HOUSE OF REPRESENTATIVES—*Monday, August 3, 1970*

The House met at 12 o'clock noon.

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

Know ye that the Lord is God: It is He that hath made us and not we ourselves: We are His people and the sheep of His pasture.—Psalms 100: 3.

Almighty and everlasting God, Shepherd of the seeking souls of men, at this noontide altar of prayer we bow in reverence and humility before Thee, praying for ourselves, for our Nation, and for peace in our world.

Grant unto us worthy intelligences and a willingness to use them for the welfare of all our people and the well being of the nations. Teach our people the futility of violence, the foolishness of prejudice, and the folly of bitterness. Under the guidance of Thy spirit lead us into the ways of understanding and cooperation, peace and good will.

To this end cleanse Thou our own hearts, purify the hearts of our people, and prepare us for the coming of the better day of Thy kingdom when men shall learn to live together in peace.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, July 31, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3766. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968.

APPOINTMENT AS MEMBER OF THE NATIONAL FISHERIES CENTER AND AQUARIUM ADVISORY BOARD

The SPEAKER. Pursuant to the provisions of section 5(a), Public Law 87–758, the Chair appoints as a member of the National Fisheries Center and Aquarium Advisory Board, the gentlewoman from Washington (Mrs. HANSEN) to fill the existing vacancy thereon.

LEAVE OF ABSENCE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that I be granted an 8-day leave of absence, from August 6 to August 13, 1970, inclusive, to attend to official business in my congressional district.

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

There was no objection.

MEMORIAL SERVICE AUGUST 4 FOR THE LATE HONORABLE MICHAEL J. KIRWAN

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

Mr. VANIK. Mr. Speaker, on Tuesday, August 4, at 10:30 a.m., a memorial service for our late colleague, the Honorable Michael J. Kirwan, will be held at St. Peter's Church, 313 Second Street SE.—just a block from the Cannon Building.

I hope Members of the House can attend. This will be the only memorial service for "Mike" in the Washington area.

GEORGE SZELL

(Mr. FEIGHAN asked and was given permission to address the House for 2 minutes and to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, many artists live out their lives unrecognized for their particular genius until years after their deaths. This was not the case with Hungarian-born George Szell. Richard Strauss recognized his special talent and counseled him to become a conductor even though he was already an accomplished young pianist. His talent was self-evident long before the time he entered the United States as an immigrant in the early forties.

After 4 years with the Metropolitan Opera, he came to Cleveland in 1946 and began to develop the Cleveland Orchestra into one of the finest orchestras in the United States if not in the entire world. He gave Cleveland the best years of his life and Cleveland audiences, as he often said, were his greatest supporters.

In the sixties he had taken them on a successful trip to Moscow.

Finally, at 73, he conducted his orchestra in Japan representing the United States at the 1970 World's Fair. This proved to be too much for the tireless genius. It was too much of a strain. After he returned in June, he was forced to enter the hospital.

I speak for my constituents as well as for many of his fellow Americans in gratitude and appreciation for the many years Cleveland and the world have enjoyed the singular genius of George Szell. May his memory live on as a testimony to perseverance and discipline which so often escapes the consideration of present-day admirers.

The baton will be passed on to another deserving director and life will continue somehow as it did before. In this case, however, Cleveland's orchestra cannot continue with such grandeur nor with such genius—at least, for awhile. The genius of the kind George Szell gave to Cleveland and the world is seldom repeated and nearly impossible to replace.

FUNDS FOR INDEPENDENT OFFICES

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

Mr. DORN. Mr. Speaker, the House acted wisely in adopting the conference report providing funds for independent offices, which includes funding for the Veterans' Administration. It would be poor economy to delay veterans' medical programs, and delay would have been the result had we followed the urging of the administration and reduced this funding bill. I urge the other body to adopt this report as veterans' medical needs are urgent.

The VA hospital in Columbia, S.C., desperately needs modernizing. In Columbia we need a new VA hospital. Columbia is rapidly becoming a medical center. New facilities in Columbia would mean that we would not have the problems of staffing for veterans care so pronounced in many other areas of the country.

I regret that the administration, the Veterans' Administrator, and the Bureau of the Budget have opposed the additional funds which ultimately would make it possible to build a new VA Hospital in Columbia and air-condition and improve the old while the new is being built. I was shocked to read that the Veterans' Administrator told the other body that this additional money was not needed.

Medical care for our veterans is not up to the proper standards. The Veterans' Committee, headed by our great chairman, "TIGER" TEAGUE, has pointed this out time after time. The subcommittee headed by the distinguished gentleman from Florida (Mr. HALEY) investigated the situation throughout the country and found in many areas veterans care was deplorable.

The conference report as adopted by the House will provide $105 million more than the administration requested for medical care to our veterans. The situation is urgent, particularly concerning our Vietnam veterans. I urge my colleagues in the other body to adopt this conference report with this appropriation for the Veterans' Administration, and place it on the President's desk as soon as possible.

Mr. Speaker, may I remind my colleagues that no modernization program or new hospital is possible at Columbia or a new VA hospital at Augusta, Ga., placed on the blueprint stage without this appropriation, initiated and passed this session of the Congress.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today.

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

There was no objection.

CALL OF THE HOUSE

Mr. SAYLOR. 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. 249]

Adair	Fallon	Powell
Addabbo	Farbstein	Preyer, N.C.
Anderson, Ill.	Fish	Quillen
Anderson, Tenn.	Ford, William D.	Railsback
Ashley	Fraser	Randall
Aspinall	Frelinghuysen	Rarick
Baring	Fulton, Tenn.	Reifel
Berry	Gallagher	Riegle
Biaggi	Gettys	Rivers
Blatnik	Gilbert	Roe
Boland	Gray	Rooney, N.Y.
Brock	Green, Oreg.	Rostenkowski
Broomfield	Hagan	Roudebush
Brotzman	Hall	Rousselot
Brown, Mich.	Halpern	Ruppe
Broyhill, Va.	Hanley	Ryan
Burleson, Tex.	Hawkins	St Germain
Burton, Utah	Heckler, Mass.	Sandman
Bush	Hogan	Satterfield
Button	Horton	Shriver
Caffery	Hull	Smith, N.Y.
Carey	Hungate	Stafford
Casey	Ichord	Staggers
Celler	Jarman	Stephens
Chisholm	King	Stuckey
Clark	Leggett	Symington
Clay	Long, La.	Taft
Conte	Lowenstein	Teague, Tex.
Conyers	Lujan	Thompson, Ga.
Corbett	Lukens	Thompson, N.J.
Corman	McCarthy	Tiernan
Coughlin	Macdonald, Mass.	Tunney
Cramer	MacGregor	Van Deerlin
Crane	Madden	Watkins
Cunningham	Mathias	Watson
Daddario	Meskill	Weicker
Dawson	Monagan	Whalley
Delaney	Moorhead	Widnall
Denney	Murphy, N.Y.	Williams
Dent	Olsen	Wilson, Charles H.
Diggs	O'Neill, Mass.	Winn
Dingell	Ottinger	Wolff
Downing	Pelly	Wright
Edwards, La.	Pepper	Wydler
Eilberg	Podell	Zwach
Erlenborn	Pollock	
Esch		

The SPEAKER. On this rollcall, 292 Members have answered to their names, a quorum.

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

SCHEDULING OF THE DEFENSE APPROPRIATION BILL, FISCAL YEAR 1971

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

Mr. MAHON. Mr. Speaker, in the Washington Post of yesterday, in a UPI story by John Hall, there is attributed to Senator MANSFIELD, the Democratic leader of the Senate, certain statements about the defense appropriation bill. I quote the story in part:

In addition, he (Senator Mansfield) said he had been advised that managers of President Nixon's $72-billion defense appropriations bill do not want to bring it to a vote in the House until after the Nov. 3 election, in which all House seats and 35 Senate seats are at stake.

Mansfield said he did not know why the House wanted to hold up action on the defense measure.

Mr. Speaker, I am shocked that any such inaccurate information should have been conveyed to Senator MANSFIELD in regard to the defense appropriation bill. I do not say this in criticism of Senator MANSFIELD. We are old friends and I have the greatest respect for him. It is simply a case of his having been misadvised.

Senator MANSFIELD, on March 18, put in the RECORD of the proceedings of the other body the reporting schedule—which I issued the day before—of the House Appropriations Committee, and applauded our efforts to move the appropriation bills rapidly.

The Committee on Appropriations finished its hearings on the Defense appropriation bill weeks ago, and has wanted to move forward with House consideration of the measure as quickly as feasible. Our March 17 reporting schedule called for the Defense appropriation bill to be approved by the committee on June 3 and to be considered by the House several days later.

We were unable to meet that timetable, or a somewhat later date, because of the failure of the Senate to pass the defense authorization bill, H.R. 17123, upon which many of the items in the Defense appropriation bill are based. Of course, agreement in conference on the authorization would also be required.

The House passed the authorization bill—it having been reported out of the committee on the gentleman from South Carolina (Mr. RIVERS) on May 6, nearly 3 months ago.

I earnestly hope that the Senate will, in the very near future, pass the authorization bill, and that any difference between the two bodies can be expeditiously worked out in conference so that we may be able to bring the appropriation bill before the House at the earliest date—and certainly weeks before the election.

I wish to flatly and bluntly repudiate the intimation that the managers of the defense appropriation bill desire to postpone consideration of the defense measure until after the November election. Any such suggestion tends to indicate that the House expects to play politics with an issue involving the security of the Nation. This intimation is unfortunate and must not be permitted to stand.

The defense appropriation bill is the only regular appropriation bill for the current fiscal year 1971 remaining for House consideration. We would like to sweep the slate clean before the August recess, but we have not been able to do so because finalization of action on the authorization bill has not taken place.

I would say further, Mr. Speaker, that after consultation with the Speaker, the majority leader of the House, and the minority leader of the House, I find no intimation whatever that there is any such plan of delay in defense appropriation action in the House.

TRIBUTE TO THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

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

Mr. COLMER. Mr. Speaker, I take this time in order to congratulate the gentleman from Texas (Mr. MAHON) upon his statement and the manner in which he has expedited the consideration of these appropriation bills.

Time did not permit me to ask him the question, but I wondered if he had discussed this with the distinguished majority leader in the other body, as to whether they still adhere to the program.

Mr. Speaker, it appears to this humble Member of this body that there is a definite movement on foot to prolong this session of the Congress until the very final day of the year.

The gentleman from Texas and others on his committee have expedited these appropriation bills, and there is no reason why we should be forced to stay around here until Christmas again.

Mr. Speaker, in my humble book, this is just another case of the tail wagging the dog, with the other body calling all of the signals. I have a high regard for the Senate majority leader, in fact, I entertain genuine affection for him personally, but I do not feel that he should attempt to run this body too and it is difficult to believe he does.

