechanisms. A President can no longer rely on the informal workings of the White House to deal with the complicated interagency questions of domestic programs. A more rigorous procedure for developing the various program alternatives is needed, and the Department and agency heads must reclaim their rightful role in this process. The Domestic Council proposed in Plan No. 2 will provide the kind of flexible structure needed by the Presidency.

Making the President's job more manageable also demands improvement in the mechanisms that provide him with information and evaluation about the government's programs. He needs a better way to resolve operating problems between agencies in the field. He must cut the "red tape" which inhibits the effectiveness of so many programs. It is these kinds of functions that will be emphasized in the Office of Management and Budget proposed in Plan No. 2.

Every administration must cope with the same overpowering tasks. Reorganization Plan No. 2 is not a Plan for President Nixon alone. It will serve every President, just as it will serve every Congress. Better manage-

ment of the Federal government is everybody's concern. I urge you to support this major step forward in the battle for effective federal programs.

Sincerely,

DR. GEORGE P. BAKER,
Dean Emeritus, Graduate School of
Business Administration, Harvard
University.

Mr. Richard M. Paget, president of Cresap, McCormick & Paget, a member of the Advisory Council on Executive Organization, likewise strongly feels the President's reorganization plan should be approved.

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY
COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: I understand you will soon be considering Reorganization Plan No. 2. As a management consultant I have spent many years working on the management problems of both government and private business. As a result, I have been pleased to have the opportunity of participating as a member of the President's Advisory Council on Executive Organization. I and our Council firmly believe that improving the operation of the President's Office can lead the way to vast improvement in the management of the whole Executive Branch.

I have become particularly aware that no matter how well conceived a program may be, it can easily fail if inadequate attention is given to its implementation or if it falls victim to government "red tape." The President's Plan recognizes this by proposing to establish an Office of Management and Budget which will not only continue the fine work of the Bureau of the Budget, but will also afford long overdue attention to the important role of good management in making programs work. There will be increased emphasis on program coordination—unsnarling interagency bottlenecks that occur in the field. There will be significant efforts devoted to developing better management information, of use to the Congress as well as to the Executive Branch. There will be on-going attention to ensure that agency organization keeps in tune with program requirements.

In turn, these strengthened management functions along with the present budgeting activity can feed back into the process of policy and program formulation. The Domestic Council proposed by the Plan can work to ensure that full advantage is taken of the creative ideas and knowledge generated in the Office of Management and Budget. Yet since the OMB will report directly to the President, he will retain the benefit of an independent relationship with this organization.

I sincerely hope you will support Reorganization Plan No. 2 by voting against House Resolution No. 960—a resolution that would deny our nation the chance for a significant modernization of governmental management that could serve future administrations as well as this one.

Sincerely,

RICHARD M. PAGET,
President,
Cresap, McCormick & Paget.

There is also a most significant communication from Mr. Frederick R. Kappel, chairman of the executive committee, American Telephone & Telegraph Co., a member of the President's Advisory Council on Executive Organization. Most Americans would agree that

A.T. & T. is a sizable, efficiently organized corporate organization. It has affiliates in most of our States. I believe it does a good job. It has been a leader in moving ahead in the communications field. I believe it has given us good service at a reasonable price, and has been able to do this because of its efficient management.

It seems to me that the views and opinions of Mr. Kappel ought to be given consideration by the House. As I said, he has urged that we act affirmatively on the President's program.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY
COUNCIL ON EXECUTIVE ORGANIZATION,

Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: I am writing to call your attention to House Resolution 960 which would deny the President the important management improvements he needs to achieve the results we all expect from our Federal Government. As you know, H.R. 960 disapproves of the President's Reorganization Plan No. 2 of 1970 which is based on recommendations from the President's Council on Executive Organization of which I am privileged to be a member.

The Council's thorough study of the Executive Office has convinced me that at long last Plan No. 2 gives us a chance to take a major stride in updating the managerial effectiveness of our Federal government—important steps that will serve as well for many years to come. In the proposed Office of Management and Budget I applaud the emphasis stated in the President's message on such functions as program coordination, attention to management systems and program evaluation.

Personally, I have always felt strongly about the importance of good executives. This should be a prime concern of any top manager. As you know, one of the groups in the Office of Management and Budget would be devoted to the stimulation of career executive development throughout the Executive Branch.

This group would not recruit, evaluate or train any individuals. Rather it would spend its time thinking about the kind of programs needed to attract and retain competent career executives and to ensure that they are used to the full limit of their capabilities. This group would act as an energizer to encourage the activities of the Civil Service Commission and the agencies in all important areas. Frankly, the Commission has done some excellent work on executive development, but it is heavily burdened by the weight of its other regulatory and administrative duties. There is a great need to coordinate the many different personnel systems that exist in addition to the Civil Service System.

Moreover, executive manpower planning is in a primitive state. It desperately needs to be plugged into the other important management activities emphasized in the Office of Management and Budget.

I also heartily endorse the establishment of the Domestic Council proposed by Plan No. 2. It shows great promise of finally bringing some order to the jumbled processes of interagency program development.

I sincerely urge you to take this chance to endorse the President's concern with improving the management of his office and the resulting benefits for the operation of the whole Executive Branch. It would be a tragic commentary if the Congress were to pass House Resolution 960 and forgo the oppor-

tunity for better management in the Federal government afforded by Reorganization Plan No. 2.

Sincerely,

FREDERICK R. KAPPEL,
Chairman, Executive Committee, American Telephone & Telegraph.

The charge has also been made that the Bureau of the Budget is being downgraded, that its role or responsibility will be minimized to some extent. There is a letter which was sent to me, dated May 11, from the present Director of the Bureau of the Budget. He, as others have, urges favorable action on the reorganization plan.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 11, 1970.

HON. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: Your letter of May 7 requests my views on the role of the Bureau of the Budget as conceived under Reorganization Plan No. 2 of 1970.

I reject the allegations that have been made that the reorganization plan somehow downgrades the role and operations of the present Bureau of the Budget. I believe that the plan will pave the way for giving this agency a significant new focus and thrust in major areas of management and for strengthening its role and operations.

Very briefly, the reorganization plan designates the Bureau as the Office of Management and Budget, transfers the Bureau's statutory functions to the President, provides for six new Level V positions in the Office and establishes a Cabinet-level Domestic Council over which the President would preside. The Office and the Council would perform such functions as the President would delegate or assign from time to time.

The basic role of the Office of Management and Budget will be the same as that of the Bureau of the Budget—that is, to provide advice and assistance to the President. The major activities of this agency are, and will remain, in support of responsibilities and authorities, such as the preparation of the budget and insuring effective management, which are vested in the President.

Because its basic role is to assist and advise, I believe it is appropriate that the Bureau's statutory functions—as a constituent part of the Executive Office of the President—be vested in the President himself.

The President has stated specifically in his message transmitting Reorganization Plan No. 2 that the statutory functions of the Bureau which are transferred to him will be delegated to the Office of Management and Budget. Thus, the new Office will start off with the same set of basic activities—with the same role—as the existing Bureau.

But, it is not the intent of the President or of the plan that the Office simply be a continuation of the Bureau. In my view and the President's view the plan provides the basis for a major new thrust by the Office in a number of key management areas. The Office's role and resources will be expanded and strengthened primarily in the following areas: (1) modernizing organization and management systems to eliminate out-of-date procedures and processes and cut down on delays, red-tape and unnecessary administrative requirements in new and old programs; (2) providing for better coordination of programs, particularly in the field, where there is a need to focus on short-range operational problems that trouble systems for the delivery of Federal assistance; (3) establishing the management information systems necessary to support decision-making at all levels both in the

executive and legislative branches; (4) evaluating the effectiveness of program expenditures in meeting national goals; and (5) developing programs for the recruitment, training, motivation, deployment and evaluation of top career executives. That is one of the principal objectives of the plan, better management.

One of the more serious allegations made about the plan is that, by establishing the Domestic Council, it is placing an inaccessible policy-making layer between this agency and the President. I think not. In the first place, the Council will not decide policy; the President will decide policy, as he now does. The Council, like the Office of Management and Budget, will be advisory. It will not, and cannot cut off access by this agency to the President. One of the reasons why I believe the Director of the Office should not be a permanent member of the Council is to preserve the Office's role as an independent source of advice to the President.

In its role of exploring domestic issues and options, I believe the Council can be of real assistance to this agency. It should, for example, provide a means for reaching better and earlier decisions on budget priorities. It should also be able to flag significant management implications of various program choices. At the same time, the Office of Management and Budget should be of invaluable assistance to the Council in providing data and advice on matters before the Council and, in most cases, participating in its work. The two agencies should cooperate very closely in the domestic area.

In sum, I do not agree with the fears expressed regarding the plan. In my view the role of this agency will be enhanced in many areas under the plan and, through interaction with the new Domestic Council, it should be in a better position to advise the President, as his key management agency, in a more timely and more effective manner.

Sincerely,

ROBERT P. MAYO,
Director.

I believe one of the most significant letters is one from the National League of Cities and the U.S. Conference of Mayors. It is signed by Patrick Healy, executive vice president of the National League of Cities, and John J. Gunther, executive director of the U.S. Conference of Mayors:

May 11, 1970.

HON. WILLIAM A. DAWSON,
Chairman, Government Operations Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DAWSON: We write to urge your support and that of the House of Representatives for the proposed Reorganization Plan Number II which would create a Domestic Affairs Council and strengthen the management responsibility of the Bureau of the Budget.

The Plan represents a sound, timely exercise of management responsibility by the President. Never in our governmental history has the press of domestic business so clearly dictated an executive structure adequate to effectively plan, coordinate and evaluate the nation's domestic policy. If anything, the Plan approaches being too late considering the rapid development of sweeping social, economic and environmental problems. Therefore, machinery designed to bring rational order to the Federal Government's participation in domestic programs is absolutely essential to new progress in overcoming these problems.

The cities have a great stake in the principle of this Plan for no level of government

acting singularly, can achieve lasting solutions to the problems of urbanization and other factors which affect our citizens. The cities, especially, must work vigorously with the states and Federal Government to assemble adequate resources for comprehensive attacks on our problems. Yet, at this crucial time, the Federal Government is still without a clearly defined set of domestic priorities and a rational National Urban Policy. And all too often, the Federal Government's administrative machinery seems to creak and grind towards urgently needed responses to our problems often winding up with duplicative, uncoordinated programs.

The evidence is clearly in favor of approval of this Plan. While we respect the recommendations of the Government Operations Committee in this matter, we feel that further delay in execution of the Plan could be fatal to establishing machinery that was needed yesterday.

We, therefore, do urge your support and that of your colleagues for the Plan and ask that the resolution recommending disapproval of the Plan be defeated.

Sincerely,

PATRICK HEALY,
Executive Vice President, National
League of Cities.

JOHN J. GUNTHER,
Executive Director, U.S. Conference of
Mayors.

I will put this letter into the RECORD when we get back into the House, because I think it is a powerful recommendation for the President's proposal.

So, Mr. Chairman, I say to the Members on this side of the aisle I think this is something that should be supported not only by them but hopefully by a majority of the Members of the House as a whole.

I am now glad to yield to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. I thank the gentleman for yielding.

The point I was trying to make, although perhaps I did not make it successfully, is that all of the men whose names you read off are very distinguished men and they led their corporate structures to great heights, although I might expect that some people in New York might take exception to the gentleman's remarks on telephone service. But putting that aside—

Mr. GERALD R. FORD. There may be reasons other than their desire to improve the service that prevented them from doing it.

Mr. ROSENTHAL. It may well be that. All of these men, I think, clearly understood executive responsibility and their experience of dealing with it in terms of the President. None of them understood our responsibility. They have all had great success in unilateral operations, and their only responsibility was to a board of directors. However, we are a constitutional body and have equal prerogatives and responsibilities. While I think they probably did a very good job from their point of view, I do not think any of them understood the nature of the responsibility that Congress has to maintain serious oversight in the executive branch. I think we have done a very good job in this area, and to give away another 58 statutory oversights really distresses me.

Mr. GERALD R. FORD. Let me respond by saying that all of the men that

served on this advisory council are as dedicated to the basic concept of the coordinate relationship between the executive branch and the legislative branch as anyone. They understand it is a basic fundamental concept that makes our system work well. They are not in favor of undermining that relationship.

Second, they were given the job of finding how administratively the President's Office and the executive branch could work on the domestic side. I think they have come up with a good formula.

It has been indicated here by Members who have studied the plan and understand the role of Congress that if we approve this plan we as a legislative body will not be giving up some of our responsibility in our relationship with the executive branch of the Government. The ones that I have listened to and have been impressed by do not think this very important relationship between the executive on the one hand and the legislative on the other hand is being destroyed. Others—obviously the gentleman from New York to some extent—believe that. But there are persuasive arguments as far as I am concerned that convince me that the role of the Congress in the management of our Government will not be hurt at all that the opportunity to improve the administrative side in the White House and in the executive branch will be greatly improved. For that reason I support Reorganization Plan No. 2.

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

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. WYDLER. Mr. Chairman, at a time when the responsiveness of American institutions is under attack more than at any time in recent decades, it is the responsibility of every public official to do everything in his power to make those institutions more responsive. The reorganization plan for the Executive Office of the President is designed to do precisely that. The Congress should not stand in the way of this important reform.

When the committee report on this measure was released recently, the New York Times described the action this way: The committee on Government Operations, it said, has "dealt a blow to President Nixon's plans for increasing efficiency." What a sad comment on the ability of our governmental system to reform itself. What a sad thing for young Americans to read as they wonder about the viability of our system of government. And what a sad situation it would be if the entire House of Representatives now joined in making that blow to efficiency a fatal blow by rejecting the plan of reorganization.

The President's plan has two parts. First, a new Domestic Council would replace the present Rural Affairs and Urban Affairs Councils and the Cabinet Committee on the Environment. It would provide staff support for the President comparable to that which the National Security Council provides in foreign affairs. The new Domestic Council would provide a professional mechanism through which the President could get

the "big picture" on the domestic front—a big picture which is essential if our national priorities are to be structured in any informed and intelligent manner.

The second part of the President's plan calls for a new Office of Management and Budget to replace the present Bureau of the Budget. While the Domestic Council worries about planning new programs, the new Office of Management and Budget would worry about carrying out existing programs. It will provide a professional mechanism through which the President could direct the activities of the executive branch more effectively and more efficiently—so that administrative performance might at long last begin to match legislative promise.

The hallmark of this reorganization plan is that it finally provides executive machinery which is commensurate with the responsibility the President bears in domestic affairs. He, after all, is held responsible if his program is not formulated as well as it might be. And he is held responsible if the executive branch does not administer programs the way it should. The reorganization plan which is now before us will finally make it possible for the President to carry out his responsibilities as fully and completely as possible.

As we act on this plan, we should also remember that it does concern the Executive Office of the President and is, therefore, in something of a special category. For in this plan, the President is telling us how he wants to set up his own Office so that he can carry out the work which the Congress and the Constitution have assigned to him. It would seem to me that within reasonable limits, the President should be allowed to run his own Office the way he wants to run it, and that he should receive the benefit of any doubt concerning the organization of that Office. I would urge the Members of the House of Representatives to act in accordance with this philosophy as they approach this vital question.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. Chairman, I rise at this time because the subcommittee which I chair, the House Committee on Government Operations, has for some time been studying the question of advisory committees in government and the role that these committees play as well as some of the problems that arise from the appointment of such committees and their proliferation as well as the fact that there is an absence of coordination between them. I am referring to commissions in the executive branch. Since the Domestic Council is one such unit I believe that the results of these studies are pertinent and even though I cannot detail them at any length in the time I have available, I have extended my remarks in the hearings and will do so here.

Nevertheless, I would like to simply mention a few highlights that might be of interest.

The subcommittee of the House Government Operations Committee which I am privileged to chair, held 3 days of hearings on March 12, 17, and 19 on the

subject of advisory committees, interdepartmental and public, especially those within the Presidential advisory system, obtaining testimony from Members of Congress, the Comptroller General, Council officials, the executive branch, including officials from the Bureau of the Budget and the Presidential Advisory Council on Executive Organization, academia, and others. The subcommittee plans to complete the initial phase of its study of advisory committees with several days of hearings this month. In our undertaking, we researched and studied much of the Presidential advisory system. As some of our subject matter relates to matters presently before the House, I should like to discuss some of our research data, the use and function of councils, and questions which the reorganization plan raises.

INTERAGENCY—INTERDEPARTMENTAL—AND ADVISORY COMMITTEES

The subcommittee's study discloses that over the years the Presidency has not been strong in policy planning, development, and analysis, its informational and communication network, monitoring the effectiveness of the many agency operations and programs; and controlling or managing governmental entities. To attempt to overcome many of these weaknesses, Presidents have utilized the interagency committee for communication, coordination, and governmental interaction and the advisory committee or task force for communication, information, policy advice, and evaluation.

The use of Presidential interagency and advisory committees is not novel. They have existed throughout the history of our Federal Government. But with each passing year, their number steadily increases. However, little or no attention has been paid to their management, efficiency of operation, use, contribution. The consequences of their use as to Federal policies and operations are largely unknown. I refer not only to how the unit functions but how the result—the potential useful product—is obtained. In a good number of instances, it is lost or ignored; other times it is not even assembled for evaluation. But in any event, very little of the efforts of most of these committees ever reaches the President. There is, at present, no means to gauge, filter, assimilate, and evaluate such advice throughout the executive branch and present it to the President and/or the Cabinet for consideration. It is also difficult for Cabinet members to present their advice or policy decisions to the President.

The subcommittee found that no comprehensive information system exists within the executive branch relating to interagency and advisory committees. There is no place in the Executive Office of the President to provide supervision over the requirements for establishing, operating, reporting, and terminating public advisory committees.

The subcommittee determined from its hearings and questionnaire that the Federal Government has about 900 purely interagency committees. We received reports on 1,519 public advisory committees with an estimated annual

operating cost of about \$65,000,000. We believe this number and amount to be understated by about 15 percent because we were unable to get reports on all existing committees. Taking this into consideration, the annual operating cost of the public advisory committees would be approximately \$75,000,000 and the number of such committees would be in excess of 1,750. Our reported estimated annual cost of operating Presidential advisory committees was about \$50,000,000 or about 75 percent of the overall cost of operating advisory committees.

At best, efforts to provide Federal oversight over committees have been sporadic and recent. But even these efforts usually do not carry over to Presidential-appointed groups or those which advise the President. It is easy to create advisory or coordinating councils. It implies that an administration is naming someone to take charge of a problem and that results will be forthcoming. Each is given a mission, possibly to coordinate, definitely to provide information and obviously to advise. The group may start off well. Today's Federal governmental environment is cluttered with committees that surely never would be missed. It is difficult to abolish atrophied or redundant committees, particularly at the Cabinet or Presidential level as they acquire an aura of inviolability, prestige, and the possibility of untouchability.

Many councils and committees exist throughout the Federal Government, usually with different names, but possessing the same or overlapping functions. The operation of these committees lead to duplication of effort, a waste of money and personnel resources. The subcommittee identified by category a large number of such committees. Such an example, identified by the category, "Status of Women," contains the following committees: Citizens Advisory Council on the Status of Women, Interdepartmental Committee on the Status of Women, President's Study Group on Careers for Women, and Task Force on Women's Rights and Responsibilities. Councils or committees have attempted to dictate and usurp operational functions which Congress has delegated to agencies of the various departments.

Congress should not spend time tracking down obsolete and redundant executive branch committees. Congress should make constructive recommendations, clarify the legislative intent as to executive reorganization law, create administrative guidelines and a workable management structure in order that the President and the departments may execute the law.

INTERDEPARTMENTAL COMMITTEES HAVING TWO OR MORE CABINET MEMBERS

Recognizing the great number of existing committees and the present desire to create a Domestic Council composed of Cabinet members, the subcommittee staff attempted to determine how many committees or councils on which two or more Cabinet officers serve. The information was not available in the Executive Office of the President. Accordingly, the subcommittee questioned all the departments and agencies possessing a designated Cabinet member.

We found that most departments did not know or have adequate records to disclose what committees their top operating official served on and that in many cases, they did not possess the correct name or title of the committee. However, from the data submitted, we have been able to compile a list of 73 interdepartmental committees having two or more Cabinet members serving on them.

There are five units on which two or more Cabinet members serve solely as a trustee; 10 of the 73 are active subpanels of the Urban Affairs Council. These units are more active than many of the committees. As the subpanels of the Rural Affairs Council were not reported, together with our finding that there was a lack of full or effective reporting by the departments, our total could easily be 85 or more interdepartmental councils on which two or more Cabinet members serve.

From submitted incomplete data, we found that the Secretary of Agriculture is a member of at least 43 in interdepartmental committees and chairs six. The Secretary of Commerce is also a member of 43 such committees and chairs seven. The total does not include committees that they chair within their own Departments. Given the departmental operating responsibility, either the Secretary has little or no time for his Department or little time for his committees. The use of high-level groups of Cabinet members to achieve results is overdone and in many areas, the councils are ineffective. Therefore, we must ask ourselves whether the Domestic Council is not just another council or tier in the bureaucracy of the Executive Office of the President, and whether efficiency in the operation of committees will be achieved through the abolition and coordination of existing councils and committees.

DOMESTIC COUNCIL

The Domestic Council of Reorganization Plan No. 2 will be chaired by the President and composed of the Vice President and all the members of the Cabinet except the standing Cabinet members—Secretaries of State and Defense—of the National Security Council. The Council will be supported by an institutional staff under the Executive Director.

The highest current interdepartmental committee is the Cabinet, which is neither statutory nor constitutional. A President may use his Cabinet in any way he pleases. President Eisenhower used his Cabinet as a Domestic Council dealing with domestic executive branch business other than national security matters which were taken up by the National Security Council. Effective use of the Cabinet depends on good staff and advanced staff work. An Eisenhower Cabinet Secretariat was established consisting of two professionals. The Secretariat reviewed proposed items to determine if Presidential action was needed, attended Cabinet committee meetings as observers, prepared agenda, assigned tasks to agencies, monitored the progress of the assignments, assessed quality, at-

tempted to create an information base, insights, perspectives, and alternatives.

Witnesses before our committee who were experienced in the operation of the Eisenhower Cabinet Secretariat and in reviewing and participating in committee operations concluded that the most effective Secretariat is one which is small, modest, and does not itself become involved in policy functions or get in the lines of communication between the President and the members of the Cabinet. An elaborate network of staff, utilizing departmental aides responsible to the secretaries, was designed around the Secretary for Cabinet Affairs to achieve followthrough and maximum departmental involvement. This experience suggests that the present request for a large Secretariat or institutionalized staff to service the Domestic Council could prove to be impractical and that such a staff could create barriers between the President and Cabinet.

One must ask what would be the relationship between the Domestic Council and, first, the Cabinet; second, the departments and agencies; third, the existing Cabinet-level interdepartmental committees functioning in areas of domestic policy such as the President's Committee on Consumer Interests, the President's Council on Physical Fitness and Sports, and others; and, fourth, existing high-level interagency committees or statutory committees functioning in areas of domestic policy such as the Council of Economic Advisors and the Council on Environmental Quality which have a statutory mandate of advising the President directly.

How will the Domestic Council work with existing operating agencies? Will the policy alternatives be made by the Council and then passed to the agencies for implementation? Will the Cabinet members report to minor Presidential assistants rather than the President? Will the real policymakers be responsive to the Congress or be cloaked in executive privilege? The President's message mentions that the Council for Urban Affairs, the Environmental Quality Council and the Council for Rural Affairs will be consolidated into the Domestic Council as subcommittees. This would mean that the many subcommittees of these councils will now be subcommittees of the new Council that another tier has been added to the present structure? The plan should have provided guidelines which would answer such questions.

The message states that much of the Council's work will be done by temporary, ad hoc project committees, such as task forces, planning groups, or advisory bodies. This statement further suggests the possibility of an additional layer of bureaucracy prior to decisionmaking as well as accelerated proliferation of Government by committees. At present, at any given time, there are approximately 200 interagency and public advisory committees, either appointed by or advising the President. Consolidation and suggested realignment of these 200 committees, especially the 70 or more Cabinet-level interdepartmental committees, is a

necessity in order to create efficiency, economy, and order in governmental operations and to carry out the purpose of the Reorganization Act.

I believe the plan should have been more specific in order that considered judgments may be made by the Congress, not only as to what is presently asked for but, also, as to the use of the continued statutory delegation of power under the plan.

In some respects, Reorganization Plan No. 2 will create greater confusion in carrying out its proposed objectives through the proliferation of committees, the creation of a new bureaucratic tier in the decisionmaking process, and conflict in the control and command structure.

Good structure contributes to making the job of a President manageable. However, the Council arrangement called for in Reorganization Plan No. 2 should be clarified so that its guidelines and the intent of its direction are known. It is the function of the Government Operations Committee to evaluate the effect of this law, to make sure that efficiency and economy of operation of Government activities will be achieved, and to assure that the executive branch is responsive to the Congress. I, therefore, support the disapproval resolution and urge my colleagues to join me in voting for the disapproval resolution.