PERSONAL STATEMENT

Mr. ROONEY of New York. Mr. Speaker, on rollcall No. 249, a quorum call, which was concluded just a few minutes ago, I am recorded as being absent. This is correct. I was busy elsewhere in the Capitol on official business.

EXPEDITING THE DEFENSE APPROPRIATION BILL

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

Mr. RHODES. Mr. Speaker, I wish to congratulate my good friend, the chairman of the Committee on Appropriations, the gentleman from Texas, on the statement that he just made. I wish to assure him and to assure the House that on the minority side of the Committee on Appropriations and on the minority side of the House there is a definite feeling that we should go ahead with the business of appropriating funds for this fiscal year. We feel that it is incumbent on the House and the other body to do this.

I would like to say to my good friend from Texas at this time that if at any time it appears likely there is some sort of a slowdown on authorizations to make the defense appropriation bill come up after the election, I personally will be glad to go with the gentleman from Texas to the Committee on Rules and ask for a rule waiving points of order so

that this appropriation bill could be brought up and the great Department of Defense could be apprised as to what funds it has to operate for the next fiscal year.

Mr. Speaker, I have been amazed and appalled, as I am sure the gentleman from Texas has, at some of the stories I have seen in newspapers and in the communications media concerning the possibility that there would be a movement afoot to load up appropriation bills which have political appeal, with the idea that the last bill will be for the Department of Defense and sufficient cuts could be made there so that there will be a balanced budget. This would, in my opinion, be completely irresponsible, and would be playing politics with national security. The Department of Defense bill must not be made a political football and when it is passed it must contain funds adequate for the proper support of our Defense Establishment, with no surplus, but with sufficient funds printed to take care of the defense needs of this country, which, after all, is the most important duty this body has to perform.

FISCAL DISCUSSION

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

Mr. BOGGS. Mr. Speaker, and Members of the House, I find this fiscal discussion very interesting. All of us know we are facing 1971 with an enormous deficit as a result of the administration's policy in bringing about a recession in this country. I was astonished just a few days ago to receive a special, hand-delivered letter from John S. Nolan, Assistant Secretary of the Treasury, in which he enclosed a copy of a letter addressed to the Speaker asking us to levy billions of dollars in new taxes.

The next day I read in my Louisiana newspapers where the Federal Government is going to institute tax sharing to make available to Louisiana many millions and to the rest of the Nation billions of dollars.

Now, how hyprocritical can you get? In one breath a letter special delivery sent to me as the ranking member of the Committee on Ways and Means telling me that we have to collect new taxes in this depresssed economy and in the next minute sending to every village, hamlet, and State in this country a lot of political propaganda—involving the expenditure of billions of dollars not now available and in the face of a prospective $10 to $15 billion deficit in fiscal 1971.

This sudden surge of information has not reached the offices of the House Ways and Means Committee, however. I checked today and found out that the Treasury Department has still not responded to a request for a report on the revenue sharing bill as introduced almost a year ago. The request was made on September 30, 1969, and we are still waiting.

FISCAL RESPONSIBILITY AND THE NIXON ADMINISTRATION

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

Mr. GERALD R. FORD. Mr. Speaker, we are getting that same old broken record from the gentleman from Louisiana quite frequently nowadays.

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

Mr. GERALD R. FORD. No; I am sorry. The gentleman has had his minute and I shall take mine.

But, let me say this: The fact that we have not acted responsibly fiscally in providing adequate revenue and the fact that we have spent more than we should in many areas, does put a serious crimp in the possibility of a revenue-sharing program. This is a program which was the original brainchild of the Chairman of a recent Democratic President's Economic Council, the party of the gentleman from Louisiana. This is a good program which a Republican President has embraced.

Mr. Speaker, if we could have a little Federal fiscal responsibility by this Congress both as to revenue and expenditures, then we could undertake and we should undertake a revenue-sharing program with the States and with the local communities being the beneficiaries.

FISCAL RESPONSIBILITY AND THE NIXON ADMINISTRATION

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

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

Mr. McFALL. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. BOGGS. I thank my good friend from California, Mr. McFALL. Mr. Speaker, the gentleman from Michigan can call the Nixon record a broken record if he wants to. He is correct—it is a broken record all right. It is a broken record of Nixon promises. It is a broken record of fiscal irresponsibility resulting in 1 million unemployed, $300 billion loss in securities values alone in 18 months, and the highest interest rates in history, and a tremendous decline in Government revenues. Unemployed workers and failing businessmen do not pay taxes.

It is a broken record, indeed. Many an American is broke because of it.

Mr. Speaker, imagine an administration that on one day demands billions of dollars in new taxes while at the same time its political merchants are peddling fake pie in the sky, nonexistent grants in a vain effort to blind the American people and attempt to gain votes in November.

There is not one penny for revenue sharing in the budget. Yet this administration has spent millions for propaganda broken down to every village, every community, every city and every State as to how much they would get if Congress approved such nonsense.

CONSENT CALENDAR

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

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

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

There was no objection.

AUTHORIZING THE CONSTRUCTION OF SUPPLEMENTAL IRRIGATION FACILITIES FOR THE YUMA MESA IRRIGATION DISTRICT, ARIZONA

The Clerk called the bill (H.R. 9804) to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona.

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

Mr. SAYLOR. Mr. Speaker, reserving the right to object——

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that S. 2882, an identical bill, be considered in lieu of H.R. 9804.

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

Mr. SAYLOR. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Is there objection to the present consideration of the bill H.R. 9804?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I reserve that right, Mr. Speaker, to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SAYLOR. Mr. Speaker, if my reservation is withdrawn and this bill is considered, is it in order to offer an amendment to the bill?

The SPEAKER. If the bill comes up by unanimous consent, an amendment would be in order because the bill then would be before the House for consideration. The Senate bill, if it had been considered would also have been subject to germane amendments.

Mr. SAYLOR. Mr. Speaker, I might state that had I known that it would be in order for an amendment to be offered in the House to the Senate bill, I would not have objected under those circumstances. This is an amendment about which I did not know which was to be offered by the gentleman from California.

The SPEAKER. Of course, the Chair is

stating that the amendment could be in order to the bill, but the Chair has no knowledge as to the content of the Senate bill nor whether the proposed amendment would be germaine to the Senate bill.

The Chair does not want to be put in a position where possibly later events might be subsequently developed which might convey an entirely different proposition.

Mr. SAYLOR. Mr. Speaker, reserving the right to object, then, I would like to direct a question to the gentleman from California (Mr. JOHNSON).

Is the Senate bill that the gentleman proposes to call up in place of the House bill identical with the House bill?

Mr. JOHNSON of California. If the gentleman will yield, the bill is identical.

Mr. SAYLOR. Mr. Speaker, then I would renew my unanimous consent request that my objection be permitted to be withdrawn.

The SPEAKER. Does the gentleman from Pennsylvania intend to offer an amendment to the Senate bill?

Mr. SAYLOR. I intend to offer an amendment which is germane.

PARLIAMENTARY INQUIRY

Mr. JOHNSON of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JOHNSON of California. Mr. Speaker, would the gentleman from Pennsylvania have to be given unanimous consent to offer the amendment?

The SPEAKER. The Chair will state that if unanimous consent is granted for the consideration of the House bill or the Senate bill, then the matter would be before the House under the 5-minute rule, and that means that if there is an amendment offered debate could occur.

Mr. SAYLOR. And it would be subject to amendment.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the bill H.R. 9804 be passed over without prejudice.

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

There was no objection.

AMENDING THE ACT RELATING TO ADMISSION TO THE UNION OF THE STATES OF NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON

The Clerk called the bill (H.R. 13125) to amend section 11 of the act approved February 22, 1889, (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first paragraph of section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act of May 7, 1932 (47 Stat. 150), is hereby amended to read as follows:

"Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to Federal lands that are surveyed, nonmineral, unreserved public lands, or are reserved public lands that are subject to exchange under the laws governing the administration of such Federal reserved public lands."

and that a new paragraph be added immediately following the above, as follows:

"All exchanges heretofore made under section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act approved May 7, 1932 (47 Stat. 150), for reserved public lands of the United States that were subject to exchange under law pursuant to which they were being administered and the requirements thereof have been met, are hereby approved to the same extent as though the lands exchanged were unreserved public lands."

and that the present paragraph 2 of section 11 be amended to read as follows:

"Except as otherwise provided herein, the said lands may be leased under such regulations as the legislature may prescribe. Leases for the production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, shall be for such terms of years and on such conditions as may be from time to time provided by the legislatures of the respective States; leases for grazing and ordinary farm agricultural purposes shall be for a term not longer than ten years; and leases for development of hydroelectric power shall be for a term not longer than fifty years."

With the following committee amendments:

On page 2, line 6, after "public lands" insert "within the State".

On page 2, at the beginning of line 7, insert "within the State".

Page 2, beginning on line 22 and continuing through page 3, line 6, strike out the present language and insert in lieu thereof the following: " 'The said lands may be leased under such regulations as the legislature may prescribe.' "

The committee amendments were agreed to.

Mr. JOHNSON of California. Mr. Speaker, H.R 13125, as amended and approved by the Committee on Interior and Insular Affairs, amends section 11 of the Statehood Act of the States of North Dakota, South Dakota, Montana, and Washington to permit the exchange of State school lands for certain reserved public lands. It also retroactively approves certain exchanges between the State and the national forests that have already been made but which are contrary to existing law. In addition, H.R. 13125 permits the four States to lease their school lands without Federal restriction under such terms and conditions as the State legislature prescribes.

The original Statehood Act of 1889 for these four States made no provision for an exchange by the States of school lands. Subsequently, this was amended in 1932 to permit exchanges but limited them to surveyed, nonmineral, unreserved public lands. This precluded any exchange of lands within national forests as these are considered, for this purpose, to be reserved.

H.R. 13125, as amended, removes this restriction and permits exchanges of lands within national forests. This will be of benefit to both the State and the Forest Service as it will permit the blocking up of holdings and will help eliminate a checkerboard land pattern. Better and more efficient management will result.

In considering the Federal restrictions on the leasing of State school lands, it was the committee's position that these were no longer necessary. The States should be permitted to lease their school lands under such terms and conditions as deemed appropriate by the State legislature. For this reason, the committee recommended the elimination of the Federal restriction on leasing.

Mr. Speaker, H.R. 13125, as amended, is a progressive piece of legislation. It permits better land management through exchanges; it legalizes certain exchanges heretofore made; and it permits the respective States greater latitude in the leasing of their lands.

Mr. Speaker, I recommend enactment of H.R. 13125, as amended.

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

PROVIDING FOR EXCHANGE OF CERTAIN REAL PROPERTY BY THE FEDERAL GOVERNMENT AND THE CITY OF PORTSMOUTH, VA.

The Clerk called the bill (H.R. 14373) to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (VA–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

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

H.R. 14373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Navy, or his designee, is authorized to convey to the city of Portsmouth, State of Virginia, subject to such terms and conditions as the Secretary of the Navy shall deem to be in the public interest, all right, title, and interest of the United States in and to the land located in the city of Portsmouth with the buildings and improvements thereon, described substantially as follows:

Beginning at a point on the south side of South Street one hundred and eighty feet east from the southeast intersection of South and Middle Streets;

thence south and parallel with Middle Street, two hundred and twenty-six feet to the north side of Bart Street;

thence east along north side of Bart Street one hundred and twenty-seven feet, more or less, to the right-of-way of the Seaboard Air Line Railway;

thence northeasterly along the northerly side of the Seaboard Air Line Railway one hundred and twenty-five feet, more or less, to the west side of Crawford Street;

thence north along the west side of Crawford Street, one hundred and thirteen feet,

more or less, to the southwest intersection of Crawford and South Streets;

thence west along south side of South Street one hundred and eighty feet to the point of beginning, containing 0.918 acre, more or less.

SEC. 2. In consideration of the conveyance by the United States of the aforesaid lands, the city of Portsmouth shall convey to the United States, such lands situated within the proposed Southside neighborhood development project located in the city of Portsmouth together with such buildings and improvements thereon or to be constructed thereon, as are acceptable to the Secretary of the Navy, or his designee, and subject to such conditions as are acceptable to the Secretary of the Navy, or his designee.

SEC. 3. The Secretary of the Navy, or his designee, is also authorized to accept from the city of Portsmouth such appropriate interests in other lands, or neighborhood facility, as may be considered necessary for protection of the interests of the United States in connection with the exchange.

With the following committee amendments:

On page 1, line 6, insert the phrase "or his designee" after the word "Navy".

On page 3, following line 10, add a section 4 to the bill, as follows:

"SEC. 4. The property conveyed to the United States under sections 2 and 3 shall be of no less value, as determined by the Secretary of the Navy or his designee, than the property conveyed to the city of Portsmouth under section 1."

The committee amendments were agreed to.

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

AMENDING SECTION 2735 OF TITLE 10, UNITED STATES CODE, TO PROVIDE FOR THE FINALITY OF SETTLEMENT EFFECTED UNDER SECTION 2733, 2734, 2734a, 2734b, OR 2737

The Clerk called the bill (H.R. 17695) to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone conversant with this bill a question or two.

Mr. DONOHUE. Mr. Speaker, I will be glad to attempt to answer the gentleman's questions if the gentleman will yield for that purpose.

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman from Massachusetts as to the difficulties we have had with the present law on this subject.

Mr. DONOHUE. Mr. Speaker, if the gentleman will yield, under the present law I would suggest to the gentleman from Iowa that any claim that is settled at the present time in accordance with an international agreement, for example, a NATO agreement, having to do with a foreign claim in the absence of this amendment could possibly be subject to being reopened and further considered. In other words, a settlement might not be regarded as final and conclusive as between the parties.

Mr. GROSS. When the gentleman refers to a foreign claim, does the gentleman mean a foreign claim against the U.S. Government?

Mr. DONOHUE. Such claims as those asserted by foreign nationals as a result being injured by the noncombatant activities of our military forces operating in foreign countries. At the present time these agreements provide that as to such claims we are governed by their laws, and likewise when their nationals are injured or killed within the confines of our country the claims are also subject to our existing laws.

Mr. GROSS. Then this applies to the settlement of claims in foreign countries, or the settlement of claims in this country of claims brought by foreign nationals in the United States?

Mr. DONOHUE. Exactly.

Mr. GROSS. And it has nothing to do with claims brought by foreign nationals against the U.S. Government or any agency thereof in a foreign country. It has nothing to do with that; is that correct?

Mr. DONOHUE. Foreign claims of that type are covered by those international agreements. I might observe that as to claims arising in this country under the agreements, the claims are considered on the basis of the law defining the liability of the United States, say, under the Tort Claims Act, in this country.

Mr. GROSS. The settlements are final and conclusive according to the language in the report.

Mr. DONOHUE. That is right, may I say to the gentleman from Iowa. All of these claims under these different sections are subject now to being reopened because of subsequent conditions and circumstances. On the other hand, with the passage of this bill, once a settlement is arrived and releases are signed, they are final and conclusive and cannot be reopened.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

Mr. DONOHUE. Mr. Speaker, the bill H.R. 17695 would amend section 2735 of title 10, United States Code, concerning finality and conclusiveness of military claims settlements, by adding references to sections 2734a, 2734b, and 2737 of that title. A reference to repealed section 2732 would be deleted from section 2735.

The bill H.R. 17695 was introduced in accordance with the recommendations of an executive communication from the Air Force in behalf of the Department of Defense which recommends its enactment.

The present provisions of section 2735 provide for finality of settlement for property and personal injury claims under sections 2733 and 2734 of title 10. Section 2735 was included in its present form as a part of chapter 163 of codified title 10 when it was enacted into law on August 10, 1956. Since that time section 2732 was repealed, but the section still carries a reference to the repealed section. In addition, the three new sections 2734a, 2734b, and 2737 have been added to chapter 163.

The bill will bring the section up to date by deleting the repealed section and by adding references to the three subsequently enacted sections.

The bill H.R. 17695 was the subject of a subcommittee hearing on May 27, 1970, and the testimony at that hearing established that the same reasons for providing finality to settlements under the sections now referred to in section 2735 also apply to finality of settlements under the three other sections as is provided for in this bill. In fact, it appears that the purpose of section 2735, which is clearly to provide for finality of settlement in military claims matters, requires such an amendment.

In connection with this amendment, it is pertinent to note that similar finality of settlement statutes are applicable to claims settled under the provisions of the Federal tort claims provisions in title 28—28 U.S.C. 2672—as well as admiralty claims involving the military departments—10 U.S.C. 4806, 2672(d), 7623(d), and 9806. Finality of settlements under section 715 of title 32 of the United States Code concerning claims generated by National Guard activities is provided for by subsection (g) of that section. The amendments provided for in this bill are consistent with the pattern and provisions for finality presently contained in other claims statutes.

At the hearing on the bill on May 27, 1970, the members of the subcommittee were assured that the actions of personnel will continue to be subject to supervision and examination. It should be added that the testimony at that hearing restated the facts given the subcommittee at a hearing on January 31, 1968, on a similar bill, H.R. 202, which was favorably reported and passed by the House during the 90th Congress. The effect of the provision as to finality is merely to provide that a final settlement is final in the full sense of the word and will not be subject to reopening as to that specific claim.

The Comptroller General in a report to the committee on the bill stated that the General Accounting Office would have no objections to extending finality to settlements made under the additional sections as provided for in the bill. The Comptroller General also noted that the experience of the military departments under the present provisions of section 2735 demonstrated the practicality of statutory provision for final and conclusive settlements.

There is a clear basis for the amendments proposed in this bill and the amendments will correct omissions from the section involved. Accordingly, it is recommended that the bill be considered favorably.

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

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

H.R. 17695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2735 of title 10, United States Code, is amended to read as follows:

"§ 2735. Settlement: final and conclusive

"Notwithstanding any other provision of law, the settlement of a claim under section 2733, 2734, 2734a, 2734b, or 2737 of this title is final and conclusive."

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

CURTAILING MAILING OF CERTAIN ARTICLES WHICH PRESENT A HAZARD TO POSTAL EMPLOYEES OR MAIL PROCESSING MACHINES BY IMPOSING RESTRICTIONS ON CERTAIN ADVERTISING AND PROMOTIONAL MATTER IN THE MAILS

The Clerk called the bill (H.R. 15937) to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes.

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

H.R. 15937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1716 of title 18, United States Code, is amended (1) by designating the first through seventh paragraphs thereof as subsections (a) through (g), respectively; and (2) by inserting immediately above the penal positions in such section the following new subsections:

"(h) All metal or plastic bottle caps, jar tops, can lids, opening strips and similar articles not specially wrapped or packaged in accordance with regulations prescribed by the Postmaster General are nonmailable and shall not be deposited in or carried through the mails or be delivered by any postmaster, letter carrier, or other person in the postal service. Any advertising, promotional, or sales matter which solicits or induces the mailing of such articles is likewise nonmailable unless such matter contains wrapping or packaging instructions which are in accord with regulations promulgated by the Postmaster General."

SEC. 2. Section 4001 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The district courts, together with the District Court of the Virgin Islands and the District Court of Guam, shall have jurisdiction, upon cause shown, to enjoin violations of section 1716 of title 18, United States Code."

With the following committee amendments:

Page 1, lines 8 and 9, strike: "All metal or plastic bottle caps, jar tops, can lids, opening strips and similar articles not specially wrapped or".

Page 2, lines 1, 2, 3, 4, & 5, strike: "packaged in accordance with regulations prescribed by the Postmaster General are nonmailable and shall not be deposited in or carried through the mails or be delivered by any postmaster, letter carrier, or other person in the postal service."

Page 2, line 6, strike: "such articles" and insert "anything declared nonmailable by this section."

The committee amendments were agreed to.

Mr. DONOHUE. Mr. Speaker, the bill, H.R. 15937, as amended, would amend section 1716 of title 18, United States Code, which bars injurious articles from the mails, by making the present first seven paragraphs of section 1716, subsection (a) through (g), and by adding a new subsection (h) declaring advertising promotional, or sales matter soliciting or including the mailing of anything declared nonmailable by section 1716 to be likewise nonmailable unless accompanied by wrapping or packaging instructions in accord with regulations promulgated by the Postmaster General. Section 2 of the bill would add a new subsection (d) to section 4001 of title 39, United States Code, to confer jurisdiction on a district court, including the district court of the Virgin Islands and the district court of Guam, for actions to enjoin violations of section 1716 of title 18, United States Code.

The bill, H.R. 15937, was introduced in accordance with the recommendations of the Post Office Department which recommends its enactment. The Department urged that the amendments provided in this bill be enacted in order to make it possible to curtail the mailing of articles which present a hazard to postal employees or small processing machines.

At a subcommittee hearing on this bill on April 22, 1970, the witness appearing in behalf of the Post Office Department stated that as a result of sales promotion techniques such as contests, premium offers, and the like, enveloped mail containing undetected metal and plastic articles such as bottle caps, jar tops, can lids, opening strips, and similar items enter the mail stream and find their way into the mail processing machines of the postal service, causing serious damage to this expensive equipment. It was also pointed out that these articles present a physical danger to post office employees because pieces of metal or plastic may be projected with considerable force from the processing machines.

As originally introduced, the first section of House Resolution 15937 declares nonmailable metal or plastic bottle caps, jar tops, can lids, opening strips, and similiar items, unless they are specifically wrapped or packaged in accordance with regulations prescribed by the Postmaster General. Testimony at the hearing and information supplied the commitee concerning the damage and injuries caused by bottle caps and similiar items make it clear that items with this potential for damage or injury are barred by the existing provisions of section 1716. An attempt to enumerate the items in the proposed new subsection (a) would be repetitious and also might give an impression of limited application to specific named items. For these reasons the committee has recommended the deletion of the first sentence of the new subsection (h) as set forth in the bill. The remaining language of the new subsection would be amended so that advertising, promotional, or sales matter which solicits or induces the mailing of "anything declared nonmailable by this section" is likewise nonmailable. It was concluded that with the addition of the quoted language the new subsection will have the added advantage of applying to all of the items declared nonmailable by section 1716.