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

Mr. MONAGAN. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. The figures that the gentleman is putting in the Record are very important. I can testify to an experience that I had recently when the Federal Radiation Council, composed of members of the Cabinet, and who very, very seldom meet—in fact, I do not have any record of them meeting—nevertheless one member of that Council who happened to be a Democrat and head of a department formulated in his own mind some standards with reference to radiation and went around and got the acquiescence of the rest of the Cabinet, a committee composed of Cabinet members, he was unable to get a meeting of that committee on his suggestions.

In the face of the numbers that the gentleman is giving to the House at this time and with all fidelity, this is not said in a derogatory sense, these men just cannot be in that many places in view of the rest of their duties which they have to perform. I am thinking very seriously of bringing up some legislation to change the Federal Radiation Council so we can change some of the incumbent members on that council and so we can have real participation and real influence.

Mr. MONAGAN. I think the point the gentleman has made is very important and raises the question that if the members of the Cabinet cannot serve effectively, they are in effect an impediment to carrying out these functions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 additional minutes to the gentleman from Connecticut.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

The question I have is whether or not the gentleman's study is going into the question of whether the work of the commissions and the councils that have been formed are being done by the members of those councils themselves or, in fact, as the gentleman is pointing out, by the staffs of those councils.

Mr. MONAGAN. That is exactly the point that I would make, and I thank the gentleman for calling it to our attention.

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

Mr. MONAGAN. I yield to the gentleman from Iowa.

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

I would ask the gentleman is it not a fact that in most instances where a Secretary or Cabinet member is a member of some board, as described in the gentleman's statement concerning the Secretary of Agriculture, that he actually appoints someone from his Department to serve in his stead. Is that right?

Mr. MONAGAN. Physically I do not see how he could do otherwise. But the claim is made for the Domestic Council that it would be this great functioning active body, and I suggest that that would not be the case.

Mr. ERLBORN. Mr. Chairman, I yield to the gentleman from Alabama (Mr. BUCHANAN), such time as he may consume.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the passage of House Resolution 960, which would formally disapprove Reorganization Plan No. 2 of 1970. As a member of the House Committee on Government Operations, which has reported out this resolution of disapproval, I have had considerable opportunity to study the provisions of Reorganization Plan No. 2. Having, as a result of this study, come to the conclusion that these provisions are absolutely essential for the efficient and responsive management of an executive branch which is operating within an organizational structure no longer adequate in meeting its vast responsibilities, I joined in the minority report and fully support this reorganization plan.

To me it would be more than ironic should this body prove willing to throw out such a major effort toward greatly improving and modernizing the functions of the executive branch at the very time when so many Americans—including many of us here in the Congress—are expressing increasing dismay over the inefficiency with which the Federal Government handles its vastly expanded functions. It is ironic, too, that, at a time when there is developing within this country a situation approaching a crisis of confidence because so many perceive a lack of responsiveness on the part of the Government to the needs of the people, the Congress would defeat a major effort toward insuring that the executive branch can be responsive to these needs.

The irony of this situation is revealed even more clearly by the action yesterday of the House Rules Committee, which gave its approval to a comprehensive measure aimed at reforming and updating the operations and procedures of the legislative branch. To my knowledge, there are few in this body who have denied the need for some such congressional reform or who have expressed unwillingness to bring about reform in the legislative branch.

The outcry for reform and improvement has been directed toward all three branches of the Federal Government, and there is widespread agreement that the functions and duties of the Federal Government have in the past several decades far outpaced the organizational structures set up at an earlier time to meet them. The time for action, as proposed in the President's Reorganization Plan No. 2, is, in my judgment, long past due.

This proposal is not the result of some sudden whim on the part of the President or his advisers. It came after exhaustive study by the President's Advisory Council on Executive Organization, a group of distinguished representatives of the business and government communities, who have had many years of experience working with management problems of both government and private business. Nor are the council's thoroughly studied recommendations without precedent. In making its recommendations, the council drew heavily upon the work of similar bodies which preceded it—including the pioneering Brownlow Committee of 1936, the two Hoover Commissions, the Rockefeller Committee and other presidential task forces.

In my considered judgment, the President's proposal goes to the very heart of the problem of government; that is, first, how can a President get the right information at the right time in order to make the right decisions? and, second, once policy is made, how can it best be evaluated?

As Members of that governmental body which performs the function of transforming ideas and programs into law, I am sure that we have all become acutely aware of the fact that no matter how well written a law may be or how well conceived a program may be, it can easily fail if inadequate attention is given to its implementation or if it falls victim to Government redtape.

The President's plan recognizes this by proposing to establish an Office of Management and Budget which will not only continue the work of the Bureau of the Budget, but will also afford a long overdue attention to the important role of good management in making programs work. The plan would transfer all of the existing statutory functions of the Bureau of the Budget to the President. The President would be authorized by this plan to delegate his statutory functions only to agency heads and to officers appointed by the President with the consent of the Senate. The name of the Bureau of the Budget would be changed to the Office of Management and Budget, and the Director of this new Office would be authorized with the approval of the Presi-

dent up to six new Executive Level V officers in that Office.

Through this new office there will be increased emphasis on program coordination, particularly with respect to interagency bottlenecks. There will be significant efforts devoted to developing better management information, of use to the Congress as well as to the executive branch. There will also be on-going attention to insure that agency organization keeps in tune with program requirements.

While the Office of Management and Budget will be concerned primarily with how programs are to be implemented and how well this implementation serves the purposes of the programs, the Domestic Council proposed in Reorganization Plan No. 2 will be primarily concerned with the what of executive branch functions. The Domestic Council proposed in the plan would consist of the President of the United States; the Vice President; the Attorney General; the Secretaries of Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, Interior, Labor, Transportation, and Treasury; and such other officers of the executive branch as the President may from time to time direct.

The Domestic Council would be assisted with a professional staff and, to a considerable degree, would be a domestic counterpart to the National Security Council. This Council would enable the President to assess national needs, collect information, and develop forecasts in order to define national goals and objectives. It would identify alternative ways of achieving the above objectives and recommend consistent, integrated sets of policy choices. The President would be able to provide rapid response to needs for policy advice on crucial domestic issues and to better establish national priorities for the allocation of available resources. Through the Council a continuous review of ongoing programs could also be maintained.

Mr. Chairman, let me reiterate my firm conviction that this reorganization plan goes to the heart of modern and efficient Government management. If we are to demand of one man the almost impossible task of managing the vast and confusing bureaucracy which has grown up within the Federal Government and of meeting the needs of some 200 million people, surely we must enable him to fulfill these functions with the best possible organizational and management tools. I, therefore, urge the defeat of House Resolution 960 and the implementation of Reorganization Plan No. 2.

Mr. ERLBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, the effects of Reorganization Plan No. 2 are:

First. Changes the name of the Bureau of the Budget (BOB) to the Office of Management and Budget (OMB) for the purpose of accentuating the need for greater stress on management functions.

Second. Authorizes the Director to appoint six additional Level 5 executive

officers in OMB in order to provide added executive management direction.

Third. Assigns to the President the functions of BOB so that the President may delegate them as he believes necessary for most effective operations. The President indicates that he intends to delegate these functions to OMB, but it has been indicated that subsequently some functions may be transferred to other agencies where the President believes the most effective operations can be carried on.

Fourth. In the message accompanying the plan, it is pointed out that, while OMB will continue to assist the President in annual budgetary measures, the purpose of the reorganization is to promote far greater emphasis on fiscal analysis, program evaluation and coordination, improved executive branch organization, expanded information and management systems, and development of executive talent.

Fifth. Establishes a Domestic Council, composed of the President, Vice President, and Cabinet heads responsible for domestic policy.

Sixth. The Domestic Council shall be assisted by an executive director, appointed by the President, who shall head the Council staff.

Seventh. The Domestic Council shall perform such functions as the President shall assign. The President's message indicates that the Council shall become involved in the following specific functions: assessing national needs, collecting information, and developing forecasts for purposes of defining national goals and objectives, identifying alternative ways of achieving such objectives, recommending consistent and integrated sets of policy choices, coordinating the establishment of national priorities for the allocation of available resources, and maintaining a continuous review of the conduct of ongoing programs from a policy standpoint and proposing needed reforms.

I will summarize the merits of the plan as follows:

This is a reorganization of the President's own office. He should have the right to reorganize as he sees fit in order to do the best job possible.

We complain that the organization and operation of the Government are inefficient and uneconomical. Are we going to prevent the President from providing more effective management and administration of the Government?

It is complained that inadequate direction and attention go into policymaking, program evaluation, fiscal analysis, and the solving of domestic crises. How can we deny the President the opportunity to improve the means to cope with these problems?

We place upon the President primary responsibility for solving all our social and economic ills—crime, inflation, inequality, inadequate housing, unemployment, high taxes, and so forth. Yet, here we are seeking to prevent him from performing his responsibilities in the most efficient way possible. Regardless of one's personal feelings toward a President, the Congress in particular should be fair, reasonable, and understanding of a Pres-

ident's needs since Congress can appreciate the burdens of that office.

There are those who maintain that the President is placing an unnecessary additional structure of administration in the White House. To the contrary, he is seeking to remodel, simplify, and make more efficient the White House operations. A number of existing councils and committees are to be merged into the Domestic Council, a professional staff is to be assembled, and the structure is going to be established to make the White House more responsive to Congress, the executive branch agencies, and to the public.

Those who complain of the White House existing lack of responsiveness can reject this plan only at their own risk. Thereafter, let them not complain of management mistakes in the White House.

The Domestic Council will facilitate the Cabinet officers' ability to transmit their views to the President. It will permit a broad coordination, evaluation and analysis of competitive agency policies and programs. It will permit the elimination of duplication and agency bickering. It will enable lesser disputes to be solved more rapidly and amicably.

Creation of the Domestic Council will not downgrade the O.M.B.'s functions, nor those of the Council of Economic Advisers. It is still intended that their views will continue to be submitted directly and independently to the White House. That is why these agencies were not specifically included as members of the Domestic Council. But, their views and assistance will be regularly called upon by the President and staff who would not and could not operate without them.

It is the President's duty to make policy. This reorganization plan will enable him to make it more rapidly and effectively. This plan takes away authority from no one. But, if it did, is that not the President's prerogative since we place upon him the obligation to make policy? Should he not have the right to organize his office in a way which will help him in making the best policy?

Does not this same reasoning apply to authorizing the President to develop the most effective machinery to manage and administer the agencies of the executive branch?

It is said that the President is seeking to somehow downgrade the authority of the Congress through this reorganization. How can this be since this plan is only directed at reorganizing the President's own office which he has a right to organize as he chooses? Moreover, it cannot be stressed too strongly that a reorganization plan cannot create legal authority or functions that do not already exist.

We hear much about executive branch infringement of congressional rights and prerogatives. What could be a greater infringement on the rights of a sister branch than the effort here to deny the President the right to restructure his own office?

Instead of downgrading the role of Congress, the President has demonstrated his desire to work with the Congress by effectuating this reorganization through a formal plan. Most of what

is proposed in the plan could have been carried out by internal reorganization or by Executive order.

It is maintained that the plan will somehow place the OMB in authority over the recruitment and training of career executives—a function that now resides in the Civil Service Commission. If the President is able to do this under the plan, then he could do it now since a reorganization plan can create no new functions or authority. The fact is, however, that the President is not seeking to usurp the authority of the CSC. Rather, he is seeking to enlist the help of the OMB in devising plans to aid him, the CSC, and the other agencies of Government in attracting and developing able career executives. The complicated nature of Government and the demands of the times can require no less.

The OMB will continue to perform its able budgetary role. Something more than this is required, however. Instead of downgrading the OMB, as some charge, the reorganization plan intends to give it greater responsibility. If we are to spend the taxpayer's money wisely, we need to devise modern management tools and to be in a position to evaluate which programs are worth funding. A brief examination of the hodgepodge of government agencies and programs should convince everyone of the need for improved administration. Authority already rests in the BOB to perform this role, but lack of direction and personnel has precluded the required emphasis that needs to be exercised.

Some believe that the executive director of the Domestic Council should be confirmed by the Senate and that the Domestic Council should report annually to the Congress. The confirmation requirement is an unprecedented invasion of the President's constitutional right to be assisted by a personal staff of his own choosing. As for an annual report, does not Congress receive enough reports from the President and others without requiring one more?

A bill is pending before the Government Operations Committee which contains some provisions which are included in the present plan. The bill also contains a number of objectionable features, however. Even if it were perfect, the chances of getting enacted into law this Congress are about nil. Why not permit this plan to go into effect? Then, if Congress is not totally satisfied with the workings of the plan, it can always enact legislation subsequently to make changes.

It is argued that the plan is not legally drafted because section 904(2) of the Reorganization Act has not been complied with regarding the naming of the head of the Domestic Council; to wit, that such head must be either confirmed by the Senate or be holding the position in the competitive civil service. Those who hold this view maintain that the head of the council is the executive director who does not meet either requirement. The fact is, though, that the President—not the executive director—will head the council. Since he already holds his position under the Constitution he need not otherwise have to qualify to

head his own council. Moreover, by the President heading the council, an appointment does not take place since he is merely assigning himself another function. Finally, the establishment of the council does not constitute a new agency under the Reorganization Act—requiring an appointment by confirmation or in the competitive service—but rather merely the creation of a new unit within an existing agency, the White House.

Mr. ERLBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, the question before this body is House Resolution 960 disapproving Reorganization Plan No. 2 of 1970. I strongly support the reorganization plan, and I made this clear at page 15272 of the RECORD for May 12. At that time, I included a New York Times editorial of May 11 in the RECORD in support of the plan.

Among other things, the editorial said:

The need to give more form to what has become an administrative sprawl is glaringly apparent. And the recommendations themselves appear to make excellent sense.

During hearings before the Treasury-Post Office Subcommittee of the Appropriations Committee, I talked to the Director of the Bureau of the Budget, Robert Mayo, and others about the proposed reorganization. I am convinced that the proposal is long overdue and that it will go a long way toward making a more efficient Executive Office system.

The plan sets up a Cabinet-level Domestic Council chaired by the President. The Council, with its staff, represents a formal mechanism to help the President deal with the ever-increasing number of domestic programs. Many of these programs involve more than six agencies.

It should be obvious to all my colleagues that a central clearinghouse to coordinate these domestic programs is necessary. I think the new Council would serve that purpose and provide a more coherent way of formulating domestic policies and programs.

The President's plan also establishes an Office of Management and Budget to which he will delegate all the functions of the Bureau of the Budget. This Office will focus increased attention and personnel on those management activities needed to put programs into action. There will be increased emphasis on program coordination—eliminating inter-agency bottlenecks that occur in the field. There will be significant efforts devoted to developing better management information. There will be ongoing attention to insure that agency organization keeps in tune with program requirements.

I urge my colleagues to vote against House Resolution 960. Such a vote would be a vote for more efficient government.

I commend the President and the Ash Council for coming forth with this reorganization plan.

Mr. ERLBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, the gentleman from Alabama (Mr. JONES) made

some reference to a previous time when there were differing views held on a matter of reform, on opposite sides of the aisle. But that, I am happy to say, is certainly not the case here because Reorganization Plan No. 2 has broad bipartisan support. This is in no sense a partisan issue and certainly partisanship has not been injected into this debate by any Member.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. Before yielding to the gentleman, I want to make it clear that I did not suggest in any way that the gentleman from Alabama was injecting any partisanship into this debate. But I believe in referring to some earlier consideration of the Hoover Commission report he made a reference to Members on one side of the aisle taking a different view than the other side.

I yield to my colleague, the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, I think that is an historical fact and I only made mention of it in the debate because the gentleman from Ohio, Mr. BROWN's father, served on that commission and I think his observations are noteworthy. The fact is that the gentleman from Ohio is taking a position that his father took in 1949. So I did not hope to gain any partisan favor in my observations of the consideration of the subject matter that we have under discussion.

Mr. MAYNE. I thank the gentleman. I sincerely hope that no Members will be confused and fall into the misapprehension that the kind of reform we are talking of today is congressional reform because I realize there is a deep-seated reluctance on the part of some Members to come to grips with that thorny issue.

This is not congressional reform. This is the President and the executive branch trying to do a better job and to improve their ability to serve the American people.

This House unfortunately has a rather unenviable record on the amount of progress which we have been able to make in recent years toward congressional reform. I, of course, am a relatively new Member here. But I know that in all of the time I have been here—in the 90th and 91st Congress, congressional reform has been on dead center. It has been languishing in the Committee on Rules for more than 3 years, but I am very encouraged to hear it is about to emerge therefrom. So perhaps we will yet reluctantly permit ourselves to be dragged into the 20th century here in the House of Representatives by eliminating some of our archaic and inefficient procedures before the century is completed.

Perhaps a case can be made that Members with great seniority and long experience in the legislative process are especially well qualified to rule on the merits of congressional reform as such.

Perhaps they do have particular knowledge and expertise insofar as our own House is concerned. But it is one thing to say that the old ways, the familiar ways of doing things are the best, when trying to block change in an area with which we are familiar in our own

particular province of responsibility. But it is quite another to use such an argument to block earnest and worthy attempts to change and improve another branch of Government in which we have no actual experience or expertise whatsoever.

My good friend, the gentleman from New York (Mr. ROSENTHAL) expressed his dedication to the principle of the two branches being coequal—I hope that he did not mean he felt it would be unfair for the executive branch to be permitted to progress and modernize and meet the challenges of today, when we by our own inaction have been unwilling to make such progress in the legislative branch.

Now just because we have proved reluctant to set our own house in order does not mean, my colleagues, that we are justified in adopting a dog-in-the-manger attitude and refusing to let improvement be achieved in the executive branch of the Government in the manner provided by Reorganization Plan No. 2.

Many Members of this body—and I am one of them—have inveighed heavily against the inefficiencies of the proliferating bureaucracy in the executive department. Here is an opportunity to do something about it along sound business lines, to make the executive responsive to the needs of the dynamic country of opportunity and challenge which the United States is today.

A very careful study by the President's Advisory Council on Executive Reorganization has produced Reorganization Plan No. 2, which offers an opportunity to make a great step forward in the field of executive reform. The distinguished minority leader has mentioned some of the outstanding business leaders who have worked on this for a long period of time, such men as Fred Kappel, the distinguished former president and board chairman of A.T. & T., former Dean George Baker of Harvard Business School, and Roy L. Ash, president of Litton Industries. It would be a tragic blunder for this House to reject the recommendations on which they have worked so long and hard. The executive branch and the country badly need the proven business techniques and procedures outlined in their report. The time is long past due when the executive department should be run on a businesslike basis rather than a political basis.

Reorganization Plan No. 2 will provide the President with the strong new management tools he needs in his office, and at the same time will permit the reorganization of his own office so as to provide a more responsive and systematic method of establishing domestic policy.

The plan sets up a Cabinet-level Domestic Council chaired by the President. The Council with its staff would provide the President with a formal mechanism for dealing with the proliferating number of domestic programs which frequently involve six or more agencies, in recognition of the need for a more coherent means of domestic policy formulation. It would protect fully the retention of the prime role of respective department and agency heads in developing program alternatives. The President through the Domestic Council would have for the first time a system-

atic way to reach out and formulate solutions to domestic problems before they reach crisis proportions, instead of having White House staffers deal with these matters on an ad hoc, worst-first basis.

The reorganization plan would also establish an Office of Management and Budget which would broaden the present role played by the Bureau of the Budget. In addition to year-to-year budgeting, emphasis would be given important non-housekeeping, management functions including long-term program evaluation and reporting to the President whether Federal programs were being carried out efficiently, economically, and effectively in order to give the taxpayer his money's worth, and the stimulation of career executive development throughout the executive branch.

I intend to vote "no" and respectfully urge my colleagues on both sides of the aisle to approve Reorganization Plan No. 2 by voting down this resolution.

Mr. HOLIFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, as an alumnus of the Bureau of the Budget, Administrative Management Division; as an alumnus of the White House staff, 4 years with President Truman and 4 months with President Eisenhower before I was discovered and fired; as one who has had several conversations with the late President Hoover on executive branch reorganization; and as one who has had the pleasure of teaching the subject of public administration, I have always been fascinated by, and have taken part in, formulating proposals to improve the efficiency of the executive branch of Government. We have been debating this resolution for over 3 hours, but as a matter of priority I regret that 3 years have elapsed since the Joint Committee on the Organization of Congress recommended improvements in the legislative branch which have not yet been acted upon.

The gentleman from Michigan (Mr. GERALD R. FORD) may be correct that the eminent members of the President's Advisory Council on Executive Organization are deeply devoted to the coordinate relationship between the executive and the legislative branches. Basically, I really do not have any quarrel with the sending of these letters under the frank, although I must say that I do rather resent, as a Member of Congress, receiving letters written on the same typewriter, letters that are obviously not written or thought out by the writers. They all arrived at the same time, and I am sure that a man of the stature of Frederick R. Kappel, whose name is attached to a great postal reform proposal, would not knowingly send out junk mail.

But as the gentleman from Illinois (Mr. ERLBORN) stated, every President wants to get his own plan adopted and has a perfect right to lobby.

What really concerns me is that, if this is the type of product that is going to come out of the Domestic Council and the pending reorganization plan, then I would view the plan as a step farther away from individual human liberty and the prerogatives of Congress, more toward a computerized type of efficiency.

I cry out as a lonely voice on behalf of individual human beings and against the type of think-machine in the executive branch which produced these letters. Many years ago Louis Brandeis wrote a book entitled "The Curse of Bigness." I think what Brandeis described in that book was only a very, very small percentage of what we are going to get from this 90-member staff of the Domestic Council, with the J. Walter Thompson types working to computerize Congress in their own image.

It really disturbs me that this is a step away from the power of the people as expressed in the legislative branch of the Government. We have seen the tragic erosion of the power of the legislative branch with respect to Cambodia, and the frustration of Congress at the unconstitutional use of the President's power to invade a neutral nation. The President does not need stronger tools to protect his constitutional powers. This reorganization plan moves toward the kind of highly computerized operation which has been practiced by these great corporations, the presidents of whom have signed these letters. The letters have themselves been robotyped and sent out to Members of Congress in franked envelopes—and we are expected to swallow them.

I, therefore, urge that we vote in support of Resolution 960 and disapprove Reorganization Plan No. 2.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I was pleased to hear my colleague on the Post Office and Civil Service Committee, the gentleman from North Carolina (Mr. HENDERSON) mention the wearers of two hats in the past administration and the "teas" that were held at the White House for certain of the supergrades.

I protested many times both of these activities, and I do not want to see a repetition of it in the Nixon administration.

I would say to those who support this reorganization plan, since they have quoted Mr. Califano several times this afternoon, that if memory serves me correctly, he was one of those who had a hand in promoting those "teas" at the White House in the past administration.

Mr. Chairman, I rise in support of House Resolution 960.

My opposition to the President's plan is based on several reasons, some of which are rather well detailed in Government Operations Committee's Report No. 91-1066.

In the first place, I feel that this plan can lead to less congressional control over the merit system. The President in his message to the Congress proposing the reorganization has indicated that the Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and elevate the men and women in the top ranks of the civil service. I saw enough of the recruiting, motivating, and deploying of top personnel people during the previous administration to realize the dangers of more of such personnel actions, much less an extension of the same. The gentleman

from Illinois (Mr. ERLBORN) says the plan provides nothing new in the civil service system, but he must admit the personnel additions will be new and expensive.

I was impressed by a statement made by a former Chairman of the Civil Service Commission, and former Member of this body, the Honorable Robert Ramspeck, who indicated in his testimony last month before the Government Operations Committee that an effective merit system in our Federal Government requires bipartisan operations. I think Mr. Ramspeck was correct and I feel that this reorganization plan might well reduce that bipartisan control.

Another reason why I oppose this plan is the fact that I feel it would give the President a wide delegation of power to restructure the administration in several areas without proper action or review by Congress. For example, I understand the Executive Director of the Domestic Council would not be accountable to Congress. We already have enough attempts for a "rubberstamp Congress" without this additional proposal.

My third objection to the plan is the fact that the reorganization calls for more than 100 additional top jobs—70 more in the Office of Management and Budget and 40 in the Domestic Council—at a time when we are talking about economy. I have been impressed with the fact that President Eisenhower in 1955 had a staff in his Executive Office of 1,191 and that staff has now grown to some 4,116 employees. In fact, this reorganization plan provides that there will be six new positions paying \$36,000 a year, which would be blanketed into the civil service, with tenure rights, making it difficult for this or any succeeding President to replace them. That is not good personnel management.

Mr. Chairman, Reorganization Plan No. 2 has just too many imperfections for me to accept. The plan provides for considerably more top paying jobs and, in turn, reduces congressional control over those positions we already have in the Federal Government.

It is a further delegation of power to the Executive and I urge its defeat.

Mr. HOLIFIELD. Mr. Chairman, does the gentleman from Illinois have other speakers?

Mr. ERLBORN. At this time I do not have another Member who desires to speak.

Mr. HOLIFIELD. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. MOSS) to close the debate.

Mr. MOSS. Mr. Chairman, this is a very simple issue, really. Does the Congress want to permit the erection of a very effective barrier between it and its access to information it must have to perform its legislative duties?

If Members feel that type of additional barrier is appropriate, that it should become more difficult for the Congress to get the basic information it needs to perform its functions, then by all means they should vote to adopt, to approve, Reorganization Plan No. 2. But if they feel, as I do, that what the people are complaining about in this Nation today, what causes their disenchant-

ment, is not that the Congress has done too much but rather it is doing too little, and has given up too much of its authority, has given up too much of its responsibility, has delegated away far too much power, and should start now to recapture that power, they should vote for the resolution of disapproval.