In addition to the criminal penalties as provided in section 1716 of title 18, the bill gives an added means of controlling the problem by authorizing the post office to secure injunctions. Section 2 of the bill would enable the Postmaster General, through the Attorney General, to bring suits against persons or organizations to enjoin mailings in violation of section 1716 of title 18. This provision affords the Department the alternative means of stopping the introduction into the mails of the matter described above, as well as other articles proscribed by section 1716 by the use of injunction proceedings.

In view of the recommendations of the department in the executive communication and the considerations outlined in this report, it is recommended that the bill, as amended, be considered favorably.

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

(Mr. DONOHUE asked and was given permission to revise and extend his remarks on H.R. 17695 and H.R. 15937.)

DISPOSITION OF JUDGMENT FUNDS TO CREDIT OF HUALAPAI TRIBE OF THE HUALAPAI RESERVATION, ARIZ., IN INDIAN CLAIMS COMMISSION DOCKETS NUMBERED 90 AND 122

The Clerk called the bill (H.R. 13434) to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission Dockets Nos. 90 and 122, and for other purposes.

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

H.R. 13434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Hualapai Tribe of Indians that were apportioned to pay a judgment granted by the Indian Claims Commission in dockets Numbered 90 and 122, and the interest thereon, less payment of attorney fees and expenses, may be advanced, expended, invested or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the tribe shall not be subject to Federal or State income tax.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Mr. HALEY. Mr. Speaker, the purpose of H.R. 13434 is to authorize the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indians Claims Commission Docket No. 90. The net amount available is $2,974,612.

The money has been appropriated and most of it has been invested temporarily in United States Treasury bills. The Indians may not use the money, however, until Congress has approved their plans.

The Hualapai Tribe consists of approximately 1,035 Indians. About 750 of them live within the service area of their reservation. The remainder live away from the reservation.

The tribe proposes to distribute 25 percent of the judgment equally among the members of the tribe. This amounts to about $65 each. For the members who need assistance, the money may be used only pursuant to a family plan approved and supervised by the tribe. The others could assume full responsibility for the use of their funds.

The tribe proposes to use $991,250 of the judgment to develop tribal resources and create job opportunities.

About $1 million will be retained by the tribe for investment. Two-thirds of the revenue from the investment will be used for education, and one-third will be used for the administration of tribal government.

The figures are estimates which may be modified as experience dictates.

The Committee on Interior and Insular Affairs believes that the plan for the use of the money is sound.

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

AUTHORIZING USE OF FUNDS FROM JUDGMENT IN FAVOR OF CITIZEN BAND OF POTAWATOMI INDIANS, OKLAHOMA

The Clerk called the bill (H.R. 14097) to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma, and for other purposes.

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

H.R. 14097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Citizen Band of Potawatomi Indians of Oklahoma that were appropriated by the Act of July 22, 1969 (Public Law 91–47) to pay a judgment by the Indian Claims Commission dated August 27, 1968, and the interest thereon, including the interest occurring thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the band shall not be subject to Federal or State income tax.

With the following committee amendments:

Page 1, line 7, after "Commission" insert "in Docket No. 96" Page 2, after line 4, insert a new section 2 as follows:

"SEC. 2. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons."

The committee amendments were agreed to.

Mr. HALEY. Mr. Speaker, the purpose of H.R. 14097 is to authorize the use of a judgment against the United States recovered by the Citizen Board of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96. The net amount available is $723,111.

The money has been appropriated and most of it has been invested temporarily in U.S. Treasury bills. The Indians may not use the money, however, until Congress has approved their plans.

The tribe consists of about 10,150 Indians. Only 1,320 of them live in or near the former reservation. The others are highly acculturated, have small amounts of Indian blood, and are widely scattered. Under these circumstances, a per capita distribution of the money is the only feasible course to follow, and that is the tribe's plans. The per capita will be about $70. The tribe also has on hand about $270,000 from a prior judgment, and it plans to distribute that money per capita also, which will mean an additional $27 for each person.

The tribe has recovered two prior judgments, and both have been distributed per capita. The tribe has 11 claims still pending, and a possibility of sharing in an additional 15 claims.

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

The title was amended so as to read: "To authorize the use of funds arising from a judgment in favor of the Citizens Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes."

A motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS TO PAY JUDGMENT IN FAVOR OF SAC AND FOX TRIBES OF OKLAHOMA IN INDIAN CLAIMS COMMISSION DOCKET NO. 220

The Clerk called the bill (H.R. 14827) to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes.

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

H.R. 14827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment by the Indian Claims Commission in docket numbered 220, together with interest thereon, after payment of attorney's fees and other litigation expenses, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any portion of such funds that may be distributed per capita to members of the tribe shall not be subject to Federal or State income tax.

Mr. HALEY. Mr. Speaker, the purpose of H.R. 14827 is to authorize the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in Indian Claims Commission Docket No. 220. The net amount available, including accrued interest, is $703,345.

The money has been appropriated and most of it has been invested temporarily in interest-bearing securities. The Indians may not use the money, however, until Congress has approved their plans.

The tribe consists of about 1,976 members. Only 30 percent of them live within the area of their former reservation, and the rest are scattered throughout the United States. The tribe owns only 805 acres of land, and the members of the tribe own only 18,814 acres.

The tribe proposes to distribute 90 percent of the judgment equally among the members of the tribe, and to use 10 percent of the judgment for tribal programs. This 10 percent will supplement about $335,000 that was set aside from a previous judgment for the construction of a community building, for educational grants, for industrial development, and for low-cost housing for elderly members in Oklahoma. Under the circumstances of this case, the committee believes that the proposed use of the money is appropriate.

The tribe has participated in one prior award, it will participate in one other award that has already been made, and it may participate in several other claims that are still pending before the Indian Claims Commission.

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

The SPEAKER. This concludes the call of the Consent Calendar.

ENVIRONMENTAL EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18260) to authorize the U.S. Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Education Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation's environment and of its ecological balance is in part due to poor understanding by citizens of the Nation's environment and of the need for ecological balance; that presently there do not exist adequate resources for educating citizens in these areas, and that concerted efforts in

educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curriculums to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to provide support for the initiation and maintenance of programs in environmental education at the elementary and secondary levels; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, community, industrial and business leaders and employees, and government employees at local, State, and Federal levels; to provide for community education programs on preserving and enhancing environmental quality and maintain ecological balance; and to provide for the preparation and distribution of materials by the mass media in dealing with the environment and ecology.

USES OF FUNDS

SEC. 3. (a) From the sums appropriated, the Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall assist in educating the public on the problems of environmental quality and ecological balance by:

(1) Making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations for:

(A) Projects for the development of curriculums to encourage preserving and enhancing environmental quality and maintaining ecological balance.

(B) Pilot projects designed to demonstrate and test the effectiveness of the curriculums described in clause (A) whether developed with assistance under this Act or otherwise.

(C) Projects for the dissemination of curricular materials and other information regarding the environment and ecology developed under clause (B), as well as of other materials deemed by the Secretary to have value for use in educational institutions.

(2) Undertaking directly or through contract or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations evaluations of the effectiveness of curriculums in use in elementary, secondary, college, and adult education programs involved in pilot projects described in paragraph 1(B).

(3) Making grants to institutions of higher education, local educational agencies, and other public or private agencies, institutions, or organizations to provide preservice and inservice training programs on environmental quality and ecology (including courses of study, symposiums, and workshops, institutes, seminars, and conferences) for teachers, other educational personnel, public service personnel, and community, business, and industrial leaders and employees, and government employees at local, State, and Federal levels.

(4) Making grants to local educational, municipal, and State agencies and other public and private nonprofit agencies, institutions, or organizations for community education on environmental quality and ecology, especially for adults.

(5) Making grants to State and local education agencies for the support of programs in environmental education at the elementary and secondary school level.

(6) Making grants for preparation and distribution of materials suitable for use by mass media in dealing with the environment and ecology.

(7) Making grants to local educational, municipal, and State agencies, institutions of higher education, and other public and private nonprofit organizations for the planning of outdoor ecological study centers.

APPROVAL OF APPLICATIONS

SEC. 4. (a) Financial assistance for a project under section 3 may be made only upon application at such time or times, in such manner, and contaning or accompanied by such information as the Secretary deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this Act is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 3 and provides for such methods of administration as are necessary for the proper and efficient operation of such programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 3, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require and for keeping such records, and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

SMALL GRANTS

SEC. 5. (a) In addition to the grants authorized under section 3, the Secretary, from the sums appropriated, shall have the authority to make grants, in sums not to exceed $10,000 annually, to citizens groups, volunteer organizations working in the environmental field, and other public and private agencies, institutions, or organizations for conducting courses, workshops, seminars, symposiums, institutes, and conferences, especially for adults and community groups (other than the group funded).

(b) Priority shall be given to those proposals demonstrating innovative approaches to environmental education.

(c) For the purposes of this section, the Secretary shall require evidence that the interested organization or group shall have been in existence one year prior to the submission of a proposal for Federal funds and that it shall submit an annual audit of Federal funds expended.

(d) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the organization or group shall volunteer additional information.

FEDERAL SHARE OF PROGRAM COSTS

SEC. 6. Federal assistance to any program under section 3, other than those involving curriculum development, dissemination of curricular materials, and evaluation under section 3(1) (B) or (C) and (2), shall not exceed 80 per centum of the cost of such program for the first fiscal year of its operation, including costs of administration, unless the Secretary determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that assistance in excess of such percentages is required in furtherance of the purposes of this section. The Federal share for the second year shall not exceed 60 per centum, and for the third year 40 per centum. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADVISORY COMMITTEE ON ENVIRONMENTAL EDUCATION

SEC. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Environmental Education which shall—

(1) advise the Secretary concerning the administration of, preparation of, preparation of general regulations for, and operation of, programs supported with assistance under this Act:

(2) make recommendations regarding the allocation of the funds under this Act and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act) to the Secretary for transmittal to the Congress; and

(4) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Environmental Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons from the public and private sector with due regard to their fitness, knowledge, and experience in academic, scientific, medical, legal, resource conservation and production, urban and regional planning, information media activities as they relate to our society and its effect upon our environment: Provided, however, That the Committee shall consist of not less than three ecologists and three students.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate specified for grade GS–18 in section 5532 of title V, United States Code, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 8. The Secretary, in cooperation with other Cabinet officers with relevant jurisdiction, shall, in so far as possible, upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions of higher

learning, agencies of local, State, and Federal Government and other agencies, institutions, and organizations deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient to carry on education programs which deal with environmental quality and ecology.

PAYMENTS

SEC. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 10. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Secretary shall publish annually a list and description of projects supported under this Act and shall distribute such list and description to interested educational institutions, citizens' groups, conservation organizations, and other organizations and individuals involved in enhancing environmental quality and maintaining ecological balance.

FEDERAL CONTROL PROHIBITED

SEC. 11. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or the selection of library resources by any educational institution or over the content of any material developed or published under any program assisted pursuant to this Act.

AUTHORIZATION

SEC. 12. There is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973, for carrying out the purposes of this Act.

DEFINITIONS

SEC. 13. As used in this Act—

(a) "environmental education" means the educational process dealing with man's relationship to his natural and man-made surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, technology, and urban and rural planning to the total human environment.

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

Mr. LANDGREBE. Mr. Speaker, is the gentleman from New York opposed to this bill?

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. REID of New York. Mr. Speaker, I am not opposed to it.

Mr. LANDGREBE. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Indiana opposed to the bill?

Mr. LANDGREBE. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Kentucky is recognized for 20 minutes.

Mr. PERKINS. Mr. Speaker, this bill was ordered reported favorably—unanimously—by the House Education and Labor Committee on July 21.

The minutes of our committee reflect that without dissent it was indicated that this would be an appropriate measure to bring up under suspension of the rules.

This seemed appropriate from several standpoints.

First, I know of no opposition to the legislation.

At the same time, this legislation deals with an urgent national problem.

Mr. Speaker, the hour is very late in which we must move vigorously to protect the environment in which we live.

For many years I have been gravely concerned about the destruction of our natural resources, the pollution of our streams with industrial and municipal waste, the destruction of our forests by the careless use of fire, the casualness with which we litter our highways, our parks, our streams and our lakes, the pollution of our air which immediately threatens our health.

A problem of this magnitude requires many approaches.

Consequently, I am pleased that this Congress has enacted a number of pieces of legislation dealing with various aspects of the problem:

First, the National Environmental Policy Act, which established a Council on Environment Quality in the Office of the President;

Second, the Endangered Species Act, which is aimed at protecting our threatened wildlife;

Third, the Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices;

Fourth, the Commission on Pollution Growth and the American Future, which will make a 2-year study of all fundamental questions of population growth and submit a report and recommendation to the Congress; and

Fifth, amendments to the Federal Water Pollution Control Act, directed at making oil companies liable for oil pollution and creating an Office of Environmental Quality in the executive branch.

Effective steps must be taken now to remedy the damage done by the pollution of our environment, but at the same time we must prepare the public so that everyone will take steps now to solve the problem which otherwise will assume enormous and unmanageable proportions in the immediate future. As our population increases our capacity to pollute our environment increases. It is difficult to imagine the future discomfort, the future health danger and the future ugliness that continued despoliation of our environment will produce even 5 or 10 years hence.

Because each one of us contributes to the marring of the water we use, the land we walk on, the air we breathe, each one of us must become better informed about the nature of our environment and the effect that the things we do have upon it.

Knowledge of the effect of our work and play activities upon our environment will enable industrialists, government officials, and private citizens to pursue intelligent policies aimed at cleaning up and preserving the purity of our natural resources.

An effective education program of this nature must involve many forms and many institutions.

Consequently, the bill makes provision for:

First, the development of curricula materials;

Second, the funding of pilot projects to test the validity and effectiveness of curricula developed;

Third, the dissemination of materials;

Fourth, the preparation and distribution of materials dealing with environment and ecology to the mass media;

Fifth, the preservice and inservice training of teachers, public service personnel, community, business and industrial leaders, and government employees at the local, State, and Federal levels on environmental quality and ecology;

Sixth, authorize grants for community education programs and permit funding for the planning of outdoor ecological study centers; and

Seventh, support for the initiation and maintenance of environmental education in our elementary and secondary schools.

Due to the pilot nature of the program $5 million is authorized for fiscal year 1971, $15 million for fiscal year 1972, and $25 million for fiscal year 1973.

I am hopeful this bill will be approved unanimously by this body. I urge all of my colleagues to support the bill to show the Nation the determination of the Congress to come to grips in every appropriate way with the problem of the destruction of our environment.

I certainly would be derelict in responsibility if I did not, in concluding, pay tribute to the great job done by the Select Education Subcommittee, chaired by the gentleman from Indiana (Mr. BRADEMAS), who is the chief sponsor, the gentleman from New York (Mr. REID), and others from both the majority and the minority joined the gentleman from Indiana, in writing the legislation and sponsoring it. They developed the legislation, and they have done a good job.

Frankly, until the gentleman from Indiana (Mr. LANDGREBE), demanded a second, I knew of no objection to the legislation.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield briefly to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, if the gentleman will yield me the time, I would like to read a letter from the administration on the subject of this bill, which does enjoy bipartisan support. It was reported by the committee unanimously.

Mr. PERKINS. Mr. Speaker, the gentleman is stating that the administration, from his letter, supports the bill?

Mr. REID of New York. I would like to read the letter.

Mr. PERKINS. I yield for the purpose of having the gentleman read the letter.

Mr. REID of New York. The letter reads:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C.

Hon. OGDEN R. REID,
House of Representatives,
Washington, D.C.

DEAR MR. REID: I understand that H.R. 14753, the Environmental Quality Education Act, is coming up in the House on Monday, August 3. I would like to clarify the position of the Administration on this bill.

As the Department testified before the Select Subcommittee on Education last April 21, "This Administration is dedicated in full measure to saving and rehabilitating our fragile, threatened environment—on which our very survival depends." Subsequent actions in this field, including the President's recent presentation of reorganization plans proposing the establishment of the independent Environmental Protection Agency and the National Oceanic and Atmospheric Administration in the Department of Commerce, are further evidence of this dedication.

While we do not feel that additional legislative authority is needed to carry out the purposes of H.R. 14753, we are in accord with its objectives and do not oppose its enactment. Further, the bill as amended by the Education and Labor Committee places authority for environmental education in the hands of the Secretary, and makes several other changes which remove our technical objections to the original version.

I would like to add a personal note of appreciation for your own leadership in promoting the development of needed environmental education programs.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

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

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

(Mr. KEE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEE. Mr. Speaker, I rise to support H.R. 18260, Environmental Education Act, which we have under consideration today.

This legislative proposal, which was favorably considered and reported by the Committee on Education and Labor in the House of Representatives is a measure of extreme importance. At this time, Mr. Speaker, I insert in the RECORD a copy of a resolution adopted by the Southern West Virginia Planning and Development Commission in my home city of Bluefield, which was and is, the very first multicounty economic development district established in the United States. This organization includes nine southern West Virginia counties, and following a thorough review of H.R. 18260, has by this resolution expressed unanimous consent for the fullest support and hearty endorsement without reservation to H.R. 18260, the Environmental Education Act.

The resolution follows:

A RESOLUTION

Whereas, the Southern West Virginia Planning and Development Commission, hereinafter referred to in this resolution as the "Commission", a non-profit, non-stock corporation, organized under the statutes of the State of West Virginia, was established for the purpose of promoting economic, environmental, educational, cultural, and recreational growth within the Southern West Virginia Planning and Development District, consisting of Fayette, Logan, McDowell, Mercer, Mingo, Monroe, Raleigh, Summers, and Wyoming Counties;

Whereas, the Commission from its inception has been concerned with the deterioration of the natural and man-made surroundings in southern West Virginia;

Whereas, the Commission has prepared an Overall Economic Development Plan, which has identified environmental deficiencies;

Whereas, H.R. 18260, otherwise known as "Environmental Education Act", authorizes the establishment of "educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance";

Therefore, be it resolved this 23rd day of July, 1970, that the legally appointed representatives of the nine southern West Virginia counties of Fayette, Logan, McDowell, Mercer, Mingo, Monroe, Raleigh, Summers, and Wyoming, meeting as the Board of Directors of the Commission, convened in Peterstown, Monroe County, West Virginia, do hereby give their unanimous consent for the fullest support and hearty endorsement without reservation to H.R. 18260, the "Environmental Education Act" and instruct the President of said Commission to take any appropriate action necessary to secure the enactment and implementation of said Act.

SAMUEL LAUFER, *President.*

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

Mr. PERKINS. I yield to the gentleman from Wisconsin, Mr. STEIGER.

Mr. STEIGER of Wisconsin. Mr. Speaker, on January 22, 1970, the President stated:

We still think of air as free. But clean air is not free. And neither is clean water. The price tag on pollution control is high. Through our years of past carelessness we incurred a debt to nature and now that debt is being called.

While probing the reasons for the decline in the quality of our environment, of which the President spoke, it has become ecident that the people of America do not posses a full understanding of their responsibilities for the maintenance of our environment. Because of this fact it is important to make certain that the Nation's people be made fully aware of their interdependence with the total environment and that they gain the knowledge and concern to begin finding solutions to current ecological imbalances and to prevent future ones.

If any environmental educational effort is to be successful it must be understood that our educational system is in reality a continuum. One which runs from early school years through continuing education. If environmental education is to be a success, it is essential that each stage of the continuum contains environmental education programs. There are already very interesting experiments on the different levels of our educational system—both the formal and informal system.

It is a matter of necessity that our children begin in the early stages of their life to use the space outside the classroom as a new classroom and to understand better their environment by the use of these new learning environments. Because of this need it is important that there be environmental education programs in the early years.

One example of an effort to educate about the environment can be found in some Headstart programs. Part of the daily activities include listening walks, where the children are asked to get very quiet and then report everything they hear, and looking walks, where there is an attempt to make the children aware of colors and shapes of the area through which they walk. Field trips are included in the programs. The children are told about the place they are to visit and what they can expect to see. The field of environmental education for those in the early years is still wide open, with much research yet to be done.

The first exposure American children have to the formal educational system is on the primary level. Their entrance into the formal system should be accompanied by a challenging and comprehensive program in environmental education.

Secondary school students can begin to use their civics and science classes to study national and perhaps more importantly, local, environmental problems. An example of such an effort is the one conducted at the Tilton School in New Hampshire. A course in water pollution, utilizing surrounding bodies of water, is part of the regular curriculum. The object of further work is to develop materials that can be used by other schools in the field of water quality.

College programs, such as those run by Southern University in Louisiana and University of Wisconsin, Green Bay, attempt to unite the students and surrounding community in an effort to further the total understanding of environmental problems.

The great task ahead of educators who are formulating projects for those students at the undergraduate level is to synthesize a program from the area of the humanities, social and natural sciences. Environmental studies cannot be studied as a narrow concept. As our environment encompasses all which is around us, the study of the environment must include all relevant traditional curricula areas and a new synthesis should be made. The University of Wisconsin at Green Bay has made a promising start by creating a new college based on broad themes rather than departments.

The field of continuing adult education cannot help but be a vital segment of any environmental education program. Without this type of remedial program for those already out of the educational system, most adults will be unable to fully understand how and why things interact in our environment.