The very process by which this legislation reaches the floor of this House, where we must take it in its entirety or reject it in its entirety is, in my judgment, another example of the dilution of the power and the prestige of the Congress.

The distinguished minority leader discussed the question raised of the inaccessibility of the President, and he stated that by the creation of this Domestic Council somehow or other the accessibility would be increased, because the President theoretically would chair it.

The President, I thought, had a Cabinet. I also understood that if the Cabinet met as it did many years ago, on a regular basis, the President would then have the opportunity for close liaison with the heads of the executive departments and agencies of Government, and that there would be the necessary exchange of views, and it would not require this large layer of additional top positions in Government. No man in this Chamber today can tell us how or where they will be used, the scope of the authority they will exercise. No one can tell us that, because no one knows; not the witnesses who appeared before the committee, nor the Members who have taken this well and advocated the adoption of the reorganization proposal.

Now, granted there was a group of very distinguished Americans, all executives, who studied the executive branch of the Government. I submit that that kind of a study by men who were not well grounded in the fundamentals of government is not too meaningful. Frequently the bulk of the work is done by staff employed by them and they merely ratify proposals. Meaningful reorganization, in my judgment, will come about when this Congress undertakes the responsibility of studying reorganization on its own part and initiating the moves to reorganize the executive agencies of the Government.

There are a great many things I might say about this proposal, but I want to summarize the position of the committee in urging that the plan be disapproved, that is, that the resolution of disapproval be adopted.

In summary, then, Mr. Chairman, we disapprove the reorganization plan for the following reasons: The plan is not a genuine reorganization of the executive branch. Second, the plan is not legally drawn. The plan will give the President a free floating mandate to make further reorganizations without congressional approval. The plan would put the policy reins of Government in the hands of a faceless bureaucracy in the Executive Office and beyond the reach of the Congress. It would blanket six new high-level positions for the Office of Management and Budget into the competitive civil service. The plan would threaten the integrity of the Civil Service Commission by permitting duplicative functions in

the Office of Management and Budget for executive career development.

There has been a bill, H.R. 17376, which the committee has introduced as an alternative to this plan. We have promised to report out on a timely schedule from the committee that legislation. The major objections to this plan will be overcome by that proposal, and the Members of this Congress will be given the right to work their will. There is no transfer of functions directly from the Bureau of the Budget to the President in the legislation. The Domestic Council is provided for, but its Executive Director would be subject to Senate confirmation just as are the heads of the other offices in the Office of the President. The bill also requires that the Executive Director submit an annual report to the Congress and provide the Congress with such other information as may be requested. Finally, the Domestic Council under the bill would have a tenure until June 30, 1973.

I think it might be very interesting to you to point out right here that in the appropriation hearings which were reported to this House on April 6 from the committee chaired by the gentleman from Oklahoma (Mr. STEED) we learned that the very documentation of the Commission which made the study and submitted the recommendation for this reorganization to the Congress is itself fully classified and unavailable to the committees of this Congress be they appropriation or oversight committees. I think we can expect a proliferation of that if this House fails to act with wisdom in defense of the privileges and prerogatives of the Congress and in consonance with the intent of the framers of the Constitution that we have in fact three coequal branches of Government.

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

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

Mr. Chairman, I am not going to take up much time of the Committee now. I think we have all heard enough argument.

I just want to sum up by saying that the only objections seem to be reiterated time after time as was done by the gentleman who just spoke to the effect that somehow or other the creation of the Domestic Council is supported by a staff that has not been approved by Congress and is going to deny information and knowledge to the Congress. I think that is just so much hogwash.

The question here is not a question of whether information will be denied to the Congress. Not one whit of information is going to be denied that is properly the subject of congressional inquiry. We are talking here about a council composed of Cabinet members who will sort out their various ideas as to what domestic policy should be and which is going to debate this, is going to make recommendations to the President, and then ultimately we will have administration policy.

I do not think that it has ever been the prerogative of the Congress to go into the executive branch and say, "Now, tell us all of the various different proposals that may have been made by your dif-

ferent Cabinet heads before you came up with this as administration policy."

That has not been the practice in the past. It would not be a good practice and I submit it should not be the practice in the future.

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

Mr. ERLENBORN. Yes; I yield to the gentleman from California.

Mr. MOSS. The gentleman has stated that my contention that there would be an additional barrier to information was hogwash. For 15 years I have chaired the Subcommittee on Information—

Mr. ERLENBORN. The gentleman is incorrect. I do not yield to him any further. I do not say the gentleman's contention was hogwash. I said that the contention that you should have the information as to what goes into the formulation of policy at the executive level, is hogwash.

Mr. MOSS. I wish the gentleman was equally well informed.

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

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time but I yield myself such time as I may consume.

Mr. Chairman, I may have had a misunderstanding with my colleague on the committee, the gentleman from Illinois (Mr. ERLENBORN), because I asked the gentleman if he had any further speakers to whom he wished to yield and he responded that he did not. It is customary for the majority speaker to close the debate but I see that there must have been some misunderstanding between us on that matter. However, Mr. Chairman, I shall not press the point.

Mr. GRIFFIN. Mr. Chairman, I have given careful study to Reorganization Plan No. 2 submitted by President Nixon. I am in sympathy with his intentions to improve the efficiency of his office by reorganizing it to meet modern day needs.

However, Mr. Chairman, I am disturbed over the possible portent of this reorganization plan as it affects the Corps of Engineers. Reorganization Plan No. 2, if approved, could authorize the transfer of the functions of the Corps of Engineers to the Department of the Interior as recommended by the original Hoover Commission over 20 years ago.

The Mississippi River Commission, Vicksburg Engineer District and the Waterways Experiment Station are all located in the Third Congressional District of Mississippi which I have the honor to represent. While I do not know whether these Corps of Engineer functions will be adversely affected in the event this reorganization plan is approved, I am constrained to vote against it in order to give these functions all the protection within my capability.

As I read the reorganization plan, the President could transfer the functions of any Federal agency to any other agency without review or approval by Congress. This amounts to giving the President unlimited power and further weakens the voice and wishes of the people as expressed through their Representatives and Senators in the Congress.

Mr. Chairman, I favor the creation of an Office of Program Evaluation within

the Office of the President. This would be very helpful to the President in obtaining objective information on federally financed and administered programs. There are other features which I approve, but, on balance, I feel that the best interests of the public would be served by defeating Reorganization Plan No. 2.

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

The Clerk read as follows:

H. RES. 960

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 2 of 1970 transmitted to the Congress by the President on March 12, 1970.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be agreed to.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HUNGATE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 960, expressing the disapproval of the House of Representatives of Reorganization Plan No. 2, had directed him to report the resolution back to the House with the recommendation that the resolution be agreed to.

The Clerk reported the resolution.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker for the information of the Members of the House, is it true a vote of "aye" on the resolution is a vote against Reorganization Plan No. 2 and that a vote of "nay" is a vote to approve the President's reorganization plan?

The SPEAKER. In response to the parliamentary inquiry, the Chair will state that a vote of "aye" on the pending resolution is a vote against Reorganization Plan No. 2 and a vote of "nay" is a vote for the reorganization plan.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ERLÉNBOEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 193, not voting 73, as follows:

[Roll No. 118]

YEAS—164

Addabbo	Aspinall	Brasco
Albert	Bennett	Brooks
Alexander	Bevill	Brown, Ohio
Anderson,	Blanton	Burke, Mass.
Calif.	Boggs	Burleson, Mo.
Annunzio	Boland	Burton, Calif.
Ashbrook	Bolling	Byrne, Pa.

Cabell	Hansen, Wash.	Pepper
Caffery	Hathaway	Perkins
Carey	Hawkins	Philbin
Celler	Hechler, W. Va.	Poage
Chappell	Helstoski	Podell
Chisholm	Henderson	Powell
Clark	Hicks	Preyer, N.C.
Clay	Hollifield	Price, Ill.
Corman	Howard	Pryor, Ark.
Daniels, N.J.	Hull	Purcell
Davis, Ga.	Hungate	Randall
Delaney	Ichord	Rarick
Dent	Johnson, Calif.	Reuss
Diggs	Jones, Ala.	Rivers
Dingell	Jones, N.C.	Rodino
Donohue	Jones, Tenn.	Roe
Dorn	Karh	Rogers, Fla.
Downing	Kastenmeier	Rooney, N.Y.
Duiski	Kazen	Rooney, Pa.
Eckhardt	Kee	Rosenthal
Edwards, Calif.	Kyl	Roybal
Eilberg	Leggett	Ryan
Evins, Tenn.	Lennon	St Germain
Fascell	Long, Md.	Scherle
Feighan	Macdonald,	Schlepley
Flood	Mass.	Sikes
Flynt	Madden	Sisk
Foley	Mahon	Smith, Iowa
Fountain	Mann	Staggers
Friedel	Matsunaga	Stubblefield
Fulton, Tenn.	Mikva	Sullivan
Fuqua	Miller, Calif.	Symington
Galifianakis	Mills	Taylor
Gallagher	Mink	Teague, Tex.
Garmatz	Monagan	Thompson, N.J.
Gaydos	Morgan	Tieman
Gettys	Moss	Ullman
Glaime	Murphy, Ill.	Van Deerlin
Gibbons	Murphy, N.Y.	Vanik
Gilbert	Natcher	Waldie
Gonzalez	Nichols	Whitten
Gray	Nix	Wilson
Green, Pa.	Obey	Charles H.
Griffin	O'Hara	Wolff
Gross	Olsen	Wright
Hagan	O'Neal, Ga.	Yates
Hall	O'Neill, Mass.	Young
Hanley	Patman	Zablocki
Hanna	Patten	

NAYS—193

Abbitt	Derwinski	Mailliard
Abernethy	Devine	Marsh
Adair	Dowdy	Martin
Adams	Duncan	Mathias
Anderson, Ill.	Dwyer	May
Andrews, Ala.	Edwards, La.	Mayne
Andrews,	Erlenborn	Meeds
N. Dak.	Eshleman	Melcher
Arends	Findley	Michel
Ayres	Fish	Miller, Ohio
Beall, Md.	Ford, Gerald R.	Minish
Belcher	Foreman	Minshall
Bell, Calif.	Frey	Mize
Berry	Fulton, Pa.	Mizell
Betts	Goldwater	Montgomery
Blester	Goodling	Myers
Blackburn	Grover	Nelsen
Bow	Gude	O'Konski
Bray	Haley	Passman
Brinkley	Hamilton	Pelly
Brock	Hammer-	Pettis
Broomfield	schmidt	Pickle
Brozman	Hansen, Idaho	Pike
Brown, Mich.	Harrington	Pirnie
Broyhill, N.C.	Harsha	Poff
Broyhill, Va.	Harvey	Pollock
Buchanan	Hastings	Price, Tex.
Burke, Fla.	Heckler, Mass.	Quie
Burleson, Tex.	Hogan	Quillen
Burton, Utah	Hosmer	Railsback
Bush	Hunt	Rees
Byrnes, Wis.	Hutchinson	Reid, Ill.
Camp	Jarman	Reifel
Casey	Johnson, Pa.	Rhodes
Cederberg	Jonas	Riegle
Chamberlain	Keith	Roberts
Clancy	King	Robison
Clausen,	Kleppe	Rogers, Colo.
Don H.	Koch	Roth
Clawson, Del.	Landgrebe	Roudebush
Cleveland	Landrum	Ruppe
Collins	Langen	Ruth
Colmer	Latta	Sandman
Conable	Lloyd	Satterfield
Conte	Lujan	Schadeberg
Coibett	Lukens	Schwengel
Coughlin	McClary	Scott
Cowger	McCloskey	Sebelius
Cramer	McClure	Shriver
Daniel, Va.	McCulloch	Skubitz
Davis, Wis.	McDade	Smith, Calif.
de la Garza	McDonald,	Smith, N.Y.
Dellenback	Mich.	Snyder
Denney	McEwen	Springer
Dennis	McKneally	Stafford

Stanton	Udall	Widnall
Steed	Vander Jagt	Wiggins
Steiger, Ariz.	Vigorito	Williams
Steiger, Wis.	Waggonner	Wold
Stephens	Wampler	Wyatt
Stuckey	Watkins	Wydler
Taft	Watson	Wylie
Talcott	Watts	Wyman
Teague, Calif.	Weicker	Zion
Thompson, Ga.	White	Zwach
Thomson, Wis.	Whitehurst	

NOT VOTING—73

Anderson,	Fallon	MacGregor
Tenn.	Farbstein	Meskill
Ashley	Fisher	Mollohan
Baring	Flowers	Moorhead
Barrett	Ford,	Morse
Blaggi	William D.	Morton
Bingham	Fraser	Mosher
Blatnik	Frelinghuysen	Nedzi
Brademas	Green, Oreg.	Ottenger
Brown, Calif.	Griffiths	Pucinski
Button	Gubser	Reid, N.Y.
Carter	Halpern	Rostenkowski
Cohelan	Hays	Saylor
Collier	Hébert	Scheuer
Conyers	Horton	Schneebeli
Crane	Jacobs	Slack
Culver	Kirwan	Stokes
Cunningham	Kluczynski	Stratton
Daddario	Kuykendall	Tunney
Dawson	Kyros	Whalen
Dickinson	Long, La.	Whalley
Edmondson	Lowenstein	Wilson, Bob
Edwards, Ala.	McCarthy	Winn
Esch	McFall	Yatron
Evans, Colo.	McMillan	

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Horton against.
 Mr. Blaggi for, with Mr. Frelinghuysen against.
 Mr. Pucinski for, with Mr. Button against.
 Mr. Saylor for, with Mr. Esch against.
 Mr. Barrett for, with Mr. Cunningham against.
 Mr. Blatnik for, with Mr. Morse of Massachusetts against.
 Mr. Brademas for, with Mr. Bob Wilson against.
 Mr. Cohelan for, with Mr. Morton against.
 Mr. Daddario for, with Mr. Winn against.
 Mr. Fallon for, with Mr. Kuykendall against.
 Mr. Kluczynski for, with Mr. Meskill against.
 Mr. Farbstein for, with Mr. Reid of New York against.
 Mr. McFall for, with Mr. Edwards of Alabama against.
 Mr. Moorhead for, with Mr. Mosher against.
 Mr. Rostenkowski for, with Mr. Whalen against.
 Mr. Ashley for, with Mr. Schneebeli against.
 Mr. Stokes for, with Mr. Halpern against.
 Mr. Edmondson for, with Mr. Gubser against.
 Mr. Stratton for, with Mr. Carter against.
 Mr. Ottenger for, with Mr. Crane against.
 Mr. McCarthy for, with Mr. Whalley against.
 Mr. Yatron for, with Mr. Dickinson against.
 Mr. Conyers for, with Mr. Collier against.
 Mr. Lowenstein for, with Mr. MacGregor against.
 Mr. Nedzi with Mr. Mollohan.
 Mr. Culver with Mr. Brown of California.
 Mr. Kyros with Mr. Bingham.
 Mr. Anderson of Tennessee with Mr. Baring.
 Mr. Jacobs with Mr. McMillan.
 Mr. William D. Ford with Mr. Long of Louisiana.
 Mr. Fraser with Mr. Hébert.
 Mrs. Griffiths with Mr. Slack.
 Mrs. Green of Oregon with Mr. Flowers.
 Mr. Evans of Colorado with Mr. Fisher.
 Mr. Scheuer with Mr. Dawson.
 Mr. Kirwan with Mr. Tunney.

Messrs. MIKVA and TEAGUE of Texas changed their votes from "nay" to "yea."

Messrs. MINSHALL, HALEY, and ROBERTS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just rejected.

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

There was no objection.

THE WARMAKING AUTHORITY

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

Mr. FASCELL. Mr. Speaker, the last 2 weeks have brought us closer to a major constitutional crisis over who has the warmaking authority under our Constitution. Some assert that the power is solely that of the Congress, as set forth under article 1, section 8 of the Constitution which empowers the Congress to declare war, raise and support armies, and make rules for the Government and regulation of the land and naval forces. Others tell us that this power by implication belongs to the President as Commander in Chief as set forth in article 2, section 2. Still others assert that the power is shared.

What is clear, Mr. Speaker, is that in this grave area of war or peace, there is not now any law which generally limits what a President can do with our Armed Forces. Conversely, the President is empowered to veto a bill or resolution of the Congress relating to the Armed Forces.

To begin a discussion of the grave issues involved in who should have the authority to commit the Armed Forces of the United States to battle, I am today introducing a bill which asserts congressional authority over this entire area. I do so not to challenge the President's decision in Southeast Asia, but to begin a dialog which hopefully will result in a clear definition of respective congressional and Presidential authority over issues of war and peace.

In introducing this bill I am aware that, in its present form, it may not be constitutional. But even if full discussion of all aspects of this problem shows that the goals of the bill are not even desirable, the bill will have served a useful purpose. It is discussion and resolution of this issue which is vital, not this particular proposal. To continue with today's confused and conflicting constitutional claims of authority invites a future recurrence of the deep division we face today. If this Nation must ever go to war again, it must do so only when every opportunity for consultation with the Congress has been taken.

Mr. Speaker, my bill is straightforward in its approach. In concept it

limits the authority of the President to send American troops abroad for other than peaceful purposes unless the Congress has specifically consented through a treaty or by law or the United States itself were threatened with imminent attack. Our Armed Forces could be sent overseas only if the United States itself were attacked, a specific treaty obligation invoked, or the Congress declared war. The President would continue to have the authority to send forces abroad for peaceful purposes, whether ceremonial or humanitarian.

The bill reads as follows:

A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall not deploy Armed Forces of the United States outside the United States or any territory subject to its jurisdiction, for other than peaceful purposes, without the advice and consent of the Senate in connection with a treaty, or unless the Congress, by law, specifically authorizes the deployment of such Armed Forces by the President; except that the President is authorized to deploy such Armed Forces at his sole discretion—

(1) when he finds that the territory of the United States is under attack or imminent threat of attack; or

(2) when he finds that deployment of such Armed Forces fulfill a specific treaty obligation of the United States; or

(3) pursuant to a declaration of war by the Congress except that such Armed Forces may be deployed only in committee specifically authorized by such declaration of war unless the President finds that the safety of American or allied Armed Forces requires deployment of American Armed Forces in other countries.

The President shall notify the Congress within twenty-four hours after any such finding of all action he has taken at this sole discretion pursuant to such finding. In the event the Congress is not in session, the President shall convene the Congress in an extraordinary session within twenty-four hours after such finding.

Mr. Speaker, it is not my intention that this bill affect the present situation in Southeast Asia but, in my opinion, it would have prevented many of the major steps of escalation from occurring without specific congressional approval. It would have prevented a major intervention in Vietnam without our approval because we had no "specific treaty obligation" to commit forces to that country. It would have prevented the invasion of Cambodia unless there had been a declaration of war by Congress, and even then it would have required the President to place the issue before Congress.

But, Mr. Speaker, it is not the intention of this bill to affect the war in Southeast Asia. It is aimed at the future—at making certain that any future war will come only after serious deliberation of the issue of war or peace by the Congress.

As I said in the beginning of my remarks this bill is designed to serve as a catalyst for a discussion of war-making power under the Constitution, not as a final recommendation from a lengthy study of this grave issue.

It is obvious, for example, that in a nuclear age the President must have full authority under certain conditions to act at his sole discretion. This bill leaves him with that power unimpaired, but it does require that when there is time, the President use that time to seek broad national agreement in the Congress on what should be done.

Mr. Speaker, there are, in fact, many aspects of this problem which are not touched on directly in this bill but deserve full consideration. The most important of these is how such a law could be enforced. The original draft of this bill had a section enabling the Congress to bring impeachment proceedings for violation, but I am not convinced that this would be the ideal or even a good remedy. There must, however, be some form of enforcement.

Another issue is under what conditions we want to enable the President to intervene abroad to safeguard American lives and property. Is that a peaceful use of American Armed Forces?

Is the sending of American advisers a peaceful use of our forces?

Another issue is whether we want to make the limit on deployment only effective for over a specific number such as 100—as 1,000.

Still another issue is what new rules, if any, would the House and Senate need to insure prompt and full response to a Presidential notification of the commitment of U.S. forces under any of the conditions specified in the bill?

Mr. Speaker, it is the people of this country who must ultimately fight our wars. As their elected representatives we have an obligation to voice their will and exercise our judgments on issues of war and peace. To leave this most serious decision solely to the President, except when absolutely required, would make a mockery of our democratic form of government.

In introducing this bill it is my hope that the Congress will soon undertake an in-depth study of this entire study. Our experience in Asia and our experiences here at home make it essential that we come to grips with this difficult yet vital constitutional issue.

FUNERALS FOR DECEASED WAR VETERANS AND MEMBERS OF THE ARMED FORCES

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

Mr. ADAIR. Mr. Speaker, I was quite surprised recently to learn that the armed services do not, in all cases, provide upon request a ceremonial detail to render final military honors at the burial of veterans whose last service terminated honorably. This assistance, I am informed, is limited by the requirement that service on ceremonial details not interfere with the regular duties of the members of the detail. Unfortunately, there are situations where manpower restrictions prevent the Army from rendering such assistance.

Upon inquiry, the Secretary of the Army has advised me that the Army has

for several years been working closely with veterans organizations and has encouraged local veterans organizations to form their own ceremonial units, and that these units are frequently trained and assisted by personnel from military installations.

I can appreciate the fact, Mr. Speaker, that many military installations do not have adequate personnel to honor all requests for military honors. Therefore, this cooperative effort between the Army and the Nation's veterans' organizations to resolve this problem is most commendable. The American Legion's Department of Indiana, Fourth District, has called to my attention an apparent inequity in existing law which could serve as a deterrent to the full-scale participation by veterans' organizations' ceremonial units in rendering final honors to their deceased comrades-in-arms.

Existing law, I am informed, authorizes Federal employees who are veterans to be excused from duty without loss of pay or reduction in annual leave for a period of not more than 4 hours to participate as a pallbearer or a member of a ceremonial unit in funeral ceremonies for those servicemen whose remains are returned from abroad for final interment in the United States. The law does not permit such excused absence for the funeral of a war veteran or even an active duty serviceman who dies in the United States. Now, Mr. Speaker, it is somewhat incongruous for the Army to cite their dependence upon ceremonial units of veterans organizations in rendering final honors to war veterans, when a Federal statute permits excused absence only in very limited circumstances for Federal employees who are members of such units.

I have worked very closely with the American Legion National Headquarters is exploring this entire subject and at the request of that splendid organization, I am today introducing a bill that will authorize such excused absences for Federal employees who are veterans to participate in funerals for deceased war veterans and members of the Armed Forces.

The text of the bill follows:

A bill to authorize the participation by certain Federal employees in funerals for deceased war veterans and members of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 6321 of Title 5, U.S. Code is amended to read as follows: "An employee in or under an executive agency who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or reduction from annual leave for the time necessary, not to exceed four hours in any one day, to enable him to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the Armed Forces of the United States or for a deceased honorably discharged veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized."

EDA BOONDOGGLE

(Mr. PELLY asked and was given permission to extend his remarks at this point in the Record.)

Mr. PELLY. Mr. Speaker, I wish to call to the attention of the Members of the House an example of where, under Department of Commerce Appropriations, the taxpayers' money has been misused. I cite today an Economic Development Administration grant which has been made to the town, Yakutat, Alaska. The community consists of some 300 native people who earn their living chiefly by fishing which they market through a privately owned freezing plant, the Marine Foods Packing Co., in which, as I understand, its owners have invested some \$200,000 of their own money.

Now, the Federal Government is stepping in and has allowed the town \$1,800,000 grant for a new fish freezing plant which will be leased to another concern and operated in competition with the private firm already in business.

Those familiar with the fishery resources of Alaska including the commissioner of Alaska's Fish and Game Department say the area will only support one fish freezing plant and, in short, it means that the privately financed and owned existing plant will not be able to compete and they will be forced out of business.

That, under our free enterprise system, is not fair.

For the record, here are the facts:

On March 2, 1970, I sent a letter to Robert A. Podesta, Assistant Secretary for Economic Development, stating that the plans for this plant had been approved by EDA. I also informed him that I knew that no feasibility study had been made; that there were no surplus fish or crabs in adjacent waters; and that the natives themselves were opposed to the project. I urged reconsideration of EDA's plans for allowing this plant to be constructed.

Four days after my request for reconsideration, the grant was approved. Although even after I repeated my request for a delay, I was not informed of this approval. It was immediately after my protest that the bureaucracy quietly took control and proceeded.

Mr. Speaker, let me say that I am speaking as a representative of all parties concerned. The owners of the present plant in Yakutat have their office in my district, as do not only the lessee of the proposed plant, but also the construction company that will build it. My position is one of criticizing the bureaucracy that would authorize such a project in spite of facts that prove it is unnecessary, unwanted, and harmful to private industry.

I am not pointing my finger at any official although someone at the top should have looked into the economic feasibility. My complaint is that this is a boondoggle and a waste of taxpayers' money. Some bureaucrats at lower level of Government are to blame. The case of the plant at Yakutat is an example of Government disregard for free enterprise and although I realize that this

project may have proceeded beyond the point of no return, I wish to call this absolutely inexcusable case to the attention of my colleagues at a time when we are asked to appropriate operational funds for the Department of Commerce. This is just an example of how \$1,800,000 of the taxpayers' dollars are being put to use; to compete with private enterprise and quite possibly stifle or eliminate a private industry.