A program which can ultimately be used by all elements of the educational continuum is the environmental study area. The use of outdoor environmental study areas by schools, communities and civic organizations will eventually involve the total community as well.

Currently underway is a program which not only provides the areas to be

used, but has developed a study guide to interpret them. School children are now expanding their learning experiences in such environmentally rich areas as the National Parks of the Great Smokies, Cape Hatteras Seashore, and Kennesaw Mountain National Battlefield Park.

Environmental study areas are used to create an environmental awareness which will provide the individual with the motivation for action, and skills necessary to maintain the world and enjoy life. These areas are helping to develop an environmental ethic. One which conditions the individual to his ecosystem so that his behavior will always indicate a high sensitivity to any activity which is potentially harmful to the environment. Lastly, it will hopefully instill a personal sense of involvement with environmental issues by helping to increase wise and progressive decisionmaking by our citizens, in all communities.

Some might claim that the quality of our environment is not the most essential of issues confronting us today. I think President Nixon more than adequately answered this point in his state of the Union message when he spoke of our current environmental crisis in the following fashion:

> These are not the great questions that concern world leaders at summit conferences. But people do not live at the summit. They live in the foothills of everyday experience and it is time for all of us to concern ourselves with the way real people live in real life.

Environmental education will enhance the quality of our peoples lives by helping improve the environment and brighten their appreciation of the life support systems which make life possible.

I urge the passage of H.R. 18260.

The SPEAKER. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I rise in opposition to this bill, and there are others who will speak about the money that is involved as the funds are escalated from a beginning of $5 million up to $25 million for the third year.

I will not belabor the idea that ecology and pollution are not something brand new in our country. In Indiana at the present time the U.S. attorney's office is prosecuting 15 cases under an 1899 law.

I am not going to dwell at length on the repeated requests of President Nixon to this body to hold down expenditures. We must hold down expenditures or face up to the only alternative—a substantial tax increase. Not only would a tax increase be unpopular, but downright impossible for most segments of our economy to afford.

Nor will I try to enumerate the billions of dollars we have already appropriated for ecology and for pollution control and related matters.

Mr. Speaker, I am directing my objections mainly to line 3 on page 20, in which it is stated that three members of the Advisory Committee shall be students.

This bill was handled in my subcommittee, and I made the most impassioned plea to my colleagues to change it to a "may" bill.

Do we politicians feel that we must have the student interest, particularly since we lowered the voting age to 18, and that we ought to have more students voting for our party or the other party? If so, this is all good and fine, but now we are talking about management, about the operation of this U.S. Government.

Of course, I am a new Member here, but investigation reveals that this is the first time we have designated that three students shall be members of a very important committee, of a committee which, if this bill passes, will be spending some $40 million of the taxpayers dollars during the next 3 years.

When will we have students on the judiciary, highway, and other committees?

I love students. I was a student once. I have paid tuition for several young people to get their education.

But we have a responsibility to see to it that the people who are named to committees are qualified people. Usually we consider appointments to committees to be based upon qualifications, upon background, and upon understanding of the problems.

The explanation of the bill says that, among other things, it proposes to help remedy shortcomings by conducting preservice and inservice teacher training and training of other educational and public service personnel.

I could read half of this report to prove that my objections are good and right.

How are we going to select students? Had it been a "may" bill and there were three students in the United States who had particular qualifications, I would have absolutely no objection to them, but this mandates that students be on the committee.

We are going to pay students $100 a day, and they are going to help train teachers. Are we going to have the students teaching the teachers in the United States? Is this progress, I ask you? Are we not moving in the direction of the blind leading the blind?

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

Mr. LANDGREBE. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank the gentleman for yielding.

As the gentleman pointed out, there are great difficulties in respect to this bill. As he well knows, we are in a position of having to vote the bill up or down. It cannot be amended at this point, so the only opposition which can be registered would be in the form of a vote against the bill should we get to a rollcall vote.

I should like to add my support to the statement the gentleman has made, and to indicate once more that the administration has gone on record as saying it does not feel that this legislation is necessary.

This House already has voted several hundred million dollars more for the Office of Education than the President requested in his budget.

The Office of Education never, at any time, ever, has had any trouble spending money for any project it deemed necessary, regardless of what was the intent of the Congress at the time we enacted the legislation or appropriated the money. Therefore, if they want to spend $5 million or $10 million or $15 million for environmental education, they can do it out of the money already allocated to that Department.

I believe it is entirely unnecessary for Congress to go on record here asking for the authorization of additional millions of dollars for a department that already has hundreds of millions of dollars more than even the President in his budget requested for the operation of that department.

I thank the gentleman for yielding.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Indiana, the sponsor of this bill (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise to urge passage of this legislation. In doing so I want to take a moment to say a word of warm appreciation to the other three principal cosponsors of the bill, the gentleman from New York (Mr. SCHEUER), the gentleman from New York (Mr. REID), and the gentleman from Idaho (Mr. HANSEN). All of these members of the Select Subcommittee on Education of the Committee on Education and Labor made invaluable contributions to the shaping of this legislation, as indeed did the other members of the subcommittee.

I might here note the strong bipartisan support that this legislation has won. Over 80 Members of the House of both parties are cosponsors of this bill.

I regret very much the arrangement of the time in debate will make it difficult for some of the Members on the minority side to express their support for the bill, but I propose briefly to yield to those of them who wish to say a word about it.

I might say, Mr. Speaker, in commenting on what my friend from Indiana just said, that I fear that he is somewhat mistaken if he suggested that the bill contemplates students would be teaching teachers. There is provision in the bill for membership of at least three students on the 21-member advisory committee which is only an advisory committee and not the administering body for carrying out the purposes of the bill.

Mr. Speaker, I was also somewhat concerned about what the gentleman from Indiana said in his attack on students when he used the phrase "the blind leading the blind." Anyone who has been alive in the year 1970 and anyone who has been aware that we are now in the midst of a new surge of awareness regarding the environmental crisis facing our country cannot help but be impressed by the fact that it is in large measure the students in the grade schools, the high schools, the colleges, and universities who have set the pace for generating on the part of all of the people of this country a profound concern about what has come to be known as the ecological crisis. It should not be too much to say, therefore, that at least three students should play a part on the 21-member advisory committee which makes recommendations with respect to this program.

Mr. Speaker, the Select Subcommittee on Education, which I chair, held some 13 days of hearings on the Environmental Education Act. We were privileged to receive testimony from over 50 witnesses representing a wide variety of viewpoints, including those of conservation groups, citizens' organizations, industrialists, environmental educators, students, ecologists, labor leaders, and social scientists.

After the extensive hearings, the subcommittee came to three broad conclusions:

First. Many of our present environmental problems are the result of ignorance—the inability of our citizens, young and old, to recognize the consequences of individual acts as they affect the total environment of which we are a part. Citizens are equally unaware of remedies that can be applied to preserve and restore a healthy and congenial environment for future generations.

Second. Our schools, colleges, and community organizations are woefully lacking in curricula to teach environmental studies, teachers to teach courses, and funds to support ongoing programs of environmental education.

Third. A broadly based program of environmental education is critically needed in the effort to preserve and enhance environmental quality. Until our citizens develop knowledge about environmental issues and more thoughtful attitudes toward their surroundings, future generations are likely to continue the same environmental abuses that have been committed in the past.

Mr. Speaker, in 1958, the Congress responded to the challenge of Sputnik by passing the National Defense Education Act, which measurably strengthened the Nation's efforts in science education.

Today, Mr. Speaker, we face a challenge of far greater dimensions. It is not a challenge resulting from the actions of another nation; nor is it a challenge posed by the needs of any one economic group within our own country.

It is, rather, a challenge to our survival as a species which has resulted from the actions of all men, everywhere.

Mr. Speaker, one does not have to be a prophet of gloom to recognize that we are in the midst of a severe environmental crisis; we see the signs around us every day:

Suffocating smog, such as the one which blanketed our eastern seaboard last week, creates respiratory problems and takes minutes off each of our lives.

Oil from faulty drillings fouls our beaches and endangers marine life and waterfowl.

Industrial waste soils our systems and rivers.

Mountains of solid waste scar our landscape and create burgeoning sanitation problems.

Fortunately, Mr. Speaker, the 91st Congress has responded to the environmental crisis by enacting landmark legislation including:

The National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President;

The Endangered Species Act, which is aimed at protecting our threatened wildlife;

The Commission on Population Growth and the American Future, which will undertake a 2-year study on population problems and submit recommendations for a national population policy; and

Amendments to the Federal Water Pollution Control Act, which would make oil companies liable for the damage caused by oil spills.

These are laudable accomplishments, and I have supported all of them.

But I would venture to say, Mr. Speaker—and I do not think any champions of clean air, land, and water would disagree—that if we are to be able to make substantial advances in meeting the ecological crisis, we are going to need a citizenry informed and educated about the whole spectrum of issues that we have come to call environmental and we are going to need as well changes in basic attitudes toward the environment and man's place in it.

It is for these reasons that, along with three of my colleagues, I introduced the Environmental Education Act last November. As one of our witnesses suggested, the bill could well carry the subtitle, "Education for Survival."

At this time, Mr. Speaker, I would like to review the major provisions of the Environmental Education Act and offer a brief explanation for each of them.

The bill provides up to $45 million, over the next 3 fiscal years, for:

Encouraging and supporting the development, demonstration, and evaluation of new and improved curriculums in environmental studies;

Providing for the dissemination of significant materials for use in programs at preschool, elementary, secondary, college and adult education levels.

Supporting environmental education programs at the elementary and secondary school levels;

Establishing preservice and inservice training programs for teachers, other educational personnel, public service personnel, community, business and professional leaders, and government employees at local, State and Federal levels;

Operating adult and community education programs;

Developing programs and materials for use by the mass media in dealing with the environment and ecology; and

Planning outdoor ecological study centers which could serve as laboratories for on-site observation of environmental problems and principles

These various provisions constitute a comprehensive program of education for survival. They are aimed at schoolchildren and adults alike in formal educational programs as well as nonformal programs to be conducted outside of the schools and colleges.

Mr. Speaker, the Citizens Advisory Committee on Environmental Quality, in a report to the President in August 1969 said:

> Man's interaction with his environment, both natural and man-produced, is the basis of all learning—the very origin and substance of education. Yet, our formal education system has done little to produce an informed citizenry, sensitive to environmental problems and prepared and motivated to work toward their solution.

In this connection, let me now address myself to those sections of the bill aimed at strengthening the response of the formal education system to the challenge of environmental education.

The bill provides for the development, testing, and dissemination of new curriculums in environmental studies for use at all levels of educational system. The New York Education Department in its March 1970 report, "Education for Survival," noted:

> Curriculum development is a slow and tedious process while the need for environmental curriculums is immediate.

Accordingly, the committee recommended that priority be assigned to supporting projects in curriculum development for the first year of the program's operation recognizing that the preparation of materials to teach environmental studies is a fundamental step in any effective nationwide effort to establish educational programs within the formal educational system.