The Congress through its appropriate committee should investigate the EDA grant and others because I have heard there are similar plants financed by Federal Government which are in trouble. I urge a full investigation.

SELECTIVE SERVICE REGULATIONS

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

Mr. ESCH. Mr. Speaker, each year I have the privilege of congratulating hundreds of young men and women from Michigan's Second District on their graduation from high school. I attempt at that time to inform the young men of their responsibilities under the Selective Service Act. I shall include the listing of selective service regulations which I have compiled at this point in the CONGRESSIONAL RECORD.

Every young man has military obligations to the United States under the Selective Service Act. However, the military does not need all the young men who are available and the selective service system has been established to select those who must serve. Under the new lottery system, each man is vulnerable to the draft for only 1 year. The order of induction is determined by a lottery drawing in November or December for the following year. All young men will be eligible for induction either in the year following their attainment of the age 19 or in the year after they leave school or otherwise cease to be deferred.

Under new regulations recently announced by the President, deferments are no longer available for occupational, agricultural or paternity reasons. The President has also asked for authority to abolish student deferments. Congress has not yet considered this proposal. However, I am hopeful that it will be taken up this year. I expect to give it my strong support since I believe that all young men should be on an equal footing with regard to the draft.

The President has also proposed national calls rather than the present quota system. This would assure that all men born on the same day and with the same priority number would be called at the same time, regardless of their local board. Such a system would remove the inequities which sometimes occur under the present system of assigning quotas to local boards. It would assure that no matter where a man is registered, he will face equal vulnerability to the draft with every other man in the Nation.

I strongly support both of these measures as part of the effort to make

the draft as fair as possible. It is difficult to predict at this point, however, just when these proposals might come before the Congress for approval. The information which follows, therefore, outlines selective service regulations as of the present time.

Most selective service troubles arise because of, first the registrant's ignorance of, or carelessness about, his rights—especially the right of appealing any new classification given by the local board; and second the registrant's failure to keep his local board informed of changes in status, qualification, and location.

All contact with the appeals to your local Draft Board should be put in writing. Registrants should keep copies of all correspondence with their local board and should put in writing for inclusion in their file all verbal communication with the local board, including telephone calls and summaries of personal appearances. This reduced the chance of misunderstanding.

The following are the general rules and regulations of the Selective Service System at the present time. If questions arise, you should contact your draft board immediately. My office will also be glad to provide you with assistance and information, although I have absolutely no power to make a determination on your specific case.

GENERAL RULES AND REGULATIONS

1. A Selective Service local board places a registrant in a deferred class when it determines that the national interest would be best served by continuing the individual registrant temporarily in a civilian status.

After the young man registers at the age of 18, his local board mails him a Classification Questionnaire. The information submitted in this and subsequent questionnaires is the foundation for classification; but the registrant, may submit new or supplemental information.

2. A registrant has the right to request a personal appearance before his board within 30 days of the date of mailing of any notice of classification by the local board. Following such personal appearance, he will be given a new classification card, and will have the right to appeal that classification within 30 days. A personal appearance before the local board is not required, and any registrant may bypass this step and make a direct request for appeal. However, he forfeits his right to a personal appearance if he appeals before requesting a personal appearance.

Along with the Classification Notice mailed to registrants classified in Classes I-A, I-A-O and I-O, there will be forwarded information that a Government Appeal Agent is available to them for legal advice on Selective Service matters, particularly in connection with appeals.

A request for a personal appearance or for an appeal should be sent to the local board. Requests for appeal should be accompanied by supporting letters and documents from teachers, employers, dependents, or others to justify the registrant's claim.

A personal appearance can be made only before the registrant's own local board. However, a registrant has the right to request a transfer of his appeal to the appeal board having jurisdiction over his principal place of employment or place of residence, if his local board is in a different state or jurisdictional area. The request for transfer must be made at the same time that the appeal is requested. The local board will forward the

entire file to the appeal board, which may change or sustain the classification given the registrant.

3. Denial of deferment at the state level may be appealed to the President within 30 days if the vote of the appeal board was split. If the vote was unanimous, the registrant, an employer, a school, or a disinterested agency such as the Scientific Manpower Commission, may seek review at State Selective Service Headquarters and following that review, may seek further review at National Selective Service Headquarters in Washington, D.C. The State Director in the local board state, the State Director in the appeal board state, or the National Director of Selective Service may take an appeal to the President following unanimous classification by the appeal board.

4. A registrant cannot be inducted during the time any appeal is pending. No local board may deny an appeal.

5. No deferment is valid for a period longer than one year. However, most deferments may be renewed. The registrant and his employer or his school should apply for a continuation of the deferred classification prior to its expiration. The registrant is responsible for keeping his local board up-to-date on his status. In the case of undergraduate students, the request for continued deferment should be made on Form 104 and must be supported by Form 109, or any revised versions thereof that may be issued.

6. If an induction order has not been issued, the local board may be asked to re-open a classification if new information is supplied by the registrant or others in his behalf. The local board must reopen only when the new information, if true, would require placing the registrant in a new classification (such as I-S), or if ordered to reopen by the State or National Director of Selective Service. They may re-open when the new information would justify a change in classification, and was not considered in previous classification, action. When a classification is re-opened and considered anew by the local board, rights of appeal are reestablished.

7. Registrants who have passed their 26th birthday without fulfilling their military obligation are dropped next to the bottom of the call list. Registrants deferred under authority of regulations issued by the President remain liable for service until they are 35 years old.

STUDENT DEFERMENT

As noted above, the President has asked Congress for the authority to abolish student deferments so that all men will face equal vulnerability to the draft. However, it is now uncertain whether or when the Congress will act on this request. Until such time as the Congress does act, the following regulations will be in effect:

HIGH SCHOOL AND 2 YEAR COLLEGE STUDENTS

8. The full-time, satisfactory high school student who is ordered for induction shall be deferred in Class I-S. This deferment classification ends when he graduates or reaches age 20 or ceases satisfactorily to pursue a full-time course of study. The student seeking this deferment should ask the school principal to write to the local board giving the pertinent information. School principals should notify their students that such deferment is available.

Students in a two year college program not leading to a baccalaureate degree may be deferred in Class II-A.

UNDERGRADUATES

9. Present regulations provide that any undergraduate student who is satisfactorily pursuing a full-time course of instruction at

a college or university shall be deferred at his request until he completes his baccalaureate degree, falls to pursue satisfactorily a full-time course of study, or attains the age of 24, whichever occurs first. The student must request such deferment in order to be placed in Class II-S, and in so doing he forfeits his right to deferment for fatherhood after completing his education, unless his induction would create a hardship for his dependents.

College students under age 19 should not request student deferment, since the student is not currently subject to induction and should not incur the liabilities of II-S classification until he needs the deferment to stay in school, and has successfully completed his freshman year.

The student must provide his local board each year with evidence that he is satisfactorily pursuing his full-time course of study.

10. The undergraduate student who elects not to request student deferment, or who is not found eligible for student deferment, and who is ordered for induction during a school year, shall be placed in Class I-S(C) if he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, provided he has not previously been placed in Class I-S(C). He will be retained in this classification until the end of his academic year, or until he ceases satisfactorily to pursue such course of instruction, whichever is earlier. He is not prohibited from later classification in II-S if he is otherwise eligible.

At the expiration of the I-S(C) classification, a student is subject to induction in the regular order of call unless he is further deferred. If calls are placed by age group, he will be subject to call in the prime age group, but his right to fatherhood deferment is not forfeited.

11. A student's academic year includes the 12-month period following the beginning of his course of study or its anniversary.

A full-time course of instruction requires that the student earn within one calendar year a sufficient number of credits to represent a direct proportion of his total required number of credits. For example, a student in a four-year baccalaureate course should have earned one-fourth of the credits required for his degree at the end of his first academic year, half at the end of his second academic year, and three-fourths at the end of his third academic year.

GRADUATE STUDENTS

12. A student shall be placed in Class II-S if he is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, optometry, osteopathy, or such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon advice of the National Security Council. In February 1968, the NSC found that no other subject areas were essential, at that time. A new appraisal may be made later.

13. The I-S(C) classification is not available for students who have been deferred as undergraduates in Class II-S after June 30th, 1967, and have completed their baccalaureate degree. Students deferred in II-S only as graduate students after June 30, 1967 may be eligible for I-S(C) classification. District Courts have ruled both for and against their eligibility. Students not eligible for deferment who begin a school term and are ordered for induction during that term should request postponement of induction till the end of the quarter or semester.

OCCUPATIONAL DEFERMENTS

14. As of April 23, 1970, occupational deferments are confined to those jobs which are strictly national in scope or effect. Occupational deferments which are already in effect or for which applications have been

made prior to April 23 can be continued. All registrants seeking deferment after this date will be subject to the discretion of the Director of Selective Service and/or the National Security Council. Those occupations previously deferred at the local level by the local draft boards will no longer be considered.

In effect, this order eliminates occupational deferments for all but the very highest jobs of great national importance.

AGRICULTURAL DEFERMENTS

15. The President's Executive Order of April 23 also eliminates the category of agricultural deferments except for those which were already in effect prior to that date. No local board will consider a deferment for agricultural reasons from this point on.

PATERNITY DEFERMENTS

16. Also under Executive order, any registrant who prior to April 23, 1970 submitted to his local draft board information establishing eligibility for deferment on the grounds of fatherhood under those regulations in effect prior to this date, or who is classified III-A prior to this date, and who continues to maintain and support a family relationship with child or children may be classified III-A. All other registrants seeking future classification in Class III-A will be denied such classification unless such denial would bring about extreme hardship to that registrant and his dependents.

ROTC STUDENTS

17. ROTC students are deferred in Class I-D until completion of college work. There is no such thing as permanent deferment or exemption from service for ROTC graduates, except under conditions of extreme personal or community hardship which cannot be alleviated by temporary delay.

RESERVISTS

18. There are two branches of the Reserve—the Ready Reserve and the Standby Reserve. The Ready Reserve may be called up on very short notice. Generally, Standby reservists would be called up only after all Ready Reserve Units were called.

19. Under current screening regulations, reservists who have critical civilian occupations but do not have critical military skills are screened as a matter of regular policy from the Ready Reserve to the Standby Reserve, with the following exceptions. Reservists who have served only their active duty for training—a period of six months or less—and reservists who have signed a Ready Reserve agreement may not be screened into the Standby Reserves.

In all cases, the possession of critical military skills overrides the possession of critical occupational skills as listed by the Department of Commerce.

20. Members of the Standby Reserve are under the jurisdiction of the Director of Selective Service, and are further screened as I-R (available) or II-R (working in a critical occupation).

Any member of the Standby Reserve who has not completed his obligated period of military service in the Ready Reserve may be re-transferred to the Ready Reserve whenever the reason for his transfer to the Standby Reserve no longer exists.

21. Both employers and reservists should make certain that the reservist has been properly screened. Applications for screening should be made prior to the issuance of alert orders or orders to active duty.

Requests for screening should be made as follows: Army Reservists should write to the Commanding Officer, U.S. Army Administrative Center (Attn.: AGAC-RA-X) 9700 Page Blvd., St. Louis, Mo. 63132. In the Navy, application should be made to the Naval District in which the reservist resides. Air Force reservists should apply to the major Air Command of jurisdiction. Marine requests

should be addressed to the Commandant, Marine Corps, Washington, D.C.; and Coast Guard reservists should write to the Commandant, Coast Guard, Washington, D.C. Both Army and Air National Guard should address application for screening to the State Adjutant General.

22. Members of the Ready Reserve may be assigned to an active unit or they may be members of the Ready Reserve pool. Those reservists who are not assigned to an active unit are subject to individual call to active duty.

Reservists assigned to an active unit, but who are not in good standing in that unit and who have from nine to twenty-four months of active duty may be transferred to their draft boards where they can be drafted for two years up to age 35.

23. A registrant may enlist in a Reserve unit at any time prior to the issuance of orders for him to report for induction, or prior to his scheduled date of induction if a determination has been made by the Governor of the state (for the National Guard) or the President (for the Regular Reserve) that the strength of the Ready Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction. A reservist shall be classified in I-D and shall remain eligible for that classification so long as he serves satisfactorily as a member of an organized unit of the Ready Reserve or the National Guard.

REDUCED AIR FARES FOR THE ELDERLY

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

Mr. ROTH. Mr. Speaker, I am today introducing a bill to amend the Federal Aviation Act of 1958 to authorize reduced rates for air transportation by our elderly.

My bill authorizes lower air fares for the broad sector of our population that is 65 years of age or older or on a space available basis.

Our elderly persons appear to have become a forgotten group in providing special air fare levels. Last year, the Members will recall, there was a proposal to terminate special low standby fares for young people and students. There were many bills introduced in Congress which would have required the Civil Aeronautics Board to retain youth fares. Most, if not all of these legislative proposals included provisions for reduced fares for the elderly. However, in August 1969, the Board decided to retain the youth fares, and most of the pressure for legislation was dissipated.

This, unfortunately, left the elderly group high and dry.

Mr. Speaker, if it were proper to propose special low air fares for our older population last year, it is equally so in 1970. And I maintain that it is entirely proper to grant them special consideration for several reasons.

First, bear in mind that they will be accommodated on a space-available basis. If a plane is taking off and has 20 empty seats, those seats are earning nothing to cover the overall expense of the flight. A reduced fare, on a space-available basis, means utilization of some of these unused seats, and a contribution toward overall costs.

In connection with the capacity and load factor element involved, it should be borne in mind that we are entering a period of considerably larger aircraft. It stands to reason that, day in and day out, the increase in the number of seats available on a given flight will result in an increase in the number of unused, non-revenue-producing seats. It is only good economics to create and develop a market to utilize some of this unused capacity.

In 1964, the Board staff established certain criteria to follow in reviewing discount fares. The fundamental points have been described in the following paragraph:

Discount fares are generally offered for a basic service to improve a carrier's net income by filling seats that would not otherwise be occupied. Their economic justification is that when they are not fully self-supporting, they can improve net earnings by reducing costs through a more even distribution of traffic, and/or generating traffic, provided the diversion of revenues from existing basic-fare traffic is more than offset by the cost savings and additional revenues. Thus, discount fares should meet direct costs and make some contribution to overhead expenses, maximize revenues, enhance the carriers' profit position and ultimately afford a basis for reductions in the general fare level.

Second, it is doubtful if there will be any considerable transfer from a higher to a lower fare category. Older people are generally on fixed income, and one which frequently allows for no expenditures for air travel at standard-fare levels. Accordingly, such trips will be forgone, unless special provision is made to make them possible.

Third, it seems to me that there is a special sense of fitness in extending this coverage to our senior citizens. They have worked for many long years and are enjoying an abundance of leisure time, perhaps for the first time. Their children and friends are often located in distant places. How worthwhile it would be to be able to travel to see them occasionally. This is why I feel that there is justifiable propriety reflected in my bill.

Fourth, it is unlikely that any valid claim of unjust discrimination against other fare levels or other classes of passengers would be sustained. In its decision to permit the continuation of youth special standby fares in 1969, the Board determined that such fares are not unjustly discriminatory.

Mr. Speaker, these reasons have motivated me to introduce a bill permitting the Board to allow reduced rates to the older segment of our population. I urge my colleagues to give it their earnest consideration.

The text of the bill follows:

H.R. 17606

A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended by inserting "and elderly people" immediately after "ministers of religion".

(b) Such section 403(b) is amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, the term 'elderly people' means individuals aged sixty-five and older."

KENT STATE UNIVERSITY INCIDENT

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

Mr. DEVINE. Mr. Speaker, in order that a balanced story of the Kent State University affair be made available, I am submitting the WMNI commentary, broadcast in Columbus, Ohio, on May 11, 1970.

Some of the news telecasters and so-called "anchormen" were so carried away with emotionism, they were just unable to tell but one side of the story.

I commend the attached for whatever evaluation one may wish to make:

WMNI COMMENTARY, MAY 11, 1970

Somebody has their thinking all mixed up. Ever since that tragedy that befell Kent State University, law enforcement agencies have been taking it on the "chin". This time, it's the National Guard troops who were trying to keep Kent State open for the responsible students of that university. We deplore violence as a means to an end as much as anybody but let's set the record straight and put the blame for those four needless deaths where it belongs.

We submit, those 30 troops who were forced to fire into a mob of about three or four thousand screaming, rock-tossing students are guilty of nothing more than trying to preserve law and order and their own lives. If there is any blame, it must rest with the "pious peaceniks" who ignored repeated warnings and persisted in roaming the campus disrupting the whole college routine and endangering the lives of all 19-thousand K-S-U students.

Sure, it was the National Guard Troops who pulled the triggers of those guns. But what would you have done in a similar situation. These troops reacted as any human, or animal for that matter, would react when life is at stake, they tried to defend themselves. Three thousand to 30 odds are rather awesome, to say the very least.

At Friday's rally on the statehouse grounds, speaker after speaker called the National Guard Troops "murderers" . . . libelous at the most. However, we repeat, the real murderers are those "radical" students and faculty members who continue to incite the crowd to tear down the establishment. They are the ones who should be undergoing an investigation at this time.

They are the ones who know how to whip a disinterested crowd into a raging mob. They are the ones who are teaching open revolution right in our college classrooms. They are the ones who should be held accountable for the deaths, injuries and the millions of dollars of damage to taxpayer property.

Until our great colleges and universities rid themselves of these revolutionaries, there will continue to be trouble and the needless waste of innocent blood. In most cases not the blood of the troublemakers but the so-called curious bystander who has been made a part of the "mob" by these "merchants of violence".

We repeat, they are the real killers of those four students at Kent State University. We rest our case.

FAIR LABOR STANDARDS AMENDMENTS OF 1970

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

Mr. DENT. Mr. Speaker, I am today introducing a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to provide for an automatic increase in wage rates based on the increases in the price index, and to extend the coverage of the act to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes. In doing so I have had to take into consideration the very serious problem that we are now facing in the fair labor standards of this country in that we have embarked on a so-called family maintenance plan which is a guaranteed yearly wage, in effect. Under present conditions, under the fair labor standards, a worker working as many hours as is allowable, which is very seldom done in any instance, would be earning \$740 less per year than the family maintenance plan would pay him out of the Treasury with any combination of earnings plus the welfare payment. So I have tried to devise a plan for a minimum wage which will be based on the classification of the job performed rather than upon a single minimum wage base. We can no longer adjust our salaries and work schedules in this country to meet the needs of the industrial worker and the needs of the farmworker and the needs of the small business worker at the same time. Therefore, in looking at the past history of our wage economics and job economics in this country, I have come to the conclusion that we must have a classified minimum wage which will be fair to all levels of employers and still give some measure of a guarantee of a wage level to the person who works, which will be a small percentage above the welfare payment.

I doubt if we can ever get people to work for less than they will get under the family maintenance plan, and while we can never reach the magnitude of forcing an employer to pay the amount of money that the family maintenance plan guarantees a family of eight, nine, or 10, we must at least pass legislation that will make a comparison between the earned rates while working to those unearned rates when a person with a family of four qualifies for family maintenance.

I would appreciate it if all of you would pick up a copy of this act as soon as it is printed to give me your views.

Mr. Speaker, the Fair Labor Standards Amendments of 1966 provided increases in the minimum wage rate to \$1.60 an hour. In the case of employees newly covered by those amendments, other than agricultural employees, the presently applicable minimum hourly wage is \$1.45, and will not reach \$1.60 until next February 1. Those agricultural workers covered by the amend-

ments are subject to the applicable minimum hourly wage of \$1.30. In spite of the breadth of those amendments in terms of additional coverage, a great body of workers still remains outside the provisions of the Fair Labor Standards Act.

My bill would provide universal minimum wage coverage to all employees, except those employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman. It would, however, retain exemptions from overtime coverage for those employees presently exempt from such coverage.

My bill would establish four employee wage schedules. Each schedule would encompass a category of employee coverage and require the payment of specified minimum wage rates. The schedule follows:

First. Those employees who were covered before the amendments of 1966 would be subject to a minimum wage rate of \$2 an hour beginning January 1, 1971, and \$2.50 an hour beginning January 1, 1972.

Second. Those employees who were first covered by the Fair Labor Standards Amendments of 1966—except agricultural employees—would be subject to a minimum wage rate of \$1.75 an hour beginning January 1, 1971, and \$2 an hour beginning January 1, 1972.

Third. Those agricultural employees first covered by the Fair Labor Standards Amendments of 1966 would be subject to a minimum wage rate of \$1.50 an hour beginning January 1, 1971, and \$1.75 an hour beginning January 1, 1972.

Fourth. Those employees covered for the first time by the Fair Labor Standards Amendments of 1970 would be subject to a minimum wage rate of \$1 an hour beginning January 1, 1971; \$1.25 an hour beginning January 1, 1972, and \$1.50 an hour beginning January 1, 1973.

Effective January 1, 1971, the minimum wage rate for each schedule may be raised because of an increase in the price index. The mechanical procedure would parallel that used to adjust annuities received by Federal employees, including retired military personnel. The Secretary of Labor is required to monitor increases in the Consumer Price Index and make appropriate adjustments in the various minimum wage rates.

The problem of the impact of imports on employment is dealt with in a proposed new title II of the act. Upon the request of the President or the Congress or upon application of a representative of any employee organization, in a domestic industry, or an interested party, or on his own motion, the Secretary of Labor would be required to make an investigation as to whether any product is being imported into the United States which is causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or the economic welfare of the community in which any such group of workers is employed.

Should the Secretary of Labor find that an imported product is causing such consequences, he will promptly report to the President and publish his findings. Upon receiving the Secretary's report, the President may take such action as he deems appropriate.

After the effective date of the amendments, any Federal contract over \$10,000 for the manufacture or furnishing of materials, supplies, or equipment which is performed outside a State, but is for use within the State shall require: First, that all persons employed by the contractor in carrying out the contract be employed on terms and conditions which are not substantially less favorable to his employees than those which would be required under the act; and second, that the contractor make such reports, as are necessary to enable the contracting agency to insure that the provisions of this title are complied with.

Mr. Speaker, I am realistic enough to know this bill will not be universally heralded in our business and industrial community; nor will organized labor rise up in unified support. It is, in fact, a departure from the theory of "minimum wage"—a single wage below which no employee should be forced to work. But the reality of our economy is such that a small retail or service establishment cannot afford to pay its employees at the same rate as can some of our giant industrial complexes. And, unfortunately, every time we have acted to increase the minimum wage rate, we have generally done so by fixing it to an amount the least able in our economy were able to pay. Consequently, marginal enterprises have managed to dictate what the minimum wage rate would be for all covered employees by their ability to pay. We have also had to sacrifice universal coverage in the process, and I believe that to be at least as essential as any wage increase.

Because of the requirement that minimum wage increases occur by legislative mandate, and because that process is not always immediately responsive to existing or anticipated needs, we are constantly left with a minimum wage rate that bears little resemblance to any notion of economic survival for the worker. Granted, the rates set forth in my bill are subject to the same tests of inadequacy when they become effective. But the mechanism of automatic increases based on the price index will certainly be more responsive to the economic realities of the moment.

Mr. Speaker, I have had this notion of minimum wage rates in my mind for some time. I have discussed it extensively with my colleagues and with interested parties. I can make good arguments in support of it, and good arguments can be made in criticism of it. But I thought this concept should be given public consideration, and it is for this reason I have introduced it. I am not wedded to it or any other proposal at this time. I only believe changes are urgently needed in the Fair Labor Standards Act, and that a dialog on appropriate changes should begin.

I would, therefore, like to announce

that the general Subcommittee on Labor will commence public hearings on amendments to the Fair Labor Standards Act late this month or early in June. We will not hear witnesses outside the administration or the Congress until June. Hopefully, we will hear the views of the administration and Members of Congress beginning about May 21.

The hearings will not be confined to any particular bill, but instead to all legislation presently before the subcommittee which would amend the Fair Labor Standards Act. At this time, I would like to invite anyone wishing to present views on this matter before the subcommittee, to communicate with the staff and arrange for a hearing date.

WASHINGTON METROPOLITAN AIRPORT AUTHORITY

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, today I have introduced a joint resolution which expresses the will of the Congress that the States of Maryland and Virginia enter into a compact along with the District of Columbia to establish a Washington Metropolitan Airport Authority.

It is obvious that large metropolitan areas have created transportation problems which can only be solved by a central, coordinating authority which plans, directs and supervises integrated transportation services upon which the whole area must depend.

The greater Washington area is a case in point.

Recognizing that surface transportation must be coordinated and systematically planned, the District of Columbia has entered into a compact with the States of Maryland and Virginia to create a central authority. I think it is evident that air transportation must also come under a similar concept.

The need for such a central authority was motivated by my concern over the problems related to a controversial airport site in my district at Bowie, Md. This brought home to me the fact that there is a need for a coordinated and well-planned system of airports to serve this vast metropolitan area today and in the future.

The question of jammed airspace, which not only constitutes a flight hazard but also an inconvenience to passengers, is well known. To add to the ever-growing hazard by a willy-nilly and at-random construction of airport sites in this area will not solve but compound the problem.

Therefore, now is the time to establish a central authority which will be able to prevent chaos by careful planning and regulating airports geared to the needs of the communities of metropolitan Washington.

Flight safety requires that ample airspace be set aside to prevent landing or takeoff patterns from being in hazardous conflict.

Ground safety requires that the people who live and work near an airport be protected against distracting and disrupting aircraft noise and that a clear area around an airport be rigidly maintained to reduce these perils to a community.

It is doubtful that local authorities would have sufficient knowledge of aircraft operations to select a suitable site. They may find themselves in conflict with other air installations as the proposed Prince Georges County airport conflicts with Andrews Air Force Base. Or, they may concern themselves with only their own local needs and thus come into a conflict with the area requirements or the plans of other communities in the metropolitan area.

To avoid such conflicts, a central authority would be able to anticipate a particular need and see how it relates to a far broader metropolitan need. This would reduce duplication of effort and prevent a dangerous proliferation of airports which would, eventually, reduce not increase, air operations because of increased hazards.

Recently, the President sent a message to Congress recommending an increase of Federal funds for the expansion and improvement of our airways system including construction and improvement of airports. The message recognizes that a serious problem exists today, to a dangerous degree, and that, unless action is taken now to correct the problems, the future of air transportation might be chaotic. The message stated that the "growth in the next decade must be more orderly—it must be kept safe. And it must not permit congestion and inadequate facilities to defeat the basic purpose of air transportation: to save time."

To maintain orderly growth it is necessary to have a responsible overall plan for metropolitan areas and a central authority to integrate needs not only for the safety of the public but also for the growing demands of private pilots and commercial aviation as well.

My proposed compact for a Metropolitan Airport Authority is intended to accomplish this result.

Often, local communities in their eagerness to meet demands of general aviation and with an eager eye toward scheduled air carriers, will hastily plan an airport site which, when viewed from the standpoint of the larger area in which it is located, will accomplish neither purpose because it is not part of an integrated plan of airports. Situated elsewhere, as part of an overall plan, such a local airport could be of service and be of great benefit to the communities it is intended to serve. Above all, it would be more safe.

Such planning, as my resolution anticipates, can only enhance business and industry served by general aviation.

Along with this philosophy of a metropolitan authority, it would follow that the needed technology and equipment would become part of one system so that all of the airports would be under one system and would benefit equally. As it now stands, some of our surrounding airports serving general aviation do not

have the necessary equipment to adequately regulate flight operations in this day of rapid jet operations and all-weather flying.

Under the proposed compact, the sovereign States of Virginia and Maryland would have representatives appointed by their respective Governors as members of the authority, Commissioner of the District of Columbia, or his representative, would participate on behalf of the District of Columbia, and the Federal Government would participate through its representatives appointed by the President.

Such an authority would include staff experts on engineering, flight safety and equipment, and all others needed to plan and regulate airports and flight operations.

Any further at-random planning for air transportation is foolhardy. Large areas require order and that can be accomplished only by a central authority which can oversee and foresee. It can be more efficient in its forecast of needs and better able to plan effectively to meet them.

The metropolitan area of Greater Washington, the Nation's Capital, should lead the way. Along with improvement in equipment, material and safety devices in airport construction, must come control. And this control will only come from the establishment of the type of authority this compact would create.

Before more air disasters result, I urge speedy consideration of this resolution. I hope the Congress will demonstrate more concern about this problem than the Federal Aviation Agency. I sent a copy of my resolution to the FAA on July 22, 1969, but unfortunately they have not yet responded.

The text of the resolution is set forth hereafter:

H.J. Res. 1231

Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority

Whereas a compact has been entered into between the States of Virginia and Maryland and the District of Columbia, and consented to by the Congress, relating to a coordinated system of ground transportation in the National Capital area; and

Whereas the problems of aviation in the National Capital area are reaching crisis proportions; and

Whereas a comprehensive, coordinated approach is needed to solve this problem on a metropolitan area basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the conditions of section 3 of this Act, the consent of the Congress is hereby given to the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact with respect to the establishment of a Washington Metropolitan Airport Authority with adequate authority to provide for comprehensive and coordinated planning with respect to the location and operation of aviation facilities in the metropolitan area of the District of Columbia.

Sec. 2. The Commissioner of the District of Columbia is authorized, on behalf of the District of Columbia, to negotiate and enter into such compact.

Sec. 3. Such consent is given upon the following conditions:

(1) A representative of the United States, who shall be appointed by the President of the United States, shall participate in such negotiations with authority to act on behalf of the United States with respect to Federal aviation facilities for civil aviation located in the metropolitan area of the District of Columbia and shall make a report to the President and to the Congress of the proceedings and of any compact entered into.

(2) Such compact shall not be binding or obligatory upon the States of Maryland or Virginia or the District of Columbia unless and until it has been ratified by the legislature of each State and consented to by the Congress of the United States.

Sec. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

UNITED STATES STILL TRAINING MILITARY PERSONNEL FROM SIX ARAB COUNTRIES UNFRIENDLY TO US

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. WOLFF) is recognized for 10 minutes.

Mr. WOLFF. Mr. Speaker, at a time when we are supposed to be defusing the crisis in the Middle East I am amazed at the continuation of extensive military training programs conducted by the United States, largely at our expense, for men from six Arab countries several of which are unfriendly toward the United States.

There are hundreds of military personnel, mostly airmen, in these training programs for Jordan, Lebanon, Libya, Morocco, Saudia Arabia, and Tunisia. Most of these men are being trained at U.S. expense under the military assistance program—MAP.

At the same time, as part of the sales agreement for the Phantom jets currently being sold to Israel at the request of Congress, we are training approximately 50 Israel airmen. All of these men are being trained at Israel's expense under the foreign military sales—FMS—program.

Mr. Speaker, I would remind the Members that in 1967 we voted to prohibit training Arab military personnel from countries that had broken relations with the United States. While we do have some formal diplomatic relations with the Arab countries involved in the current training programs there are certain basic questions about our policy that must be asked:

First, What steps are being taken to prevent nationals from the countries prohibited from receiving U.S. military training from penetrating the ranks of those countries who have men here? I have received unconfirmed reports that this sort of infiltration is going on.

Second, How can we possibly justify training men from Libya considering that that country threw us out of our Air Force base in Libya in violation of a legal agreement? Do we reward those who slap us in the face?

Third, Is it really in the best interests of the United States to continue training men from Jordan even though we have been asked to recall our Ambassador to the country?

Fourth, When will we recognize that

we cannot endlessly attempt to "woo" totalitarian Arab regimes that have always aligned themselves against the United States?

Fifth, Are not certain of these men receiving their primary training in the United States and their advanced training in the Soviet Union?

Sixth, Are we disrupting the balance of power in the Middle East by requiring a small number of Israelis to pay for their training and giving that same training to a large number of Arabs?

Seventh, What efforts are now underway with France and the Soviet Union to secure an overall arms embargo for the Middle East?

Eighth, Why is there such a lack of frankness in the State Department as evidenced by self-contradictory testimony on the Middle East recently offered to a Subcommittee of the House Foreign Affairs Committee?

Mr. Speaker, these important questions must be answered. I believe we in the Congress should immediately look into this situation with particular attention to the size and cost to the United States of the training programs for military personnel from the six listed Arab countries.

We must not lose sight of the fact that Israel is our only real ally and the only democracy in the Middle East.

Also, Mr. Speaker, I must comment on what I consider a lack of candor on the crisis in the Middle East in the State Department. There is a problem of not clearly defining where American interests really are in this part of the world, and the impact at the Soviet intrusion.

Finally, I have been in contact with the Department of Defense to get complete information on the size, nature, and cost to us of these training programs. We must get the answers and the State Department must implement the procedures that will bring a real and lasting peace.

THE NEW YORK STATE COURT OF APPEALS DECISION ON LAW STUDENTS' EXAMINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBERSTEIN) is recognized for 30 minutes.

Mr. FARBERSTEIN. Mr. Speaker, I deeply regret the ruling yesterday by the New York State Court of Appeals that law students must complete final examinations to be eligible to take the State bar examination. This decision has implications not only for students attending New York law schools, but for those throughout the country who may wish to practice law in the State of New York. It effectively pulls the rug from under their efforts to use the governmental system to petition for an end to the war in Cambodia and Vietnam, for it would require them to return to their schools.

Our governmental system is on trial, whether it is capable of accommodating those who strongly dissent from a fundamental policy which has torn this Nation almost to its foundations. I fear that if the students are denied the opportunity to see their efforts through to their culmination, it will be a demonstration to

many of our youth of the system's inflexibility to accommodate them, and will cause them to turn away from it.

I have sent a telegram to the Attorney General of New York, the Honorable Louis J. Lefkowitz, urging him, to intervene, as the State's chief legal officer, on behalf of the students in request to the court of appeals to reconsider its decision.

We have witnessed a most exciting development in the last week following the President's announcement on Cambodia. Instead of violence and bloodshed, we have seen hundreds of students from campuses across the country attempting to express their opposition constructively by using the system to petition the Congress. No Congressman has escaped these students who have come well dressed and well informed, and most persuasive. I believe their efforts will have a significant effect. I hope it will not be stifled as a result of the court decision, and that the court will reconsider and reverse itself.

The students of the 10 law schools in New York State met last night to assess the impact of the court decision and decided to ask for the court to reconsider its action. I insert at this point in the RECORD the text of the law students resolution, my telegram to the attorney general, and a New York Times article on the court decision:

RESOLUTION PASSED BY REPRESENTATIVES OF THE 10 LAW SCHOOLS IN NEW YORK, NEW YORK UNIVERSITY LAW SCHOOL, MAY 12, 1970

We the student bodies of the law schools of the State of New York in accordance with the decision of our respective faculties do hereby reaffirm our collective moral stand. We, both students and faculty, have actively participated in what we truly believe to be a moral commitment by engaging in the democratic processes in a manner dictated by the consciousnesses of each individual student.

We therefore ask that those proposals passed by the respective law schools concerning the suspension of "business as usual", at this time, be immediately reappraised by the Court of Appeals with a mind towards respecting those ideals of orderly processes of law in which each of the undersigned concurs.

Moreover, we find that the opinion of the Court of Appeals contravenes both the academic freedom which has always been the backbone of our society and our right to free and orderly dissent as guaranteed by the Constitution of the United States.

What we ask at this point is that the Court immediately reconvene for a hearing in order to both reevaluate its recent decision interpreting the rules of the Court of Appeals and to consider the wishes and desires of the future leaders of the legal community.

We have therefore called for a moratorium on examinations until such time as the Court of Appeals shall reconvene to give this issue a full and adequate hearing.

MAY 13, 1970.

HON. LOUIS J. LEFKOWITZ,
Attorney General,
State Office Building, New York, N.Y.:

At request of graduating law students at New York's ten schools urge you to request court of appeals to reconsider and reappraise yesterday's decision and permit law schools to waive final examinations for graduating students and permit these students to take bar examination.

LEONARD FARBSTEIN,
Member of Congress.

[From the New York Times, May 13, 1970]

COURT RULES THAT LAW STUDENTS MUST COMPLETE CLASSWORK TO TAKE BAR EXAMS; WAR PROTESTS CONTINUE; COLLEGES POORLY ATTENDED

(By Paul L. Montgomery)

The State Court of Appeals in Albany ruled yesterday that law students must complete the specified number of classroom hours and take final examinations to be eligible for the State Bar examinations.

The ruling by the court, which oversees legal education in the state, would force students on strike at New York University law school and elsewhere to return to classes if they wished to take the bar examinations in July.

An N.Y.U. spokesman had said last week that law students who wished to stay away from classes to protest United States incursions in Cambodia could choose to take no final examinations and receive course credits.

The court stated yesterday that students at the state's ten law schools, or out-of-state law students, must establish that they had attended an approved school and "successfully completed its program" to be eligible for the bar examination.

The court said that successful completion required a program of not less than 1,152 classroom periods and final examinations "whenever such examinations are appropriate to test the student's understanding of the content of the course."

STUDENT STRIKES CONTINUE

Elsewhere, at universities in New York, New Jersey and Connecticut, student strikes to protest the war continued with varying force. Attendance was small at many of the larger colleges in the metropolitan area, including New York University, Columbia, City College, Long Island University, Hunter College and Brooklyn College.

Most of the striking students, who were aroused last week by the killing of four Kent State undergraduates by National Guard members, engaged in activities aimed at curbing the war in Vietnam and its extensions.

The activists, in many cases performed in an atmosphere of urgency, ranged from attending "liberation classes" on social and political themes to collecting signatures on petitions supporting the various attempts in Congress to curtail the war.

GUERRILLA THEATER SKITS

On the lawns at Brooklyn College, students put on guerrilla theater skits about the state of the nation. At City College, students talked with construction workers at lunchtime to attempt to bring them into sympathy with the radical cause. At New York University, students and faculty members began a project aimed at correcting what they regard as biased reporting in the media of the plans of youth.

At Cornell University, students laid siege to the headquarters of the R.O.T.C. with a "peace tank" that fired candy and flowers. At the University of Connecticut at Storrs, students occupied the R.O.T.C. building and redecorated it green, blue, yellow, orange and pink psychedelic designs. The students want to make the building a day-care center for children.

At Hunter College, which has been troubled by a variety of issues over the last two months, 150 students from the Third World Coalition closed all the entrances and exits to the building last night to protest Hunter's not having shut down in response to the killing of six blacks in Augusta, Ga., in a riot on Monday. Mrs. Jacqueline G. Wexler, the president of the college, later announced that classes would be canceled today.

Classes at Manhattan Community College were also suspended yesterday because of student protests.

At Livingston College of Rutgers University in New Brunswick, the police were investigating the firebombing early yesterday of the police science building. The building, a wooden structure formerly used as a barracks, was destroyed. A wine bottle half filled with gasoline was found six feet from the building.

In Albany, about 1,000 college students from the area stood six deep around two Federal buildings for most of the day. The buildings house the central post office and military recruiting stations. The human barricade curtailed recruiting and most mail deliveries in the city.

DISTRICT OF COLUMBIA'S PET BOLSHEVIK

Mr. RARICK. Mr. Speaker, Washington's "Cafe-society" Communist, Anatoly Dobrynin, makes his home in our Nation's Capital along with a small army of KGB's and other comrades at the Soviet Embassy, 1125 16th Street NW.

A most flattering account of the pet bolshevik appeared recently in Washington's leading pro-Soviet newspaper, the Washington Post.

The story and several related incidents follow:

[From the Washington Post, May 10, 1970]

THE CAPITAL'S PET BOLSHEVIK

(By Henry Brandon)

There is little doubt that Anatoly F. Dobrynin, the Soviet envoy to the United States, is Washington's most important ambassador. American officials and other foreign envoys bestow this accolade not only because he represents the other superpower (with its almost total reliance on traditional diplomatic channels for communicating with the American government) but also because he has a reputation as a man of sharp intellect with a shrewd understanding of the American scene. American officials are more at ease with him and respect him for being a civilized, intelligent and thoughtful man.

Why, though, is Dobrynin more a man of the world than Malik or Menshikov or Zorin? Averell Harriman, the elder statesman, who has a long memory and greater experience of the Russians than most, says, after a long pause for thought: "Perhaps because Dobrynin knows that it is important for him in order to succeed in his job."

"He always speaks with confidence—maybe he is more secure with the men in the Politburo. Certainly not since the days of Ambassador Maxim Litvinoff has a Soviet ambassador had the standing in Washington Dobrynin enjoys, and Litvinoff's was primarily based on having been part of the Bolshevik Revolution."

Harriman considers him a professional, a technician of great skill, not a politician but a decent, civilized, pleasant man who sincerely believes in better understanding between the United States and the Soviet Union and who conveys his good will without overstepping the position set by his government.

"He is not a petty or malicious or obnoxious man. He does not give anything away he shouldn't, but to have a man in this job who makes a genuine effort to understand this country is already a great plus."

ALL DOORS OPEN

As a consequence, Dobrynin has developed easy access to almost everybody in the American government, unique for a Soviet ambassador and in sharp contrast to the treatment of the American ambassador in Moscow. Not only can he see the highest officials at very short notice, but he can also reach them by telephone whenever necessary. If at rare occasions he requests an audience with the President, he has no difficulty seeing him either.

It speaks for his gift of establishing personal relationships, but it also shows good judgment on the part of American officials. His relations are informal enough that, for instance, when Henry Kissinger visited an exhibition of Soviet photography the other day and could not take his eyes off a blown-up photograph of a perplexed veterinarian with stethoscope around his neck getting his hypodermic needle ready for a petrified-looking boxer pup—an intensely human situation—it arrived in his basement office a few days later with the inscription: "Don't be too serious. Take it easy and relax. (Signed) Anatoly."

Dobrynin is tall, almost towering, and his appearance—soft, sensitive face, high forehead and gold-rimmed spectacles—combines with a shy charm to make him seem more a romantic musician rather than an experienced participant in the roughhouse of superpower diplomacy.

Those who do business with him consider him a diplomat par excellence. They say that he is always in command of whatever subject is under discussion, is easy to talk to when the occasion is right, and, when it is not, he resorts to what has come to be called in the State Department the "squid trick," a protective retreat behind a cloud of impenetrable generalities or flanneled inconsequences.

When a subject is brought up that touches a raw nerve, say Czechoslovakia, then his easy smile dies instantly and his blue eyes become cold and steely, but he will not lose his composure and always remains a gentleman.

The highest officials prefer dealing with him more than with any of his predecessors because he sounds more pragmatic and less ideological than most Russian officials. Some of these who deal with him believe that, just as he presents the Soviet point of view to Americans in a quiet, unprovocative way, so also he explains the American point of view to his superiors in Moscow, intelligently and without necessarily feeling that he has to make it palatable by passing it through some kind of party filter.

He can even be frank at times about some of his own problems in talking to Americans.

"I don't know what Dobrynin really thinks," Harriman says, "but he has tremendous pride in his own country. I don't know, for instance, what he really feels about the invasion of Czechoslovakia or intellectual freedom in the Soviet Union, but I think what matters to him most is that his country attains decent living conditions."

Dobrynin has the reputation of being greatly respected and listened to in Moscow. There is apparently sufficient evidence to think that at times Dobrynin has disagreed with his superiors in his dispatches, and when he later proved to be right, it enhanced his influence.

He has been heard to say that he knows every member of the Politburo and that he has ways of communicating with them directly should the situation require it. When he returns to Moscow for consultations, he says, he is usually given the opportunity of talking informally and individually with various members of the Politburo about the situation in the United States and offering policy recommendations.

He himself is an alternate member of the Central Committee, which gives him the right to participate in debates but not to vote. He holds the Order of Lenin, the highest decoration, to which the Red Banner of Labor was added on his 50th birthday last year.

A PRICKLY SYSTEM

Like all Soviet officials, however, he is subject to the limitations of the Soviet system and Soviet diplomacy. Like most ambassa-

dors, he is the prisoner of his government's policies, and negotiations with him can be spiked with as many frustrations as there are quills on a porcupine.

Some American officials who have had experience with him in negotiating clinches—for instance, in such tough affairs as the Middle East—say that "you don't negotiate with Russians and they don't negotiate with you. Oral persuasiveness does not matter, even with Dobrynin. It is more a cumbersome movement of one piece of paper or another."

It may be that Robert Kennedy's remarks about the removal of the missiles from Turkey made it easier for Khrushchev to make the right decision, but if it did, he did not say so in his message; nor was it assumed in Washington that this was the decisive factor. In fairness, one ought to add that in Dobrynin's view, the most important aspect of the missile crisis was not any part he may have played but the fact that when each of the superpowers feared the other was about to do something very dangerous, each had nerve and courage enough to use reason.

Changing styles of Soviet government affect the operational methods of an ambassador. In those years, according to Dobrynin, Khrushchev would often make decisions without consulting anybody or would simply make certain that his own would prevail. If he could be presented with a good case while winding himself up to a decision, he might be influenced; but once he became emotionally committed to anything, it was exceedingly difficult to have an effect.

Dobrynin says that by contrast, today's regime of collective leadership and majority rule makes its decisions only after wide-ranging discussions, and it is not impossible to contribute to these from the outside, for instance, from where he sits.

Dobrynin was born in Moscow, the only child of a plumber who worked in a metallurgical factory. His parents had never gone to school, but Anatoly was given a complete education. He entered the Institute for Aviation to become an engineer and on graduation got a job in a Moscow aircraft factory where he participated in designing the famous fighter plane the Yakovlev, the Russian equivalent of Britain's redoubtable Spitfire. At this factory he met his wife Irena, an expert in aerodynamics.

In 1944, his career was given an unexpected turn. A governmental committee selecting recruits for the diplomatic service included him among 22 aeronautical engineers intended for the loftier reaches of diplomacy. The assumption was that such men had brains, a sense of responsibility and the training to handle people.

A JOB IN WASHINGTON

After a year's training, he joined a Foreign Office department dealing mainly with European and disarmament questions. He remained a sort of backroom boy until 1952, when he was sent on his first foreign assignment—as it happened to the Washington embassy.

From 1955, Dobrynin had another two years back in Moscow before he was again sent overseas, this time to join the staff of Dag Hammarskjöld, the United Nations Secretary General, as Under Secretary of Security Affairs. The experience deepened his understanding of the United States and of diplomacy on a broad international scale.

He was there five years, and then went back to Moscow to become head of the American department. In 1962, he took another ticket to the States, but this time as ambassador.

The guidelines that he has set himself he defines as follows: to have the courage to tell the facts as they are, and report to his superiors as true and fair a picture as possible; to provide them, when necessary, with honest proposals for action, and to warn them,

again courageously if need be, what reactions they must expect to follow certain decisions. He tries, he says, to anticipate questions, for by the time a government asks for advice, it can already be too late.

Nevertheless, they say, Dobrynin tries to avoid the Russian tendency to become contentious and polemical. He admits that if he finds the other side getting stubborn, then he gets stubborn, too, but says he also tries to put himself into the other man's shoes. When things get tense, he says, he likes to ease the acrimony by cracking a joke or telling a good story. He thinks it is extremely important to preserve a sense of humor.

When Dobrynin was asked recently whether he thought the American negotiators' impression that Vasily Kuznetsov, Deputy Foreign Minister, seemed to have more leeway in the Middle East negotiations than the ambassador was a just one, Dobrynin assured the questioner that he and Kuznetsov were working under exactly the same instructions. Then, smiling puckishly, he added: "Maybe, though, Mr. Kuznetsov is a better diplomat than I am."

Still, he has his own ideas on what makes a good diplomat: he must have an ability to listen, to understand and to present his own case. Those who know him well say that he is highly skilled at all three. "I never had to repeat anything twice to him," McGeorge Bundy, the former national security aide to Presidents Kennedy and Johnson, recalls, "and he is also very skilled in presenting his own case in a reasonable way."

ABSOLVED BY KENNEDYS

The most critical period in the nine years of his appointment has been the Cuban missile crisis, of course. Robert Kennedy in "Thirteen Days," his account of that suspenseful period, recalls how Dobrynin reassured him about a week before President Kennedy imposed the ship quarantine that Chairman Khrushchev would not want to embarrass the President and that something like placing ground-to-ground missiles in Cuba "would never happen."

That this proved false did not damage Dobrynin's standing with the Kennedys; they remained in close touch with him, convinced that he had not, in fact, known of the missile plot. They were less hesitant about whether there had been deceit on Gromyko's part. They could not imagine the Foreign Secretary's being kept in ignorance of so bold an initiative.

Dobrynin now thinks that an offer which Robert Kennedy hinted at in his book helped considerably to influence Khrushchev's decisions. Kennedy describes a conversation he had with Dobrynin, who "raised the question of our removing the missiles from Turkey. I said that there could be no quid pro quo or any arrangement made under this kind of threat or pressure, and that in the last analysis this was a decision that would have to be made by NATO. However, I said, President Kennedy had been anxious to remove those missiles from Turkey and Italy for a long period of time. He had ordered their removal some time ago, and it was our judgment that, within a short time after this crisis was over, those missiles would be gone."

Dobrynin confesses that essentially he is an optimist, even if he does not expect any spectacular agreements in the near future. One of the problems that complicate Soviet-American relations, he feels, is that often they concern matters that are not simply bilateral but (as in the case of the Middle East) involve other countries also.

The essential need, he says, is to recognize what is negotiable and what is not and not to confuse them. What matters is to understand which circumstances may make something more or less difficult.

He does not believe in the theory that

capitalism and communism will gradually converge. The two will go their own ways, and, he is, of course, convinced that communism in some form or other will prevail.

THE GOLD OF SILENCE

Dobrynin engages in little public speech-making. There have been periods, he says, when he found it wiser not to talk at all. He delivered about 10 speeches in 1969 and 16 the previous year, but no copies of the texts are available at the embassy's press office.

When Dobrynin was invited to appear earlier this year before the august Council of Foreign Relations in New York, he was expected to deliver an off-the-record speech. He arrived without one, but agreed to answer questions. According to some of those present, the audience felt that nothing was said to augment their knowledge of Soviet affairs, while the speaker may well have felt that he preserved his cool better than some of his questioners did.

The Soviet Union is the United States' most powerful antagonist, and not even Dobrynin's civility will make Americans forget it. But after nine years as ambassador, he has sufficient American friends to sustain his social life, he says, even in the rougher periods of Soviet-American relations.