The bill also provides support for the initiation and maintenance of programs in environmental education at the elementary and secondary school levels. Witnesses indicated that, within the formal educational system, priority should go to supporting programs in the elementary and secondary schools. One such witness was Dr. Joseph Sittler, the distinguished theologian from the University of Chicago, who said:

> The early school years are educationally the most valuable place to attack the problem, because the bill aims to put the ink in the spring, as it were, right at the beginning where a child begins to understand and throughout his career that people and bugs and snakes and air and water somehow belong together, and that these things are all bound toegther in the bundle of life.

Dr. Sittler's views were echoed by other witnesses, including many who were associated with colleges and universities.

Another important section of the bill relating to the needs of schools and colleges provides support for training programs for teachers and other educational personnel.

Our student witnesses were particularly insistent on this point. Bryce Hamilton, the national coordinator for the environmental teach-in for the high schools, told the committee, for example:

> Well trained teachers are the key to success for any environmental education program.

Other witnesses emphasized that the use of new and improved curricular materials will depend in large part on the number of teachers qualified to utilize them effectively. And it became obvious from the hearings that there are very few teachers in our schools qualified to teach environmental studies.

Now let me turn for a moment to a

discussion of those sections of the bill dealing with nonformal education programs, those which may exist outside the traditional classroom setting. The committee recognized that much valuable environmental education can and does occur outside of the classroom and indeed, outside the school itself. One of our witnesses, Dr. Margaret Mead, the distinguished anthropologist, said in her testimony:

> Environmental programs in the elementary and secondary schools "need to be supplemented by a good many other kinds of community activities."

The bill aims to meet the need for nonformal education programs for adults and community leaders by allowing grants to local educational, municipal, and State agencies and other public and private nonprofit organizations for community education on environmental quality and ecology, especially for adults. The sponsors attached great importance to this section of the bill because community education is imperative if we are to reach government officials and business and industrial leaders whose decisions may have a profound effect, for good or ill, on the environment.

Nonformal education can also benefit from training programs authorized under the bill to train public service personnel; community, business and industrial leaders and employees, and government employees at local, State, and Federal levels. In order to operate effective programs of adult and community education for the various groups mentioned, it will be necessary to train personnel outside of the formal educational structure to teach in those programs.

Another section of the bill of great importance for nonformal programs of environmental education is section 5, which authorizes small grants—up to $10,000 annually—to citizens' groups, volunteer organizations working in environmental field and other public and private organizations, for a wide variety of educational activities—workshops, conferences, symposiums, and so forth, especially for adults. A number of our witnesses, including Garrett de Bell, editor of "The Environmental Handbook," told the subcommittee that innovative programs in environmental education were more likely to flow from the efforts of activist-oriented groups who have been in the environmental fight for some years, rather than from the tradition-bound, bureaucratic entities which have only recently become interested in the problem.

Mr. Speaker, the small grants section of the bill offers exciting possibilities for new approaches to environmental education. In drafting the final bills the committee took seriously Dr. Margaret Mead's admonition:

> It would be a mistake to channel too much of the funds to the old formal methods of the educational establishment.

For the bill, as presently written, offers the opportunity for a variety of nonestablishment programs which will not suffer from the inevitable restrictions found in formal educational institutions.

There are other sections of the bill that deserve to be briefly mentioned. One would allow grants for the development of programs and materials for use by the mass media in dealing with the environment and ecology. The subcommittee recognized the importance of the media in bringing information to large numbers of people who will not be able to participate in any of the formal or nonformal educational programs discussed earlier.

Yet another subsection allows Federal funds to be used for the planning of outdoor ecological centers. These centers, many of which could be located in urban areas, could serve as laboratories for on-site observation of environmental problems and principles.

These are the major provisions of the Environmental Education Act. They represent the invaluable contributions of many expert witnesses and the hard work of the Select Subcommittee on Education and the full Committee on Education and Labor.

We believe that although the sums authorized are modest, $5 million, $15 million, and $25 million over the next 3 years, it is a strong bill and that it can set the pace for new directions in American education. For too long the American educational system has refused to address itself to the fundamental issue of man's survival on this planet. This bill is an effort to correct that glaring oversight.

Mr. Speaker, I have been asked to yield by two or three Members on this side, and I should like to take a minute or two first to yield to the gentleman from Idaho (Mr. HANSEN) for 1 minute.

The gentleman from Idaho made very great contributions to the passage of this legislation.

Mr. HANSEN of Idaho. Mr. Speaker, I thank my colleague for yielding to me. In rising to lend my strong support to H.R. 18260, the Environmental Education Act, I want to acknowledge the constructive contribution to the development of this legislation which has been made by those with whom it has been my privilege to join as one of the original cosponsors, the gentleman from New York (Mr. REID), the gentleman from New York (Mr. SCHEUER), and particularly the distinguished chairman of the Select Education Subcommittee, the gentleman from Indiana (Mr. BRADEMAS) under whose leadership intensive public hearings were conducted in many parts of the country. A valuable contribution to the shaping of this bill was also made by an impressive list of witnesses ranging from high school and college students to some of the Nation's most renowned leaders in business and industry, the arts and education.

Mr. Speaker, I would first like to respond to the statement made by the gentleman from Indiana (Mr. LANDGREBE) who took exception to the provision of the bill that would include three students on the proposed Advisory Committee on Environmental Education. I submit that students have a very large stake in the outcome of our efforts to clean up the environment. The reason young people were invited to testify before the Select Education Subcommittee on this bill and the reason the students were included in the proposed Advisory Committee is emphasized by President Nixon, who has accurately gaged the environmental crisis, in his State of the Union Address to Congress earlier this year. President Nixon said:

> Restoring nature to its natural state goes beyond party and beyond factions. It has become a common cause of all the people of America. It is a cause for particular concern to young Americans—because they more than we will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later.

In identifying what will be one of the main themes and a major objective of this administration, President Nixon said:

> The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?

As we enter the decade of the 1970's, concern about the quality of the environmental has intensified. We see all around us disturbing signs of the ecological crisis and the steady deterioration of the environment. The danger we face in the degradation of the quality of the water, air, soil, and other elements necessary to sustain life should not be underestimated.

There are encouraging signs, however, that the Nation is rising to the challenge. This has, indeed, become a cause for young people. In addition, public officials, the news media, and the public in general are focusing attention on environmental problems and voicing their concern over the conditions that have become increasingly inhospitable to human enjoyment and to life itself.

Since the 91st Congress convened last year, the President and Congress have demonstrated their concern by enacting major legislation on environmental matters including:

The National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President.

The Endangered Species Act, which is aimed at protecting our threatened wildlife.

The Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices.

The Commission on Population Growth and the American Future, which will make a 2-year study of all fundamental questions of population growth and submit a report and recommendations to the Congress.

Amendments to the Federal Water Pollution Control Act, directed at making oil companies liable for oil pollution and creating an Office of Environmental Quality in the Executive Branch.

President Nixon, on February 11, 1970 indicated his awareness of the importance of the effort to restore and protect the environment by asking Congress for $4 billion in Federal funds over the next 5 years for air and water pollution control, solid waste management, and purchase of parklands for public recreation.

The President, Members of Congress, and the public have indicated their willingness and desire to allocate a greater share of this Nation's resources to counteract pollution and to provide expanded and improved recreational facilities for our citizens.

To help provide the assurances that these resources will be wisely and efficiently used we must build a base of knowledgment and understanding to serve as a foundation for the comprehensive programs needed to awaken the Nation to the crisis and to stimulate an adequate response. There is need for a major educational effort directed at developing a better understanding and attitudes toward our environment in order that future generations will not be confronted with the same problems.

The problem is much deeper than the development of improved technology and better methods of pollution control. While we must continually strive to improve technology and to find better ways to dispose of our waste, the more basic need is to develop an awareness in all of the people of the dimensions of our environmental problems and to equip them with the knowledge and understanding needed to solve these problems.

There are real signs of hope for our country and for mankind. Throughout the country there is an awakening concern, especially on the part of young Americans, to the dangers to the environment which go far beyond protests against pollution of our land, water and air. The rapidly rising awareness of the environment reflects a deepening sensitivity to the fundamental values of human life.

To meet the ecological crisis we will need an informed citizenry that is educated about the whole spectrum of issues that are called environmental. There is also a need to change basic attitudes toward the environment and man's place in it. The Environmental Education Act that is before us today is a response to these needs.

Environmental education is defined in the bill as follows:

> The educational process dealing with man's relationship to his natural man-made surroundings, and includes the relation of population, resource allocation and depletion, conservation, technology, and urban and rural planning to the total human environment.

It should be emphasized that environmental education is not simply another name for conservation education or outdoor education. It is much more far reaching embracing approaches and materials from the natural sciences, the social sciences and the humanities coordinated into a total view of man's relationship with his surroundings. One of the great strengths of this legislation is that it anticipates a multidisciplinary approach to the problem and the solution. Just adding courses dealing with environmental problems to existing curricular would fall far short of the need. Rather, a whole range of courses in the natural and social sciences and humanities should include an environmental component.

At the present time most environmental education in the school system is limited to education and conservation. Few textbooks or integrated courses of study are available which represent an adequate presentation of ecological principles, of the problems and responsibilities connected with environmental management or of the fundamental criteria needed to maintain an ecological balance.

The bill before us proposes to help remedy these deficiencies by:

Encouraging and supporting the development, demonstration and evaluation of innovative and improved curriculums in environmental studies;

Providing for the dissemination of significant materials for use in programs at preschool, elementary, secondary, college, and adult education levels;

Initiating and maintaining programs in environmental education at the elementary and secondary school level;

Conducting preservice and inservice teacher training and training of other educational and public service personnel, community, business and professional leaders, and Government employees at local, State and Federal levels;

Operating adult and community education programs which would attract individual citizens and citizen groups in their communities;

Developing programs and materials for use by the mass media in dealing with the environment and ecology; and

Planning outdoor ecological study centers.

While there are encouraging signs that educational institutions throughout the country are developing programs of environmental education, witnesses before the committee emphasized the need for the kind of Federal leadership that this bill will provide.

It is anticipated that during the first operative year of the bill, priority will be given to the development of new and improved curriculums in environmental studies. This is a fundamental step in the establishment of an effective nationwide educational effort aimed at increasing environmental awareness on the part of young people and adult citizens alike.

The bill also provides a curriculum developed with Federal funds as well as other curriculums deemed by the Secretary of Health, Education, and Welfare to have use in environmental education programs may be tested in pilot programs to determine their effectiveness. The bill allows for a more effective system of dissemination of the curriculum materials and other information regarding the environment and ecology which are developed under funds provided by the bill.

The bill provides that grants may be made for the preparation and distribution of materials and the development of programs suitable for use by mass media in dealing with the environment and ecology.