Dobrynin usually likes to keep his official social engagements to a minimum; he prefers small gatherings in private homes. Here he enjoys proposing a toast, often one reflecting his optimism that Soviet-American relations will stay peaceful even though many basic differences will remain unresolved.

On these occasions, too, his blond, good-looking and vivacious wife, if pressed hard enough, will play the piano and sing Russian songs. She can also be quite combative in political arguments, usually to emphasize a point made by her husband. Their only child, a daughter of 21, is married, lives in Moscow and the first grandchild is on its way.

A HIJACKING PRECAUTION

Averell Harriman calls Dobrynin "my favorite Bolshevik." The Dobrynsins dine there occasionally and last spring they visited the Harrimans' dacha at Florida's Hobe Sound, that exclusive enclave of American capitalism. (Harriman suggested that they fly together so that if the plane was hijacked to Cuba, Dobrynin could introduce him to Castro. Dobrynin readily agreed, but no hijackers obliged.)

Over the years, the Dobrynsins have visited most states, traveling by plane, train and bus coast-to-coast and up and down both the Pacific and the Eastern seaboard. Once they took a bus all the way from Phoenix to New York.

Of all places they have seen, they like New York best for its imposing glass buildings—a style of architecture that appeals to the ambassador—its long avenues, its dynamism and vitality. He finds San Francisco beautiful, but New York more exciting. He rarely has time to visit the city just for pleasure, but when on business trips, he likes to take in a musical if he can. That is for him the most typically American art form. His favorite is "Westside Story"; the most recent he has seen is "Man of La Mancha."

He is fascinated by the militancy and the pressure for change that American youth is exerting, but when you suggest to him that a revolutionary situation may exist in the United States, he smiles a little charitably. He admits that there is a great deal of social turmoil here, but has to confess, not without a burst of passion, that he, a child of the Russian Revolution, finds it impossible to apply the word "revolutionary."

For a Communist, he explains, that means the complete overthrow of the government and the prevailing political system; whereas what is going on in the United States has,

in his view, more of a surface and temporary quality. This observation, coming as it does from so expert an observer, may be of considerable comfort to many Americans.

[From the Washington Post, May 9, 1970]

FOREIGN DIPLOMATS DISCUSS WAR IN CAMBODIA

(By Dorothy McCordle)

A majority of foreign diplomats are feeling neglected because only a small minority of their number have been briefed by the State Department on the widening of the war in Vietnam into Cambodia.

Diplomats from Asia, Europe and Africa were not included in a briefing for Latin American diplomats conducted Thursday by Marshall Green, assistant secretary of State for East Asian and Pacific Affairs.

Ambassadors from the bypassed countries compared notes last night at a reception at the Soviet Embassy held to celebrate the 25th anniversary of the defeat of the Nazis.

The Russians could claim to be one up on the majority of the diplomats. They had had a briefing of their own at the Soviet Embassy two nights before when Dr. Henry A. Kissinger, President Nixon's advisor on National Security Affairs, met there with nine academicians from Moscow.

Minister Counselor Yuly M. Vorontsov, acted as host in the continued absence of Soviet Ambassador Anatoly F. Dobrynin, who is in Moscow. Ambassador Dobrynin had been expected home for the VE Day party, and the invitations were sent out in his name.

Some of the diplomats speculated that Dobrynin had been asked to stay on in Moscow as a result of the Cambodian crisis.

Few of the diplomats were willing to comment on the crisis. This went for the British Ambassador John Freeman and the French Ambassador Charles Lucet.

The dean of the diplomatic corps, Nicaragua's Ambassador Guillermo Sevilla-Sacasa, made no comment on Cambodia, either, except to say that the State department briefings for the diplomats from his area had "been very important, indeed."

Polish Ambassador Jerzy Michalowski said he was "sad" about the Cambodia situation, and Yugoslav Ambassador Rogdan Crnobrnja commented that he was "very unhappy."

Ambassador John J. Akar, of Sierra Leone spoke this way of the crisis:

"If President Nixon's calculations succeed, he will be the bravest man of this century. But if they fail, I shudder to think what will happen."

Cleveland businessman Cyrus Eaton, who recently returned from his third trip in a year to the Soviet Union, called the President's Cambodia venture a "fatal mistake."

"The Russians and Communist Chinese are now faced by the largest standing army in the world," he said. "And we faced two bears—the Russian bear and a bear market on the stock exchange."

Top administration guest at the party was Assistant Secretary of State Joseph Sisco, just back from the Middle East.

Former U.S. Ambassador to the Paris Peace talks W. Averell Harriman, expressed the hope that "some day soon", the Russians and Americans will get back to the same kind of understanding and partnership they shared 25 years ago.

[From the Washington Post, May 13, 1970]

JUDGE PUTS ON PROBATION 19 ANTI-SOVIET PROTESTERS

Nineteen students involved in recent protests against alleged anti-Semitism in the Soviet Union were placed on six months unsupervised probation yesterday by Judge Alfred Burke of the D.C. Court of General Sessions.

Seventeen of the students, members of the Philadelphia Committee for Human Rights Now, were arrested here after they had chained themselves to the Soviet Embassy on

April 9. All but one is a student at the University of Pennsylvania.

The remaining two students, from American University and George Washington University, were arrested with three juveniles while pouring blood on the embassy steps on April 21.

The students pleaded no contest, which means that they accepted the facts as presented by the prosecution, but did not plead guilty.

CHANCELLOR OF CITY UNIVERSITY OF NEW YORK DECRIES POINTLESS CLOSING OF UNIVERSITIES

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, over the weekend, Dr. Albert H. Bowker, chancellor of the City University of New York, decried as "pointless" the closing of universities and colleges in protest over the war in Southeast Asia.

In light of the weak-kneed tactics of some university administrators, who would rather shutter the halls of academic freedom in appeasement to anarchists, Dr. Bowker's courageous stand is to be congratulated.

As Dr. Bowker so fittingly declared, pointless closures undermine the institutions irreparably and have no appreciable effect on national policy. He said it would be tragic to close the city's 17 schools because suspension of classes would be a "severe hardship for thousands of students" who want to attend classes.

In effect, Dr. Bowker has emphasized that when the wisdom of leadership is hidden, followers will trample themselves in dark confusion. Genuine student unrest on a campus comes from poor leadership. Universities are vaults of knowledge, and places of wisdom, when they function properly. That depends on leadership. And leadership toward the university purpose is the responsibility of professors, administrators, and trustees.

As the New York Daily News editorialized the other day:

Much of the anti-Vietnam activity centers on the nation's campuses, where students have been told for five years by radical peers and some elders who should have more sense and judgment that the right to protest knows no bounds.

I believe that Dr. Bowker is one of those responsible academic administrators who will not kow-tow to campus extremists posing as educational reformers. He has emphasized that unless there is school, there will be no degrees.

Shortly after issuing his statement, Dr. Bowker met with the board of higher education, which later called on all City University units to open and all faculty members to "meet with and teach their students to pursue the academic mission of their colleges."

THE ROLE OF THE PRESS IN A TROUBLED SOCIETY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, John S. Knight, by any measurement, is an outstanding newspaperman. His several newspapers exemplify the finest traditions of journalism, as well as being eminently successful enterprises.

Recently, he attained recognition of his initiatives and strong sense of public responsibility when he was awarded the Carr Van Anda Award for "enduring contributions to journalism" at Ohio University.

In his remarks accepting this award, John Knight expresses his personal philosophy and his guidelines for the management of, and the purposes of, a newspaper. He speaks fearlessly, candidly, with great reason and perspective.

What he says in his "John S. Knight's Notebook" of May 10, 1970, is extremely vital and timely. It is important not only to the role of the newsman and his newspaper but also to the conduct of our Government, the problems besetting this country, and our individual attitudes and responsibilities.

I feel it is important to include this column in the permanent RECORD and make it available to all Members and other persons interested in a thoughtful, sensitive, forceful, and balanced view:

JOHN S. KNIGHT'S NOTEBOOK: THE ROLE OF THE PRESS IN A TROUBLED SOCIETY

The historians of journalism consider Carr Van Anda "the greatest mangaging editor who ever lived." He—with his perceptive news sense and tremendous talent for organizing a story—and his publisher, the great Adolph Ochs, have been rightly described as the perfect combination of news and business management.

I have been asked about my own publishing philosophy and the future role of journalism.

My late father, the wholly remarkable Charles L. Knight, was best known for his penetrating and oft acidulous editorials. He detested sham and hypocrisy, fought for the underdog and feared no man.

He jarred his community out of complacency by the use of invective, metaphor, parable and reason but invariably gained his objective by making people think.

And that is what vibrant journalism is all about.

BASIC PHILOSOPHY

My philosophy of newspaper publishing centers upon these basic points:

The Knight newspapers strive to meet the highest standards of journalism. We try to keep our news columns factual and unbiased, reserving our opinions for the editorial page where they belong.

We have no entangling alliances. We are not beholden to any political party, faction or special interest.

Our chief executives and policy officers studiously avoid conflicts of interest. They serve on no corporate boards or committees other than appropriate civic organizations or committees in the fields of education and communications.

True, we have our critics who take issue with aggressive editorial performance. But the truly distinguished newspapers in this country are those which have dared to face public wrath and displeasure.

WHICH NEWS MEDIA?

Before discussing the future of journalism, it would seem appropriate to comment on the journalism of today—both print and electronic.

The government, which has long suffered from a credibility gap of its own, is now attempting under the Nixon administration to destroy the credibility of what you read and hear.

Following Mr. Nixon's election, he asked for "constructive criticism" from the press. But as it grew with the unfolding of events, the Vice President began belaboring the "news media" for offering precisely what the President had requested.

Well, what are the news media—The Washington Post or The Columbus Dispatch, the national networks or a rabid segregationist on a 250-watt radio station in Mississippi?

The indiscriminate lumping together of such disparate philosophies and means of dissemination provides an easy mark for the extremists—both right and left—who in their zeal for pet causes lose all sense of proportion.

When I have decried some of Mr. Agnew's fulminations against the press, what is known simplistically as "the silent majority" rises to protest that the Vice President has a right to be heard.

Well, no rational person would deny him that right. But what about the right of reply? Isn't that right quite as precious to the individual who disagrees with Mr. Agnew?

ETERNAL VIGILANCE

The role of the press vis-a-vis the government is essentially that of eternal vigilance.

Today this is a difficult assignment. According to the Associated Press, our government's public relations and information programs represent more than double the combined outlay for newsgathering by the two major U.S. news services, the three major television networks and the 10 largest American newspapers.

Yet it was the press—remember?—which exposed the optimistic and uninformed pronouncements on Vietnam by Gen. Maxwell Taylor, Gen. Paul Harkins, Henry Cabot Lodge, Adm. Harry Felt and former Defense Secretary Robert McNamara.

If you will permit an immodest personal reference, I warned on April 25, 1954, that the United States was headed toward another war through the pattern of gradual involvement.

"Intervention in Indochina," I wrote, "would find us fighting another dead end war with virtually no support from our Allies."

For my pains, I was assailed as an un-American appeaser and a pro-Communist sympathizer for the next 12 years. My believability suffered steady erosion until the Fulbright hearings of 1966-67 when the American people came to the shocking realization that they had been duped.

On Jan. 8, 1961, I said we should be concerned over "the possibility of U.S. intervention in Laos since it contains the same ingredients of future trouble as Vietnam."

NOW, CAMBODIA

We come now to Cambodia, where thousands of American troops are searching for what the President has called "a major Communist staging and communications area."

The military reasons given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Within the past week, Robert S. Boyd of the Knight Newspapers, who is the only U.S. reporter presently in North Vietnam, witnessed U.S. bombing on enemy territory by more than 100 planes.

Yet the public had been told that bombing raids north of the 17th parallel were discontinued in Lyndon Johnson's time.

In an editorial a few days ago, The San Francisco Chronicle said: "We hold the sus-

picious that the massive 120-plane bombings of the weekend would not have been made public had not Robert S. Boyd, who was in North Vietnam, witnessed a 50-minute raid and reported it."

It is now admitted by our government that areas in Cambodia had been bombed months ago. Previously the U.S. Command in Saigon denied such attacks.

For 16 years, the newspapers over which I have the honor to preside as editorial chairman have vigorously opposed every step of our involvement in Southeast Asia.

Yet the great United States Senate—aside from a mere handful of courageous members—has stood mute through the times when Vietnam should have been debated. Had such a debate been conducted, the course of our history might well have been changed and the tremendous loss of life and treasure averted.

As a fervent advocate of free speech and the right to dissent, I confess my utter dismay and perturbation over the lawlessness and breakdown of constituted authority on our college and university campuses.

Undergraduates enjoy the freedom to learn, to inquire, develop independence of thought, to dissent and not be subjected to disciplinary action without due process.

Conversely, the student's freedoms do not convey the right to tyrannize those who may not agree, to disrupt by force, to translate aversion into anarchy.

You may oppose the war—as I do—but what was the price of hurling rocks through merchants' windows and disrupting the downtown business district as was done at Kent State within the last week?

Inability of local law enforcement officers to quiet the rampage brought a call for the National Guard.

A campus confrontation with the students at Kent State became inevitable when they refused to disperse. The Guard, under attack and largely untrained in riot procedures, opened fire with the tragic results that have made headlines throughout the world.

So there will be an investigation. But investigations do not bring back the young people who fell victim to rifle fire, nor will investigations solve the physical and psychological problems of those who were wounded.

BRANDING UNFAIR

No, this is not the way. The imperiousness of the revolutionary cult defiles our democratic system and revolts every freedom loving citizen.

And, ironically, the anarchists who abuse our constitutional liberties would find themselves prisoners of the police state in the authoritarian world to which they give such frenetic devotion.

Yet it is grossly unfair, as so many are doing, to brand today's youth generation as a mass of irresponsibility.

Quite to the contrary, today's youth is not only better educated and more perceptive than their elders but put the graybeard generation to shame in their concern over the stresses and strains of our society.

And even from those who bring about so much turmoil may emerge the strongest and most thoughtful leaders of tomorrow as they acquire a balance of individual freedom and social responsibility.

THE SAFEGUARD

Finally, I see the role of a free press in a democratic society as a commitment to total involvement in and dedication to the problems which beset that society.

As with all of us, a free and responsible press should invest its faith in that greatest of all government documents—the United States Constitution—which provides ample safeguards against tyranny and injustice.

What more can we ask?

THE LATE HERB SHRINER

(Mr. ADAIR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ADAIR. Mr. Speaker, I rise to pay tribute to the memory of a man who did much to immortalize the humor in everyday life. I am referring to Herb Shriner, the homespun Hoosier humorist who, together with his wife, was killed in an auto accident near Delray Beach, Fla., on April 23.

Herb Shriner grew up in Fort Wayne, Ind. At 12 he decided to run away and built himself a raft to float out of town on a stream. "But all the streams run in circles around Fort Wayne, and I just floated right on back," Mr. Shriner said.

He began in show business at 17, playing the harmonica with a group he formed in high school, and later went on a brief vaudeville stint.

Later, the entire Nation was to laugh with this "second Will Rogers" as he became one of television's most popular humorists.

The sentiments of Hoosiers everywhere were well-expressed in a Fort Wayne News-Sentinel editorial and in a column by John A. Scott, editor and publisher of the Lafayette Journal and Courier.

The editorial and column follow:

[From the Fort Wayne (Ind.) News-Sentinel]

LAST OF THE HOOSIER HUMORISTS?

The death of any of Indiana's famous sons, natural or adopted, is a cause of sorrow to Hoosiers. The death of adopted son Herb Shriner in a Florida auto accident last Thursday night is an especially deep and grievous loss. It is so because Shriner quite possibly was the last of a great series of comics and humorists whose product had those particular qualities which distinguished it as "Hoosier humor."

What is "Hoosier humor?" Obviously it is not easy to define. Let's say that it is a kind of simple, direct humor which is, at one and the same time, both pithy and blunt; a humor appropriate to the frontier; a humor which is never self-sparing, and a humor which reflects, even in its sharpest moments, a benign and kindly attitude toward the victim and the world in general. Above all, it was a provincial kind of humor which leaned almost completely upon locale for its effectiveness.

That element of provincialism may well prove to be the fatal flaw of Hoosier humor and the reason there cannot be another great Hoosier humorist or another Herb Shriner. Provincial humor must lose its meaning in a world, a country and a state which are no longer provincial. Provincialism simply cannot continue indefinitely in a world of automobiles and airplanes, and of radio and television—the very mediums by which Shriner came to fame.

It is one of life's paradoxes that his great capacity for humor and for making other people laugh only deepens the sadness of the humorist's friends at his demise.

Our sympathies go to the three Shriner children who have lost their parents in this untimely accident.

[From the Lafayette, Ind., Journal and Courier, May 2, 1970]

INDIANA HAS LOST ITS GENTLE COMEDIAN; STATE, FOLKS HE TOLD ABOUT STILL HERE

(By John A. Scott)

The death last week by automobile of Herb Shriner, the Hoosier humorist, and his wife caused an unusual bereavement for a state.

Governor Whitcomb said so in a cable from Japan. But beyond the collective formal grief there are many hundreds in Indiana who had grown affectionate and possessive about the modest Hoosier who made a career of poking gentle fun at his home state.

Born in Ohio, Shriner moved as a child to Indiana, to a place near Fort Wayne so small that for excitement on Saturday nights he "would go downtown and watch haircuts."

"Harmonica Herb" he was called at first when nobody would listen. He never gave up the harmonica or Indiana, even though he could have opened up some wider territory for his satire. He might have thrown away the harmonica, hired some writers and become a latter-day Will Rogers.

But Herb wrote his own stuff, scribbling his monologues, memorizing them, then tossing them out in a low-key style with little accent unless there is one that is spoken on the Maumee River. He was a material man, depending on his quick wit to come through a slow delivery.

The obituaries had him peaking in the 50's with a national television program named "Two for the Money." But back home in Indiana he was a big star for life. If he didn't love the state, he pretended well because he returned often to pledge allegiance.

Hoosiers, as Westbrook Pegler pointed out in a classic column, put a high value on loyalty to the commonwealth. They are, Pegler wrote, "an entirely distinct breed of cats, and Hoosier is comparable, in a harmless way, to the Germanism of the chosen people of the master race. They migrate freely, far and wide, few of them ever go back to Indiana except to strut their city clothes, in which they still look like Hoosiers, and they guard their racial purity . . . they may take out citizenship in other states . . . but they never become assimilated or naturalized."

Herb Shriner could have been the model for Pegler's essay: "A Hoosier has Hoosier written all over him, but if other signs fall you can always tell him by the way he ties his necktie. The most expensive tie in the world looks like a two-bit necktie on a Hoosier . . . but Hoosier is not an affectation at all. It is something in the blood and bone and spirit of the breed. They speak of people as 'folks' and they never remain strangers long anywhere."

It was this kind of easy friendliness and absence of arrogance or vanity that made his fellow citizens proud of Shriner's fame. But they also recognized that he spoke of ancient, simple virtues that still reside in the state. While Shriner poked fun at the past, the past still is around to see in countless communities where grace is said before meals and the kids honor and obey their parents and the threshers eat pie for breakfast.

There even may be places where haircuts are available on Saturday nights and kids watch them for excitement. For Indiana changes gently and tends to cling to what it thinks are important values. One of them was Herb Shriner.

THE 39TH ANNUAL AMERICANIZATION DAY CELEBRATION IN NEW JERSEY

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, on Sunday, April 26, 1970, I was privileged to take part in the 39th annual Americanization Day celebration in Jersey City, N.J., a great city which I am honored to represent.

The celebration and parade was sponsored by the Capt. Clinton E. Fisk Post 132 of the Veterans of Foreign Wars.

We were honored to have with us, Maj. Gen. James H. Weyhenmeyer, commanding general of the 50th Armored Division and Maj. Gen. John G. Cassidy, former commanding general of New Jersey's 78th Division—Training—U.S. Army Reserves.

Both General Weyhenmeyer and General Cassidy, in their respective speeches to the thousands who gathered at Pershing Field in Jersey City, spoke of the great patriotism demonstrated by the people of New Jersey and emphasized the contribution made by the National Guard to the community.

Because of the high esteem in which my colleagues hold the National Guard and the importance they give to expressions of patriotism today, I have included the remarks of General Weyhenmeyer and General Cassidy in the RECORD, along with my own. The remarks follow:

REMARKS OF MAJ. GEN. JOHN G. CASSIDY

Reverend clergy, Senator Guarini, Congressman Daniels, honored guests, friends, and loyal Americans here assembled for the review of the 39th Annual Americanization Day Parade, sponsored by the Capt. Clinton E. Fisk Post, VFW and the city of Jersey City. This parade is being dedicated to United States Army Reserve Month and I, as a former Commanding General of the 78th Division (Training) am honored to again take part in this great event.

I would like to detail a few particulars about the Army Reserve and why we, who have served in the Army Reserve, and those who continue to serve as our citizen-soldiers feel proud to be a part of this community and to take part in the daily civic activities, let me at this time relate a few facts about the Army Reserve, what it is and who the members are and what they do for the community.

The United States is a complex country. We are old, yet young; we are inventors and innovators and yet we have traditions stretching back to the years of our birth in revolution. As a nation we prefer "business as usual" and yet we have fought hard wars well.

Our military traditions are based upon this complexity. One of the fundamental military ideals in this country is that of the citizen-soldier—the man who, although a civilian, maintains a military proficiency through active participation in a reserve force so that in time of national emergency he will be ready to serve his Nation as a full time soldier.

We in the Army Reserve fit into this category. Though officially organized in 1908, we continue the 200 year old tradition of the Minutemen of Concord and Lexington.

Five times since 1908, we have left our peaceful pursuits, donned uniforms and picked up the weapons of war . . . during World War I, World War II, the Korean conflict, the 1961 Berlin crisis, and most recently, during the Vietnam mobilization of May 1968. In 1968, 45 Army Reserve units were called to serve. Ten supported our strategic forces in the United States and 35 Army Reserve units went to Vietnam and served with distinction.

Now, all Army Reserve units are home in Army Reserve status in their home towns, ready to serve again if needed, but glad to be home. Their record was impressive. Reservists won one Silver Star, five Legions of Merit, 280 Bronze Star medals, 779 Army Commendation medals, 20 Purple Hearts, six air medals and 272 certificates of achievement while serving in Vietnam.

There are a total of 12 army reserve units in this area with 2,000 citizen-soldiers in their ranks. These men and women are much like you. We have the Hornsteins and Gordanos, all of whom put on army reserve uniforms once a week to train, learn and practice their military skills. The citizen-soldier ideal is the same as at Concord but times have changed—as you've undoubtedly noticed.

No longer it is a matter of a rifle hung over the fireplace and the cry in the night that "the red coats are coming." No longer do we assemble on the village green or in fields ready to fight, as they did at Bennington and at the Brandywine. Our growth as a nation sends our army—and army reservists—overseas today. The musket is in a museum, and its replacement may be a tank, a computer—or a missile capable of reaching an enemy's heartland.

These local units are part of the 3,478 highly trained units that comprise the ready reserve. Approximately 260,000 men and women are members of these units, which vary in mission all the way from combat, combat service and service-support to maneuver-support and training. An additional 903,000 men and women form the individual ready reserve, which, in case of war, would be used to reinforce units of the regular army, the army reserve and army national guard. Some of the officers assigned to this individual ready reserve, have been pre-selected to fill special positions at selected army headquarters because of their civilian specialty or military training. These officers, called mobilization designees, serve a minimum of two weeks each year at the headquarters in the positions they would fill in time of war.

Rounding out the army reserve picture are 231,000 members of the standby reserve and 274,000 members of the retired reserve. These men and women do not serve and train with any unit, but may be called to active duty in time of war or national emergency declared by Congress.

Just as the army reserve has changed, so has the individual in it. Today, we have probably the best educated army reserve in history. In addition, many thousands attend army reserve schools each year to graduate their military skills.

But, like the minutemen, today's reservist takes his obligation as a responsibility of good citizenship.

It's no wonder that the army reservists of this community have once again decided to commemorate April, the army reserve's anniversary month, as community month and will spend the period participating in projects aimed at achieving closer ties in this community.

We celebrate community month here, in Jersey City, for several reasons, the most important is because this is one way we can thank you for your cooperation during the past year, for the time off you have given us, for training and for summer camp we know that you've had to operate short-handed, that family functions have had to go on without us, that business has had to continue "as usual" without us—while we were learning and perfecting our military skills. Community month is one way of letting you know that we appreciate your support, and are grateful.

We also celebrate community month to let you know that we are part of Jersey City and that we are proud to be your neighbors. We want you to know that our patriotism . . . and service . . . and interests are not only aimed in the sphere of national defense but also in the betterment of our own community. That's why we are participating in these community activities.

Some of our community month activities will be aimed at familiarizing you with what we do as reservists. For example, we hope that you will visit us at the army reserve

training center at Kearny so you can see, with your own eyes, who we are, what we do and how we do it. We think you may be surprised and pleased. We also hope you will join with us in the other activities we'll be sponsoring during community month here.

In closing, I would like to thank you on behalf of Army reservists here in Jersey City for your help, your encouragement and your cooperation during the past year. We need your help and when we get it, as you have given it so generously—we are appreciative. To know that our families, our friends, our employers, our business associates and neighbors support us in our task is very gratifying and comforting.

We, who serve in the Army reserve in this community are firmly convinced that by helping to keep our nation strong, we are helping to make this a better world for all of us who share it.

Thank you.

REMARKS OF MAJ. GEN. JAMES H. WEYENMEYER

We hear a great deal about the need for a return to patriotism these days. But what do we mean by patriotism in the context of our times?

I think we mean a sense of national responsibility which will enable America to remain the master of her power; to walk with it in serenity and wisdom, with self respect and the respect of all mankind; a patriotism which puts country ahead of self; a patriotism which does not consist of sporadic frenzied outbursts of emotion but which is the tranquil steady dedication of a lifetime.

These are of course easy words to utter—but it involves a mighty assignment. For it is so much easier to fight for principles than to live up to them.

Today when we are faced with excessive demands from the extremes in our society we must measure them in terms of their service to or conflict with the public interest which must remain always the paramount interest.

But during my lifetime of service to my country I've come to believe that in 99 cases out of 100 the American people will make the right decision—if and when they are in possession of the essential facts about any given issue.

Certainly, every nation has an instinctive pride in its blood and soil but we in America have something else. We have an ideal of freedom which makes our love of country a more dynamic force than mere instinctive national pieties.

But to love our country truly, we must also know how to love mankind—and that means mankind throughout this earth—mankind afflicted by war, hunger, poverty and oppression.

We must realize as never before that freedom is not something the government guarantees. It is not something that is either won or lost in the world's capitals or on its battlefields, or that can be preserved by law.

The freedom that counts is what is in the minds and hearts of millions of people.

The test of our values and our ideals today calls out for greatness in ourselves—to speak for freedom and to make a renewed and profound affirmation in the American way of life.

REMARKS OF CONGRESSMAN DOMINICK V. DANIELS

Mr. Chairman, Reverend Wagner, distinguished guests, ladies, and gentlemen: In celebrating this 39th Americanization Day today we also pay great homage to the Army Reserve and to its members, who this month are paying even greater attention than ever to community assistance projects.

I can think of no more worthwhile and fitting group of brave young men who should be so honored this year. The men of the Army Reserve in these last few decades of

crisis have stood as the bulwark of our freedom against those who thought us too weak and disinterested to respond quickly to the defense of freedom.

On January 20, 1953, the great President Dwight David Eisenhower stated in his inaugural address: "Since this century's beginning, a time of tempest has seemed to come upon the continents of the earth." But he went on to say, "in the final choice a soldier's pack is not so heavy as prisoner's chains."

And I say to you today that it is the brave men in America's reserves who in this "Time of Tempest," which has not passed, keep us safe from "Prisoner's Chains."

Last week, President Nixon announced that he would withdraw 150,000 troops from Vietnam over the next year. Our American soldiers over there who fought and are fighting do not fight in vain, nor have those who died, died in vain. They, and you who have also sacrificed, have bought precious time to allow for the creation, development, and now the deployment of a modern Vietnamese army capable of defending their own country against the Communist oppression of North Vietnam.

I want you to know that I support the President in his conclusion that, in the last analysis, we alone cannot win this battle for the Vietnamese people. Rather, we could only provide them with the physical ability and the training to defend their own country with their own energies and their own lives. We have done everything any freedom loving people can possibly do to provide the necessary time and aid for the people of South Vietnam. In the words of Thomas Paine, writing about our American revolution against tyranny: "Those who expect to reap the blessings of freedom must . . . undergo the fatigue of supporting it." So it is with us. So it must be with them.

I want to congratulate the Captain Clinton E. Fisk Post of the V.F.W. for their sponsorship of the Americanization Day programs for the last 39 years. These days, more than ever before, expressions of patriotism are most welcome and most necessary to show the great love and deep loyalty we have for America.

THE LEAD POISONING OF CHILDREN INCREASING

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, recently I introduced a bill, H.R. 17260, to provide Federal financial assistance to help cities and communities in this country to carry out intensive programs to eliminate the cause of lead-based paint poisoning, and to require an effective plan for the elimination of lead-based paint poisoning as a condition of Federal assistance under certain other Federal programs.

Tuesday, May 12, the New York Times contained a shocking story revealing that the lead poisoning of children due to the ingestion of lead-based paints has increased into the highest rate ever. Physicians in New York City have reported 260 cases of lead poisoning in children in New York City. The New York City health officials stated that the higher total represents just a small fraction of the lead poisoning cases. The statistics reveal that 97 percent of lead poisoning occurs in children 1 to 4 years of age.

The high rates of lead poisoning among young children reflect the fact

that they eat the lead paint peeling off the indoor walls of homes built before World War II. Although the walls might be covered with layers of newer paints, the original lead paint remains on the walls in many older homes in poverty areas of our American cities. Since the end of World War II, laws have been passed by our local communities to prohibit the use of lead paint indoors.

Doctors warn that warm summer temperatures contribute to the increase of the number of lead poisoning cases. The body stores the increased lead in the bone marrow for indefinite periods and during the summer months, metabolic changes cause the lead to be deposited in the blood stream creating dangerous and tragic symptoms of physical and mental debilitation. When not treated early, irrefutable damage is done to the central nervous system. If the child develops severe symptoms of lead poisoning, it would cost our health services as much as \$250,000 over the patient's life time to provide adequate care. For less than \$2,000 for the average home, the source of lead paint poisoning can be removed.

Mr. Speaker, when the Subcommittee on Housing meets in June to consider a housing bill, I intend to offer my bill at that time as part of the general housing bill in order to provide assistance to eliminate lead-based paint poisoning.

I include the New York Times article following my statement:

[From the New York Times, May 12, 1970]

LEAD POISON WORST EVER AT 260 CASES

(By Lawrence K. Altman)

Physicians have reported 260 cases of lead poisoning in children to the New York City Health Department during the first four months of this year—more than for any other comparable period.

Health officials attribute the rise in reports to recent increased interest on the part of medical and community leaders in this old medical-social problem. This interest led to a release of city funds allowing the Health Department to test more blood specimens for lead, thereby detecting earlier this preventable disease of the home environment.

Health officials suspect that the higher total represents just a small fraction of the lead-poisoning cases here.

"Our calculations indicate that there are about 8,000 cases here," said Dr. Vincent F. Guinee, head of the city's lead-prevention program. In an interview, Dr. Guinee elaborated as follows on some of the statistics on cases of lead poisoning in recent years:

Ninety-three per cent of the lead poisonings occurred among children 1 to 4 years of age.

Although 86 per cent of the cases were among children from black and Spanish-speaking families, youngsters from these groups made up less than half the city's population for that age range.

The 727 cases in 1969 were the highest recorded in the city's history, but the two deaths were the fewest in the last decade. The most deaths from lead poisoning were the 19 in 1960.

None of the 1970 cases reported thus far were fatal.

High rates among young children reflect the fact that they eat the lead paint peeling off the indoor walls of homes built before World War II. Though covered with newer layers, the original lead paint remains on walls in many older homes in poverty areas of New York and other American cities.

Since World War II, laws here and elsewhere in the country have prohibited the use of lead paint indoors. Some outdoor paints still contain lead.

EVEN THE WELL-FED DO IT

Studies have shown that half of even well-fed children eat things like paint, clay, plaster, dirt, matches, cigarette butts or crayons that are not food. Doctors call this little-understood phenomenon pica. In zoology, the pica is the genus containing the magpies, which are omnivorous.

Though pica usually begins about age 1 and disappears by age 5, the American Academy of Pediatrics says that "as many as 50 per cent of mothers of children with pica also have pica themselves."

Because the intestine can absorb only small amounts of lead at any one time, ingestion of tiny amounts of lead over a long time can be more dangerous than eating a larger amount once. Doctors suspect a child must eat lead chips for about three months before symptoms of plumbism—from the Latin for lead poisoning—develop.

Once absorbed, lead can affect almost every system of the body. Most of the heavy metal is stored in bones, and appears as opaque white lines at the end of the wrist and knee bones on X-rays of children with severe lead poisoning.

Because lead interferes with arm and leg, causing a paralysis called wrist or foot drop.

Doctors want to detect lead poisoning as early as possible to prevent, rather than treat, these symptoms. That is why the Health Department got an infusion of \$1.2-million earlier this year to step up its lead-prevention program.

Action begins when the Health Department receives a report of a case of lead poisoning, either from a practicing physician or from a blood test performed at the department's laboratories.

The most reliable method, Dr. Guinee said, is a laboratory test performed by a process called atomic-absorption spectrophotometry. The Health Department considers abnormal a blood lead level of 60 micrograms or higher. (A microgram is one-thousandth of a gram.)

Some doctors had hoped that the ALA (for delta amino levulinic acid) would be the easiest screening test for lead-poisoning cases.

The ALA urine test, Dr. Guinee said, is unreliable. A Health Department study, supported by results of similar ones done in Chicago and Baltimore, found that the urine test falsely diagnosed lead poisoning in about 30 per cent of children without the disease and failed to detect about one-third of true lead-poisoning cases.

After receiving a report of a positive lead test, a Health Department representative takes samples of wall paint where the youngster lives.

If any of these samples is positive for lead, the Health Department orders the landlord to begin removing the lead source within five days. If the landlord fails to comply, as has happened about half the time, the city's Emergency Repair Program does the work and bills the landlord.

Dr. Guinee said the Health Department was detecting lead in about one-half of the homes of children suffering from lead poisoning. In the other half, Dr. Guinee said, sampling procedures may have missed the hidden lead paint, or the family may have failed to reveal other homes that the child visited. Mothers who work while on welfare are reticent to reveal this information despite the Health Department's guarantees of confidentiality.

Next month, the Health Department plans to begin using a portable model of a new lead-detecting machine that New York University's department of environmental medicine developed with funds from the city's

Health Research Council. It is hoped that this device will enable an inspector to survey an entire housing unit without removing any paint chips and to increase the accuracy of detecting lead paint in homes.

THE LATE WALTER REUTHER

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DINGELL. Mr. Speaker, the American labor movement, the people of the United States—particularly the down-trodden, the unfortunate, the hungry, the suffering—feel a great loss today.

The plane crash that killed Walter Reuther silenced the voice of a man of great courage and unique dedication. A man whose vision contributed much to the people of the United States and the world.

Walter Reuther's great monument will be that long list of accomplishments which he built up within the labor movement and through his efforts on behalf of social reform and social justice.

Walter Reuther was a vigorous democrat and a man of complete personal honesty and dedication to the public interest. Under his able direction the United Automobile Workers gave new meaning to the rights of the American workingman, assuring him of benefits unheard of previously. Through his leadership the UAW was purged of the influence of Communists and racketeers. Under his guidance the UAW not only fulfilled its role as a great labor organization but it also became a great force for the general good. Walter Reuther's vision led the UAW to fight for legislation and governmental action adequate to meet the needs of our time. His goal was to build a just society for all of our people.

Walter Reuther will be sorely missed not only by the members of the United Automobile Workers and the labor movement, but beyond this, Americans in every walk of life will mourn his passing and feel the absence of his dedication to the public interest.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States has more commercial passenger airplanes than any other country. In 1966 there were 16,277 commercial passenger airplanes in the United States compared to 483 in France, the second ranked nation.

SETTING STRAIGHT THE RHODESIAN STORY

(Mr. WAGGONER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONER. Mr. Speaker, I have, as you know, addressed the House

on a number of occasions concerning the deplorable part this Nation has played in the sanctions and other actions designed to topple the government of our only real friend in Africa, Rhodesia. It remains a bewilderment to me that, all facts to the contrary, free and independent Rhodesia continues to be the target of this Nation's attack on the basis of discrimination against the native blacks.

I and others have defused these lies, debunked this propaganda, and repeated over and over that there is more freedom for blacks in Rhodesia than in any nation in the world; in some respects, more than can be found here in the United States. But all this has fallen on deaf ears at the State Department and the White House.

I do not intend to give up, in spite of the adamant refusal of some to admit the truth. I intend to continue debunking. To that end, I would like to make a part of today's RECORD this interview conducted by Dean Manion with Mrs. Bernadine Bailey, world traveler, author, and lecturer, author of "The Captive Nations" and a recent traveler in Rhodesia. This is the text of Dean Manion's broadcast of May 3:

DEAN MANION. Back with me here at the microphone today is Mrs. Bernadine Bailey, who was here some months ago talking then about her new book called "The Captive Nations." Mrs. Bailey is the author of 94 published books dealing with practically all of the countries of the world. She has just returned from an extensive visit to Rhodesia, a country that is very much in our news these days and quite properly so.

Mrs. Bailey, welcome back to the Manion Forum.

Mrs. BAILEY. Thank you, Dean Manion. I'm happy to be back.

DEAN MANION. Before we talk about Rhodesia, tell me about your book. How is it going?

Mrs. BAILEY. It's going very well. I was particularly gratified when the publisher told me that he had sold it to Allied News Company who will distribute it throughout the newsstands.

DEAN MANION. Look for it ladies and gentlemen, "The Captive Nations," by Bernadine Bailey on the newsstands.

We want to be alerted about the upcoming Captive Nations Week next July. Usually as friends of the Captive Nations—more than a billion slave people encased behind the Iron and Bamboo curtains around the world—we wait too late to get active about these Captive Nations observances, with the result that sometimes the President isn't prodded into proposing the proper kind of a Captive Nations Resolution. We miss the boat by waiting, so let's all be alerted now to the upcoming Captive Nations Week next July and see how we can use it to get us out of our difficulties with the Communists.

Now, Mrs. Bailey, how did you happen to go to Rhodesia?

Mrs. BAILEY. I went to find out what the real situation was, Mr. Manion. I had a feeling that we were being misinformed, and I found out that we were grossly misinformed.

DEAN MANION. Yes, from my own experience in Rhodesia I know that we have been misinformed. In this country we are told repetitiously that in Rhodesia the white population is oppressing the black population and for that reason we have crossed them off our list as far as diplomatic representation is concerned now and previously with economic sanctions. Did you find that this discrimination is actually taking place?

Mrs. BAILEY. No, nothing could be further from the truth. You see there are five million black people there and only 250,000 whites, but they don't discriminate against the blacks. They have every opportunity to advance and to study, to make a success economically.

DEAN MANION. What about voting?

Mrs. BAILEY. They are absolutely equal in the voting. There is no discrimination. In fact, their own government publication says in large type: "In Rhodesia the franchise and all seats in Parliament are open on an equal basis to everyone."

DEAN MANION. Who can vote in Rhodesia?

Mrs. BAILEY. Everyone who pays an income tax, black or white.

DEAN MANION. What percentage of the black population pays an income tax?

Mrs. BAILEY. About one per cent now. That's about 50,000 people?

DEAN MANION. That means that those blacks who are gainfully employed, so as to get wages, salaries and income, amount to one per cent of the black population. I assume that the rest of the black population is living in the tribal areas under tribal conditions, bartering and exchanging their produce one to another, and apparently not getting on the tax rolls.

Mrs. BAILEY. That's right, and aren't they lucky!

DEAN MANION. And, of course, all of the white people are working for wages, for dollars and cents. So a larger percentage of the white people, naturally, are paying income tax and, consequently voting.

Mrs. BAILEY. Yes, and not only that but they are supporting all these benefits that are given to the black people, like public housing, athletic facilities, hospitals, schools and that sort of thing.

DEAN MANION. You say there are approximately five million blacks in Rhodesia now, how many were in Rhodesia when the English first came there?

Mrs. BAILEY. About four hundred thousand.

DEAN MANION. Then, obviously, tremendously large numbers of blacks have been coming into Rhodesia ever since.

Mrs. BAILEY. Yes, and that is just since 1890, eighty years ago. They have come because they like it there. They like the setup that gives them an opportunity.

DEAN MANION. It seems to me that if discrimination has been practiced against the blacks during all these years the movement would have been in the other direction. They would have been leaving Rhodesia instead of going in. They have been voting with their feet, in other words, whether they have voted at the polls or not. Right?

Mrs. BAILEY. Yes, and that's the most important vote.

DEAN MANION. It's interesting to observe, and from your experience in having visited all the Captive Nations in the world, you know what would happen if the people in the Captive Nations had a chance to move. In which direction would they go?

Mrs. BAILEY. They would go out just as fast as they are able. They are not very often able.

DEAN MANION. No, they are encased, jailed within the confines of the Communist country. But, the best proof of equal conditions or better is the fact that these people go into Rhodesia rather than out of it. And the black people have been coming into Rhodesia by the thousands and are still coming in.

Mrs. BAILEY. That's right, they are.

FREEDOM OF MOVEMENT

DEAN MANION. Aside from the lack of discrimination in the voting privilege, are the blacks able to move about freely and go anywhere, to hotels and to theaters or wherever else they want to go?

Mrs. BAILEY. Just as freely as they do in

this country. They are seen every place—in the theaters and the hotels, the restaurants, the movies, every place.

DEAN MANION. They don't have to live in any separate place?

Mrs. BAILEY. No, they don't have to. Most of them choose to live among their own people. They prefer that, and they live in what are called townships, which are areas that are set up apart for them. But, that is because they can then have their own social life, follow their own customs, live and eat the way they like and they have their own beer halls there which are very popular. I was there on a Saturday afternoon and they were really doing a big business.

DEAN MANION. When I was there, I saw some of these merchants and dealers in these black townships and they told me that they were protected from white competition in these areas; that they had the exclusive market. A white man couldn't go into a black area and set up a store in competition with a black merchant.

Mrs. BAILEY. That's right.

DEAN MANION. Are there any black members of the Rhodesian Parliament?

Mrs. BAILEY. Yes, there are sixteen.

DEAN MANION. They have been elected?

Mrs. BAILEY. Yes.

DEAN MANION. What about the civil service?

Mrs. BAILEY. Oh, there are thousands in the civil service. There are 1,700 who are on the permanent staff and there are 4,000 in the middle grades of civil service and 12,000 in the lower grades. Then there are about 15,000 Africans who have their own private trading enterprises in the rural areas.

DEAN MANION. Well, then what is all the hue and cry about discrimination?

Mrs. BAILEY. I'd like to know I don't see any reason for it.

DEAN MANION. On the face of it, it looks as though we have worked a great disadvantage against Rhodesia by quarantining it and cutting off diplomatic relations with that country, but are there any disadvantages moving in the other direction? Are there any disadvantages to us growing out of this situation?

Mrs. BAILEY. We have cut off our nose to spite our face. For example, we now have to buy chrome from Russia and pay twice as much as when we bought it from Rhodesia. Furthermore, we get a lower grade of chrome and Russia can cut off the supply at any moment.

DEAN MANION. And aside from Rhodesia, I understand, that Russia is the principal source of our chrome which is needed for our national defense today? And by cutting trade with Rhodesia we have made it necessary for us to get our defense materials from Russia, against whom we are trying to build up our defenses.

Mrs. BAILEY. Sounds idiotic, doesn't it?

DEAN MANION. It's certainly ironic, to say the least. I notice you have a letter there from Senator Eastland. What does he say?

Mrs. BAILEY. Well, he says: "Rhodesia has made a valiant fight for its independence and there is a marked resemblance to America's own war of independence back in 1776. Rhodesia is our friend on the vital continent of Africa and our ally in the worldwide struggle against Communism. The American policy is clearly in direct conflict with the best interests in the United States and its citizens."

DEAN MANION. That's interesting, because I have a clipping here with me today in which Senator Eastland says substantially the same thing and announces that he has submitted a "sense of the Senate" resolution, urging recognition of Rhodesia in the face of economic sanctions imposed by the United Nations because of Rhodesia's alleged policy of racial separation.

The resolution which the Senator has in-

produced raises an interesting legal question because while Congress cannot arrange diplomatic relations of the country, that being an Executive function, Congress can, however, and is obliged under the Constitution to regulate foreign and interstate commerce. I hope the resolution that Senator Eastland is talking about is aimed at that because we could through congressional action, re-establish economic association and relationships with Rhodesia in spite of the State Department.

SANCTIONS SPUR GROWTH

Mrs. BAILEY. It would certainly be to our advantage to do so. But, here is the amazing thing. These sanctions have acted as a spur to economic growth in Rhodesia and the Prime Minister told me that they have really accomplished in three or four years what would normally take twenty years, as far as their economic progress is concerned. They have made a virtue of necessity.

DEAN MANION. Mrs. Bailey, you have been in practically all of the countries of the world. What other African countries have you visited?

Mrs. BAILEY. Quite a few. I spent several weeks in the Congo a few years ago and then I have also been in Kenya, Ghana, Nigeria, Senegal, Ivory Coast and Liberia, as well, of course, as Libya and Morocco and Egypt.

DEAN MANION. Well, Liberia is interesting. We are objecting to Rhodesia because they don't employ the "one-man, one-vote rule," and yet we recognize and deal with and subsidize Liberia where only black people can vote, in spite of the fact that loads of white people live there, the Firestones and others, and pay huge taxes. Nevertheless a white man cannot vote in Liberia, and Liberia is consequently violating the one-man, one-vote principle but the United Nations doesn't impose any sanctions on Liberia.

Mrs. BAILEY. Also in Liberia there is serious unemployment and a great deal of corruption and maladministration. President Tubman had the Constitution changed so that he could succeed himself in office and more or less perpetuate his dictatorship. Also, in those black countries our foreign aid instead of going to help the people or the country as a whole usually goes in the pockets of the head of the country and to build a palatial home for him. I saw those all over Africa. It's common for them to spend five to ten million dollars in building a Presidential palace.

DEAN MANION. Well, those palaces are built by the man who has been elected by the one-man, one-vote principle.

Mrs. BAILEY. Yes. One-man, one-vote, once only.

DEAN MANION. Oh yes, "once only." Once elected he stays elected. Thereafter he becomes a dictator.

Mrs. BAILEY. That's right, until the military has a coup and topples him and puts another dictator in.

DEAN MANION. Mrs. Bailey, what about tourism and immigration? Does Rhodesia ask for them and are we still free to go there and travel and live there if we choose to do so?

Mrs. BAILEY. We are quite free to go there and they are very happy to have Americans visit there. They are most hospitable and gracious. I was entertained by people I'd never even heard of before, and as for immigrants, that is almost a necessity. You see with such a small white population they want people with training and experience and ability. Such people are very much in demand and the advertisements in the paper show that. And, they make special inducement for immigration. For example, after you have been there six months, your cost of coming will be refunded, and then during the first two years most of your taxes are refunded, too. They want to make it attractive for immigrants.

DEAN MANION. Mrs. Bailey, I notice that in a letter you wrote to the paper since you got home you said this: "Nowhere in the world, not even in the United States, does the black man have it so good as in Rhodesia." Now, that surprises me. What does the black man have in Rhodesia that he doesn't have in the United States?

Mrs. BAILEY. He doesn't have any hostile white population—none of that hostility that you find over here. And there is no hostility on the part of the blacks against the whites over there either. That's why the country is so prosperous and successful and why law and order is the order of the day there. You don't need to be afraid of walking around any place at anytime, day or night. In fact, it's one of the few places in the world where that can be said now.

DEAN MANION. I noticed that the police didn't carry pistols. Do they still go around unarmed?

Mrs. BAILEY. That's right, they still do.

DEAN MANION. Thank you very much, Mrs. Bailey, for coming back to the Manion Forum with this interesting account of Rhodesia.

Ladies and gentlemen, watch for Mrs. Bailey's new book, "The Captive Nations" on the newsstands. She knows all of these nations from firsthand visitation and experience.

Now, a final word about Rhodesia. Our discriminatory sanctions against Rhodesia started back in 1967 with a proclamation by the U.N. to quarantine Rhodesia. Why the quarantine? The U.N. maintained that Rhodesia was threatening the peace and provoking military aggression in Africa. But Rhodesia was and is threatening nobody. What the U.N. meant, but didn't say, was that Rhodesia's progress and prosperity was making its African neighboring nations jealous and because of that jealousy these neighboring African nations might attack Rhodesia and thus start a war on the continent.

In other words, because Rhodesia was succeeding, she would have to be starved back to the point where she would no longer be envied by her black neighbors. This, believe it or not, is what our quarrel with friendly Rhodesia is all about.

TRAGIC CASE OF KENT STATE

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I was greatly shocked by the tragic events at Kent State College in Ohio, which stunned and saddened the Nation, and I am deeply sympathetic with the parents and families of the stricken victims.

The right of dissent is a constitutionally protected right, which we all enjoy under our form of government.

Every person has the right to dissent and to express his views, when he dissents in a lawful manner. Violence, threats or injury to persons and human life, damage to property and illegal disturbance of order and stability, and urging the overthrow of the Government, are not protected by the Constitution.

Where organized violence occurs in connection with dissent, it is truly regrettable. It arouses bitter feelings and retaliation, and cannot be legally tolerated, if we are to avoid serious dangers of the breakdown of law in this country.

When violence gets beyond the control of local authorities, first, the State, and then, the National Government, may be called upon to assist in restoring order and enforcement of the law.

But this procedure, designed to maintain security and safety, and provide respect for law, cannot and must not be pursued in ways that are illegal, and result in needless injury and sacrifice of human life.

I am certainly not satisfied with the explanations that I have read in the press and heard over communications media about the shooting of innocent student protest participants at Kent State, who were not shown to have committed any illegal act, and I urge that the Federal Government make a thorough investigation to take every necessary action to get to the bottom of this terrible occurrence, and make sure that such tragic measures are not repeated.

Lawful dissent must be protected, and violence and disorder must be checked.

But this Nation cannot tolerate the shooting down of innocent, helpless people.

I extend my deepest sympathy to the parents and families of the victims and the officials and students of Kent State.

SENIOR CITIZENS MONTH

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, May marks Senior Citizens Month. We, in Congress, can pause and reflect with pride on the extensive legislation and the many programs that have been enacted to meet the needs of this constantly growing group. But we must, at the same time, reflect on those needs that remain neglected.

We are aware of many of the needs and unique problems of income, health, and housing which beset the elderly, and, despite the great strides made by Congress, much remains to be done.

There is another area of acute need—the need for nourishing, well-balanced meals in a social setting—and today I have introduced legislation that would, for the first time, institute a program to meet those needs on a nationwide basis.

The elderly person who finds himself robbed of friends, close relatives, and neighbors by death, time, and change, has been the subject of intensive research in this area. Mrs. Sandra Howell, project director for the Gerontological Society, described the results of inadequate diet in testimony before the Select Committee on Nutrition and Human Needs last fall:

When poor nutrition exists and persists in the older adult, it serves to intensify the severity of other conditions which accompany the processes of aging. By not specifically dealing with the problems of adequate diet in the elderly (we encourage) the spiral of chronic disease, physical and psychic disability, and ultimate institutionalization.

The hearings of this committee resulted in a strong recommendation for legislation that would provide a comprehensive nutrition program in a social setting. Among the programs discussed in the hearings were the demonstrational projects conducted by the Administration on Aging under title IV—research and development grants, which evidenced

not only their desirability, but their feasibility. Twenty-seven projects were carried out during a 3-year period in 17 States and were concluded in the fall of 1969.

The bill I have introduced today will implement this recommendation and will meet the acute need for a national policy aimed at providing the elderly with low-cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact, ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

This bill provides for Federal, State, and local funding on a matching basis, including the utilization of surplus commodity programs for the preparation of at least one hot meal per day at a reasonable low cost to the participant.

I urge earnest consideration of my bill and welcome all who wish to join with me as cosponsors. Today's senior citizens, after a lifetime of hard work, a career interrupted by the Great Depression and war, faces a future of existing on a sum which is only 20 to 40 percent of his former earnings. Even with the medicare legislation, the older American sees medical costs looming large in their budget. For many persons living on a fixed income, the only flexible portion of their budget is food. Rent and taxes must be paid; medical costs are given high priority and consequently money must come from the already skimpy food budget. Not all are aware that medicine does little good to a body consistently deprived of the proper nourishment, and those who do know this often are in no position to do anything about it. My bill, which I now submit for the Record, offers Congress an opportunity to do something about it.

H.R. 17612

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

Sec. 2. Section 102(1) of the Older Americans Act of 1965 is amended by deleting the (:) and inserting a (,) and inserting immediately thereafter the words "except for the purposes of title VII where the term 'Secretary' shall mean the Secretary of Agriculture."

Sec. 3. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY"

"FINDINGS AND PURPOSE"

"SEC. 701. (a) The Congress finds that the Research and Development Grants, Title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems, and old age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

"ADMINISTRATION"

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) create a new division within the Food and Nutrition Service of the Department of Agriculture, under the Assistant Secretary for Marketing and Consumer Services, for the administration of the program;

"(2) make full utilization of the existing services within the Department including but not limited to the Federal Extension Service under the Director of Science and Education; and

"(3) Consult with the Administration on Aging, Department of Health, Education, and Welfare.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect,

prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS"

"SEC. 703. (a) (1) From the sum appropriated for a fiscal year under section 708(A) the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall be allotted an amount equal to one-fourth of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged 65 or over in all of the States, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(3) A State's allotment for a fiscal year under this title shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be available for reallocation, from time to time and on such dates during such years as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such estimates such State needs and will be able to use for such year; and State's whose proportionate amounts were not so reduced. Such reallocations shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any state under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 705 and approved by such State in accordance with its State plan approved under section 705. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum or more, as the case may be, from funds within the State.

"(d) If, in any State, the State agency is not permitted by law to disburse the funds paid to it under this title in the State, or is not permitted by law to match Federal funds made available for use by such public or private nonprofit institution or organization, agency, or political subdivision of a State, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State in accordance with the provisions of this title, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds from sources within the State.

"PAYMENTS TO STATES"

"SEC. 704. (a) Funds allotted to any State pursuant to section 703 during a fiscal year shall be available for payment to such State for disbursement by the State agency in accordance with such agreements not inconsistent with the provisions of this title as may be entered into by the Secretary and such State agency, for the purposes of carrying out the provisions of this title, during such fiscal year in supplying—

"(1) agriculture commodities and other foods for consumption by persons aged sixty-five or over, and

"(2) nonfood assistance in furtherance of the programs authorized under this title.

"(b) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which—

"(1) establishes or designated a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this title;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"A. to make grants in cash or in kind to any public or private nonprofit institution or organization, agency or political subdivision of a State (hereinafter referred to 'recipient of a grant or contract')—

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty-five or over. Recipients of grants or contracts may charge participating individuals for meals furnished but such charge shall not exceed a per meal limit to be established by each state agency, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipient of a grant or a contract.

"(iii) to provide such supporting services as may be absolutely necessary such as the costs of social services and local public transportation to and from the residences of participating individuals which costs are not provided by grants for these services from the Administration on Aging, Department of Transportation, Office of Economic Opportunity, or other Federal agency.

"B. to provide for the proper and efficient administration of the State plan; provided, that the amount expended for such administration and planning shall not exceed a sum which shall be agreed upon between the Secretary and the State agency.

"(i) in making report, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of the objective measurements required by section 706, and keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) in providing satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and

compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be).

"(d) (1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The Court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a program (hereinafter referred to as a 'nutrition program') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences—National Research Council.

"(2) to provide such nutrition program for individuals aged sixty-five or over (hereinafter referred to as 'eligible individuals').

"(3) to furnish a site for such nutrition program in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance.

"(4) to utilize methods of administration including outreach which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition program.

"(5) to provide a setting conducive to expanding the nutritional program to include recreational activities, informational, health and welfare counseling and referral services.

"(6) to include such training as may be necessary to enable the personnel to carry out the provisions of this title.

"(7) to establish and administer the nutritional program with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons.

"(8) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such program.

"(9) to give preference to persons aged sixty-five or over for any staff positions, full or part-time, for which such persons qualify.

"SURPLUS COMMODITIES

"SEC. 707. Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the local area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. (a) The Secretary may utilize the programs authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774; 7 U.S.C. 614c).

"(b) In addition to any other funds which may be available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"PROGRAM EXPENDITURES

"SEC. 709. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 708 of this title, not to exceed \$50,000,000 shall be made available for the fiscal year ending June 30, 1972, not to exceed \$100,000,000 for the fiscal year ending June 30, 1973, not to exceed \$150,000,000 for the fiscal year ending June 30, 1974, for grants-in-aid pursuant to the provisions of this title, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this title;

"(2) direct expenditures by the Secretary for agricultural commodities and other foods to be distributed among the States and such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State, participating in the nutrition program under this title.

"RELATIONSHIP TO OTHER LAWS

"SEC. 710. No part of the cost of any program under this title may be treated as income or benefits to any eligible individual

for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS"

"SEC. 711. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement with a profitmaking organization to carry out the provisions and purposes of this title."

REMARKS OF CONGRESSMAN FRED SCHWENGEL REGARDING CERTAIN PROPOSED LEGISLATIVE ACTIONS INVOLVING CONSERVATION WORK AND POLLUTION ABATEMENT

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, President Nixon has called the agricultural sector one of the principal areas in which effective pollution controls must be adopted in order to restore the quality of the Nation's environment.

This Congress has established in the National Environmental Policy Act of 1969 certain policy and procedural standards and guidelines for all public programs which have or should have environmental impacts.

I can testify before this body that the farmers, ranchers, and woodland owners of America have long been concerned with and doing much to prevent or alleviate the problems of environmental deterioration, of which all of us have rightfully become so concerned. They have, with the help of our great public conservation programs, held countless tons of polluting sediments and associated chemicals and organisms on the land where they belong, and out of our road ditches, streams, reservoirs, and harbors. They have created conservation patterns which have beautified our landscapes. They have enhanced wildlife habitat and outdoor recreational opportunities on rural lands and waters for the benefit and enjoyment of all of us.

These reassuring facts were again brought home to me some weeks ago when I met in the First District of Iowa with the locally elected farmer committeemen of the area. They were planning how they could even more effectively direct agricultural program resources—which the Congress has wisely committed to their administration—and encourage more of their farmer neighbors toward the safest farming methods and the most effective old and new conservation and pollution abating practices. They were eagerly seeking new research results and new conservation technology for the good of their communities, as well as of the farms upon which their communities and most of our economy so much depend.

I know, too, that many of the best pollution control and abatement measures that farmers install cost a lot of money and repay little, if any, returns to the farmer who installs them. When pollution control measures are installed by an industrial concern, the costs are

passed on to the users through traditional "cost plus" charges for its products and services. But farmers and their families have—almost as traditionally, unfortunately—had to expend the extra labor, mine their lands, and get little or none of the price rewards that simple justice would require.

The public, through the Congress, has not been totally unmindful of this situation. It has provided two programs which are, fortunately, available on eligible lands and projects throughout the Nation. These two—the tested and proved agricultural conservation program—or ACP—and watershed protection and flood prevention—or Public Law 566—program—have particular potentials for economical, partnership investments between farmers and their Government. The resources of these programs plus the farmers' matching contributions quite effectively accomplish conservation and other environmental quality goals that the public interest requires.

On the basis of new authority provided by this Congress last fall—in line with the request of this administration—the agricultural conservation program has added in 1970 a battery of new direct pollution abatement practices.

These are already beginning to help participating farmers install additional water, air, and soil pollution abating measures. Some of these practices help deal with one of the problems common to most sections of the Nation, and especially to the Midwest: utilizing or disposing of farm feedlot wastes. These feedlots are essential in the production and distribution of the red meats on which the nutrition and health standards of modern America largely depend. The waste produced by 1,000 cattle in a farm feedlot is equivalent to that of the people of a city of 15,000 to 20,000. These animal wastes must be managed so that they will not pollute our air and water and thereby jeopardize our health and well-being.

Yet, consumer costs of these red meats are high enough. And there is an effective, economical way to help hold these costs in check, especially in the interest of those citizens least able to pay. A continuation of the investment by the public in the agricultural conservation program—actually only about \$1 per person per year—can assure the continuation of the many past public benefits of this program, plus a good share of the various pollution abatement benefits to which I have alluded.

Two simple amendments to legislation authorizing procedures regarding the agricultural conservation program and others to that authorizing Public Law 566 watershed projects are needed, though, to help those programs continue to serve their public-benefit purposes more efficiently. I intend, Mr. Speaker, to introduce those amendments at an early date, along with a related concurrent resolution.

The bill that I shall introduce will, upon enactment, amend:

First. Public Law 83-566 with respect to equitable assistance for works of im-

provement for water quality management and related benefits and for acquiring needed sites under Public Law 566 small watershed projects. I believe the needs for these amendments are self-evident.

Second. The Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to enter into term agreements with farmers—in addition to the usual annual approvals.

Third. The Agricultural Adjustment Act of 1938 to permit paying cost shares throughout the year when the practices are performed.

The Secretary could share costs under these term agreements with farmers who in accordance with farm plans and technical specifications, carry out a series of approved conservation and pollution abating practices which have community as well as on-site benefits. This would be especially helpful in special conservation project areas; for example, Public Law 566 watersheds.

The concurrent resolution will reiterate and reemphasize the sense of this Congress with respect to some of the priorities for the operation of important conservation and pollution abatement programs, as they relate to our rural lands and waters.

It is significant that the National Association of Conservation Districts has adopted resolutions essentially in line with most of these needed actions. Also, some of our important farm and other natural resource-oriented groups have endorsed parallel or comparable goals. I am convinced, Mr. Speaker, that the time has come for this House to act and the Congress to authorize these forward steps. This will insure another urgently needed advance toward maintaining and enhancing the quality of our ailing environment.

FLORIDA STATE SENATE RESOLUTION REQUESTING NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO DESIGNATE CAPE KENNEDY AS OPERATIONAL BASE FOR SHUTTLE SYSTEM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Cape Kennedy, Fla., which has been the launching site for all of our space vehicles and which has so magnificently conducted all these momentous operations, is, I think, all should agree, the natural operational base for the space shuttle system which is in prospect as a part of our space program.

I am very much pleased, therefore, to present to the House, and to the Congress, in connection with my remarks, Senate Concurrent Resolution No. 503 adopted by the Florida State Senate, requesting the National Aeronautics and Space Administration to designate Cape Kennedy as operational base for the shuttle system and I ask that this concurrent resolution appear in full following my remarks:

FLORIDA STATE SENATE CONCURRENT
RESOLUTION No. 503

A concurrent resolution requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the space shuttle system

Whereas, the space shuttle—a reusable low-cost rocket for ferrying men and materials back and forth between earth and space stations—is the next big essential piece of hardware for the U.S. space exploration program; and

Whereas, the Kennedy Space Center is the most modern and complete space port in the world; and

Whereas, over 2½ billion dollars is already invested in the extensive facilities at the Kennedy Space Center and down range facilities; and

Whereas, these facilities include extensive assembly, pre-launch checkout, cryogenic hydrogen and oxygen storage, launch and support capabilities; and

Whereas, a down range tracking capability exists at the nearby Eastern Test Range facility; and

Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence; and

Whereas, a high skilled team of 18,000 operations, maintenance and assembly personnel are at the Cape; and

Whereas, the launch of space shuttles over the water add immeasurably to the safety of development flights of the system; and

Whereas, advantage can be taken of existing facilities for assembly of vehicles after delivery and refurbishment of vehicles after each flight; and

Whereas, Cape Kennedy is easily accessible by all modes of transportation; and

Whereas, construction costs in the area are cheaper than other areas of the country which might be possibly considered; and

Whereas, there are 88,000 acres of government land available for expansion if needed; and

Whereas, Florida Industry received over 422 million dollars in income from the sale of goods and services to the Kennedy Space Center last year; and

Whereas, the educational support and opportunities provided by higher educational institutions in the immediate area and throughout Florida have and will continue to contribute significantly to the success of NASA and industry; and

Whereas, the Kennedy Space Center offers a unique aggregate of facilities which are not available at any other possible site for development and operational flights of the space shuttle system at minimum cost to the U.S. taxpayer; and

Whereas, the Science and Astronautics Committee of the United States House of Representatives in its report on the Fiscal 1970 budget states that "maximum use should be made of existing facilities to support the space shuttle program" and that "the extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration": Now therefore,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the National Aeronautics and Space Administration is hereby requested to designate Cape Kennedy as the operational base for the space shuttle system.

Be It Further Resolved that copies of this resolution be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, President of the United States Senate, Speaker of the United States House of Representatives and to each member of the Ap-

propriations and Aeronautical and Space Sciences Committees of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives.

Attest:

E. S. FRASER,
Secretary of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL, for May 14 and 15, on account of official business in Seventh Congressional District of Missouri.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for from 4 o'clock p.m. today through May 14, on account of official business as a member of the House Select Committee on Small Business.

Mr. BUTTON (at the request of Mr. GERALD R. FORD), for from 4 o'clock p.m. today through May 14, on account of official business as a member of the House Select Committee on Small Business.

Mr. KYROS (at the request of Mr. McCORMACK), for today and the remainder 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. HOGAN (at the request of Mr. HAMMERSCHMIDT), for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PREYER of North Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. WOLFF, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARSTEIN, for 30 minutes, today.

Mr. RARICK, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT in two instances and to include extraneous matter.

Mr. ROSENTHAL and to include extraneous matter during general debate on House Resolution 960.

Mr. HOLIFIELD during his remarks in general debate on House Resolution 960.

Mr. GERALD R. FORD and to include extraneous material in the Committee of the Whole today.

(The following Members (at the request of Mr. HAMMERSCHMIDT) and to include extraneous matter:)

Mr. BROCK.

Mr. ZWACH in three instances.

Mr. PELLY.

Mr. ADAIR.

Mr. GUDE.

Mr. WYMAN in two instances.

Mr. SCHERLE.

Mr. RAILSBACK in two instances.

Mr. ROTH.

Mr. BETTS.

Mr. HUNT in two instances.

Mr. COLLINS in five instances.

Mr. ANDERSON of Illinois.

Mr. BROTZMAN.

Mr. GOLDWATER in two instances.

Mr. SCOTT.

Mr. PRICE of Texas in two instances.

Mr. BOW in two instances.

Mr. CRANE.

Mr. RUPPE.

Mr. HALPERN.

Mr. FULTON of Pennsylvania in five instances.

Mr. FISH.

Mr. BUSH.

Mrs. HECKLER of Massachusetts.

Mr. SCHWENGEL.

Mr. ARENDS.

Mr. REIFEL.

Mr. McCLOSKEY.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. FRASER in eight instances.

Mr. FALLON in two instances.

Mr. OTTINGER in two instances.

Mr. HAMILTON in 10 instances.

Mr. MATSUNAGA in two instances.

Mr. WOLFF.

Mr. CELLER.

Mr. ROONEY of New York.

Mr. THOMPSON of New Jersey in two instances.

Mr. GARMATZ.

Mr. GILBERT in two instances.

Mr. MIKVA in six instances.

Mr. PRYOR of Arkansas.

Mr. ROE.

Mr. ANDERSON of California in four instances.

Mr. REUSS in six instances.

Mr. HAYS in two instances.

Mr. MOORHEAD.

Mr. DINGELL in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. HAGAN in two instances.

Mr. GONZALEZ in two instances.

Mr. CLARK in two instances.

Mr. O'HARA.

Mr. DIGGS in two instances.

Mr. WILLIAM D. FORD.

Mr. RARICK in two instances.

Mr. FRIEDEL in two instances.

Mr. GRIFFIN.

Mr. EVINS of Tennessee.

Mr. BURKE of Massachusetts.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3778. An act to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at (6 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, May 14, 1970, 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:

2054. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notification of the intention of the Department of the Navy to transfer the submarine *Cavalla* to the U.S. Submarine Veterans World War II—Texas, Inc., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

2055. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the intention of the Department of the Navy to transfer the submarine *Cobia* to the Manitowoc Submarine Memorial Association, Inc., Manitowoc, Wis., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

2056. A letter from the Assistant Secretary of State (Congressional Relations), transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Affairs.

2057. A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Civil Service Retirement laws to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee; to the Committee on Post Office and Civil Service.

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. MADDEN: Committee on Rules. House Resolution 1004. Resolution for consideration of H.R. 17575, a bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1075). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 8512. A bill to suspend for a temporary period the import duty on L-Dopa; with an amendment (Rept. No. 91-1076). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 14720. A bill to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products (Rept. No. 91-1077). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 16199. A bill to establish a working capital fund for the Department of the Treasury (Rept. No. 91-1078). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 16940. A bill to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum (Rept. No. 91-1079). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 17241. A bill to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper (Rept. No. 91-1080). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government

Operations. The Environmental Decade (Action Proposals For the 1970's) (Rept. No. 91-1082). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Company's high voltage line (Rept. No. 91-1083). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS of New Jersey: Committee on Post Office and Civil Service. H.R. 16968. A bill to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes (Rept. No. 91-1084). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Statistical activities of the Federal Government, 1969 (Rept. No. 91-1085). 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. BURKE of Massachusetts: Committee on Ways and Means. H.R. 6854. A bill to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass. (Rept. No. 91-1081). 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. ADAIR:

H.R. 17591. A bill to authorize the participation by certain Federal employees in funerals for deceased war veterans and members of the Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 17592. A bill to amend chapter 31 of title 38, United States Code, to authorize additional training or education for certain veterans who are no longer eligible for training, in order to restore employability lost due to technological changes; to the Committee on Veterans' Affairs.

H.R. 17593. A bill to amend chapter 34 of title 38, United States Code, in order to restore entitlement to educational benefits to veterans of World War II and the Korean conflict, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17594. A bill to amend chapter 35 of title 38, United States Code, to permit eligible persons to receive educational assistance while pursuing secondary school training; to the Committee on Veterans' Affairs.

By Mr. CELLER:

H.R. 17595. A bill to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 17596. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to provide for an automatic increase in such wage rate based on increases in the price index to extend the coverage of such act, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 17597. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups

in the Nation; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 17598. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

By Mr. FEIGHAN:

H.R. 17599. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLOWERS:

H.R. 17600. 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.

By Mr. HOGAN (for himself, Mr. FUQUA, and Mr. BROYHILL of Virginia):

H.R. 17601. A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MESKILL:

H.R. 17602. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself and Mr. CASEY):

H.R. 17603. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged lands areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RIVERS:

H.R. 17604. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania (for himself, Mr. DENT, Mr. KING, Mr. DUNCAN, Mr. FULTON of Pennsylvania, and Mr. FISH):

H.R. 17605. A bill to amend the Anti-dumping Act, 1921, as amended; to the Committee on Ways and Means.

By Mr. ROTH:

H.R. 17606. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STUBBLEFIELD:

H.R. 17607. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide financial assistance to States for the construction of correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 17608. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. CEDERBERG (for himself, Mr. ANDREWS of North Dakota, Mr. HARVEY, Mr. KLEPPE, Mr. LANGEN, and Mr. LATTA):

H.R. 17609. A bill to provide for orderly trade in sugar beet molasses, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 17610. A bill to authorize the Secretary of the Interior to defer construction charges

to become due on certain lands in the Greater Wenatchee irrigation district, Greater Wenatchee division, Chief Joseph Dam project, Wash.; to the Committee on Interior and Insular Affairs.

By Mr. OLSEN:

H.R. 17611. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 17612. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 17613. A bill to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN (by request):

H.R. 17614. A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama; to the Committee on Merchant Marine and Fisheries.

By Mr. ROBERTS (for himself and Mr. ALBERT):

H.R. 17615. A bill to require the Secretary of the Army to permit the use of recreational areas at Lake Texoma for nontransient mobile homes; to the Committee on Public Works.

By Mr. ANDERSON of Illinois:

H.J. Res. 1229. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 1230. Joint resolution designating May 25 of each year as "African Liberation Day"; to the Committee on the Judiciary.

By Mr. HOGAN (for himself and Mr. BROYHILL of Virginia):

H.J. Res. 1231. Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority; to the Committee on the District of Columbia.

By Mr. ANDERSON of Illinois (for himself, Mr. ANDREWS of North Dakota, Mr. FRELINGHUYSEN, Mr. FULTON of Pennsylvania, Mr. GROVER, Mr. KING, Mr. LEGGETT, Mr. McKNEALLY, Mr. PREYER of North Carolina, Mr. RUPPE, Mr. SMITH of New York, Mr. STANTON, Mr. WYDLER, Mr. YATRON, Mr. HARRINGTON, and Mr. McDADE):

H. Con. Res. 610. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. PIRNIE:

H. Con. Res. 611. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. SKUBITZ (for himself, Mr. CARTER, Mr. MIZE, and Mr. SHRIVER):

H. Con. Res. 612. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of peace and war; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 613. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 1005. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. ICHORD:

H. Res. 1006. Resolution authorizing the printing of additional copies of hearings entitled "Investigation of Students for a Democratic Society, part 7-A (Return of Prisoners of War, and Data Concerning Camera News, Inc., "Newsreel"); to the Committee on House Administration.

By Mr. MONTGOMERY (for himself, Mr. CAFFERY, Mr. GOLDWATER, Mr. ROGERS of Florida, Mr. LENNON, Mr. JONES of North Carolina, Mr. McMILLAN, and Mr. PICKLE):

H. Res. 1007. Resolution to establish a select committee to study U.S. involvement in Southeast Asia and then report its findings to the House of Representatives of its adoption; to the Committee on Rules.

By Mr. RIEGLE (for himself, Mr. McCLOSKEY, Mr. BLATNIK, Mr. BURTON of California, Mr. DULSKI, Mr. GILBERT, Mr. GREEN of Pennsylvania, Mrs. MINK, and Mr. MOSS):

H. Res. 1008. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Res. 1009. Resolution to express the sense of the House of Representatives with respect to travel at Government expense by Members of the House who have been defeated, resigned, or retired; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17616. A bill for the relief of Rolando Ferrer Landon; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 17617. A bill for the relief of Lee T. Sellars; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 17618. A bill for the relief of Michael Burton; to the Committee on the Judiciary.

SENATE—Wednesday, May 13, 1970

The Senate met at 12 o'clock noon and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Eternal Father, who watches over men and nations, may the soul of this Nation and all people in it heed the ancient summons, "If my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." Draw together in united repentance, cleansing and renewal, those who serve Thee in government and those served by the Government, that we may become day by day a worthier instrument for justice and righteousness in our troubled world. Guide Thy servants here through the daily stresses and strains that their actions may be for the welfare of all the people and the advancement of Thy kingdom on earth.

In the name of Him who is King of Kings and Lord of Lords. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 13, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following message from the President of the United States, which, with the accompanying report was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by law, I transmit to the Congress the Seventh Annual Report on Special International Exhibitions conducted during Fiscal Year 1969 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.