It is significant that the training programs provided for under the bill are not limited to the traditional formal classroom. A great deal of valuable environmental education can and does occur outside the classroom and outside the school itself. There are many noneducational institutions that can qualify for grants to provide training programs outside the ordinary classroom setting. Under one of the provisions of the bill the Secretary is authorized to make small grants—up to $10,000 annually—to citizens groups, volunteer organizations working in the environmental field, and other public and private organizations for conducting courses, workshops, seminars, symposiums, institutes and conferences especially for adult and community groups.

Mr. Speaker, while the amount of money authorized by this bill is relatively modest when measured against the magnitude of the challenge, it can provide a powerful stimulus to harness and mobilize the collective concerns, talents and energies of those within and outside the educational system in the development of programs that can help to turn the tide and give this generation an opportunity to leave the world we live in to future generations in better condition than we found it. In meeting this challenge the problem we face and the response we must make was eloquently summed up by an eminent theologian Prof. Joseph Sittler of the University of Chicago, who emphasized the importance of our own attitudes toward the world we live in and the need to develop a reverence for the earth. In his testimony before the subcommittee Professor Sittler said:

> If the world of not-self is felt as a mere resource to be used it will surely be used; if the world is regarded as a gift, a wonder, as a reality having an integrity of its own—it will be rightly used. That proposition is swiftly and powerfully true; and our present ecological crisis is a result of the denial of its truth. For nature, though often silent is not without power to condemn as well as power to bless man. And, when man so uses nature as to deny her integrity, defile her cleanliness, disrupt her order, ignore her needs—the reprisals of insulted nature taken an often slow but terribly certain form. Nature's protest against defilement is ecological reprisal.

The prompt passage and effective implication of this bill will reassure an anxious nation that the Congress is determined to rise to the challenge.

Mr. BRADEMAS. Mr. Speaker, I thank my colleague from Idaho.

I now yield to the distinguished gentleman from Maryland, Mr. MORTON, for 1 minute.

Mr. MORTON. Madam Speaker, I thank the gentleman very much for yielding.

Madam Speaker, we believe H.R. 18260,

the Environmental Education Act, a step forward to better environmental education. However, the primary responsibility for bringing knowledge and understanding of the environment, particularly to students in elementary and secondary schools, is the job of the State and local school authorities.

Hopefully, this legislation will trigger much broader action by State legislators, State offices of education, and county school boards to bring environmental education into the mainstream of elementary and secondary curriculum. It is only with this sort of motivation that we can accomplish the necessary job of educating our citizens and future citizens to preserve and enhance our environment.

The SPEAKER pro tempore (Mrs. MINK). The time of the gentleman from Indiana has expired.

Mr. PERKINS. Madam Speaker, I yield 30 seconds to the gentleman from Indiana.

Mr. BRADEMAS. Madam Speaker, I thank the gentleman from Kentucky.

Madam Speaker, I would like to say in my remaining 30 seconds that although the sums authorized in this bill are very modest, $5 million for the first year, $15 million for the second year, and $25 million for the third year, this program represents an investment in the future of this country of a kind which seems to me to be imperative, especially when we look at year 2000 when we will have some 300 million people in our country and our environmental problems will have multiplied.

Madam Speaker, I hope that the Members of the House on both sides of the aisle will give overwhelming support to this bill.

Mr. LANDGREBE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Madam Speaker, I am pleased to give this bill my full support. In our struggle to preserve our environment, there is no more important task before us than the creation of a public attitude which will support and insure the kind of action needed.

In a speech I gave on Earth Day in April, I told students:

> My hope is that each of you—the generation which will either solve this problem or live in a steadily deteriorating environment—will dedicate yourself to this lifelong task—not with just momentary enthusiasm but by developing a constant attitude toward the total environment in which you live, passing this dedication and attitude on to your children and the generations yet to come.

This bill, I believe, will help in the creation of that attitude among our people.

The committee was wise, in reporting this bill, to recommend that "strong priority be assigned to supporting those programs and projects which demonstrate a multidisciplinary approach to environmental education." As the committee points out:

> The key to effective environmental education . . . is in its ability to blend the various disciplines into a total view of man reacting with his natural and man made environment.

This need is becoming increasingly recognized in educational circles. It formed the basis for the Steinhart report to the President's Environmental Quality Council, a report entitled "The Universities and Environmental Quality."

Perhaps the Nation's outstanding response to this need is the University of Wisconsin at Green Bay which began operations in 1969 dedicated, in the words of its chancellor, Edward W. Weidner, to "a positive creative approach to relating the university and a university education to the larger society."

The focus of the University of Wisconsin at Green Bay is on ecology, the study of man in relation to his surroundings, through a multidisciplinary approach to education. As its catalog states:

> Our mission calls for the development of teaching, research, and community outreach activities. At University of Wisconsin at Green Bay, these activities are closely interwoven, forging combined programs designed to help solve our ecological or environmental problems.
>
> An ecological focus demands an interdisciplinary—indeed, a pan-disciplinary—focus. Artificial boundaries of disciplines restrict rather than enhance understanding of the several environments of man.
>
> A focus on ecology demands close collaboration between a university and its region.

This collaboration is the hallmark of the University of Wisconsin at Green Bay. The community—northeastern Wisconsin—participated in the planning of the institution, and continues to be involved in its development. The university, in turn, concentrates on the problems of the community, particularly its ecological problems. It is a partnership which holds great promise—not the least of which lies in bringing about the concerned and constructive attitude toward environmental problems which is the objective of this bill.

I commend the University of Wisconsin at Green Bay, and the far-seeing educational and community leaders who brought it into being, for the leadership it has given in the environmental struggle.

Mr. LANDGREBE. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, we all support the concept to aid cleaning up the environment. However, this particular legislation will do nothing more than confuse the issue, by overlapping and duplication. In the first year it will cost $5 million, the second year $15 million, and in the third year $25 million for a total authorization of $45 million.

The gentleman from New York (Mr. REID), read a letter just a few minutes ago stating that this legislation is not necessary to achieve what it purports to do.

Mr. Speaker, we have a lot of things to do in this Congress without additional useless legislation. All the authority now exists for the Secretary to establish an advisory board.

On page 2 of the committee report you will find in the middle of the page a number of environmental pieces of legislation that have already been enacted.

During these times of demonstration upon demonstration, protest upon protest, march after march, the ugly head of hypocrisy is appearing upon the horizon. This sorry fact is evident when we compare the activities in Washington, D.C., on Earth Day, April 22, with the protest against our involvement in Cambodia on May 9.

On April 22, thousands of young people righteously promenaded through our Nation's Capital, indignantly demanding a cleaner environment. Everyone from the President of the United States on down was verbally chastised for muddying Mother Earth. Of course, the dissenters excluded themselves from this alleged guilt by sanctimoniously claiming to be flower children and lovers of nature.

But lo and behold, a few short weeks later, many of these same armchair ecologists were back in Washington with a different battle cry. Once again, the motley minority of 5 percent, who claim to represent all young people, were out on the streets. This time the speakers were ranting and raving about the President's decision on Cambodia. Of course, the environment theme was woven into their speeches. Among the last words to float down from the haranguing hucksters was the plea to "Remember Mother Earth."

Well, the statistics are now compiled on just how well these embryonic ecologists remembered the Old Sod. The Washington Monument and other national shrines were defaced by four-letter words and other vulgar epithets. The cost of removing this juvenile wall-scrawling from the public edifices was $3,300. The cost of cleaning up the tons of litter on the monument grounds has been conservatively estimated at $2,225 by the National Park Service, plus an additional $8,697 by the Washington, District of Columbia, Department of Sanitary Engineers. Another area to bear the wrath of the nature-lovers resulted in $2,500 worth of damage to and theft of trash containers. It is ironic that the so-called antipolluters attacked, destroyed and stole the very receptacles provided by society to control litter.

But the most irritating item on the bill to the hardworking American taxpayer was the $2,500 to repair the damage to the beautiful reflecting pools. This was caused by the bizarre spectacle of nude demonstrators cavorting and frolicking in and out of the water. It is not known at this time whether the major damage resulted from drains clogged by the mire of muck washed from the skinny-dippers' bodies. However, one repugnant performance by an exhibitionist cannot easily be washed from the mind. The use of the American flag as a diaper by an

otherwise naked participant in an infantile display of disrespect for our country will long be remembered.

Additional costs of over $10,000 were incurred to repair and restore park property, including damage to the turf, for the herd-like demonstration. Total expenditures to depollute the demonstration may well reach $200,000.

In conclusion, those who protest, particularly about environment, should be fully aware that there is no White Knight galloping up and down the streets, zapping everything cleaner than clean. When the party is over, it is Mr. and Mrs. U.S. Taxpayer who are taken to the cleaners.

Mr. LANDGREBE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, when this subject matter came before the education committee, we raised at the time the issue of should students be named as members of this committee, and we objected.

Now, we have named for this committee a directing group of 21 people, and we have specified in the bill that three of those should be ecologists, and three of them should be students.

Since I have been in the Congress I have never seen anything like this go into a bill. Here we specifically name students, in a mandatory manner, that they should be named as members of the directing leadership group.

Students use highways—well, by the same token we do not appoint students to direct our highway trust funds.

Students are big spenders of money—should they be put on our committees having to do with banking?

The main issue probably can be evaluated in this way: Most students are learning, they are at the age when they are trying to learn. Now, I would assume that the teachers know more about this than the students do, but we do not specify that there should be three teachers. Instead, we name three students. Why do we specify students when the teachers are better qualified.

In this bill the emphasis is with grade school and secondary education. If we are going to name students that are concerned with this matter, then perhaps first of all we should nominate someone from the second grade, pick a 9-year-old youngster who is an authority on ecology. Then we should probably pick a freshman from high school who has discussed ecology, and then maybe pick a junior, and then these youngsters would be spending $25 million a year, based upon their experience, their youthful experience.

There is no reason that students should be definitely and mandatorily named on a committee of the Congress that we in Congress by an act of Congress decide will be the law of the land.

Mr. LANDGREBE. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, slice it thick or thin, here is another authorization for $45 million under the euphemistic title and for the euphemistic purpose of "Environmental Education"—whatever that means. It may mean one thing in Kentucky and something else in Indiana—I do not know.

But I do know that under this canopy and tent of environment, just about anything that you can think of can and is taking place. Here we go with another advisory committee in Government—and $45 million—over a period of 3 years. One would think the gold mines of Kentucky were untapped; that this Government has money running out of its figurative ears.

The report accompanying this bill says nothing about the expenditures for alleged environment elsewhere in the Federal Government.

Could the gentleman from Kentucky give me an idea of how many hundreds of millions of dollars are presently being expended under the euphemistic title of environment?

Does the gentleman have any idea? Did his committee inquire into how much is already being spent for environment—educational or otherwise? I am inviting the gentleman to give me an answer.

Mr. PERKINS. Let me say to my distinguished colleague that it has only been in recent years that we have become conscious of what has happened to the environment and to the great need for cleaning up the environment in this country. We have become aware of how little we have spent to clean up the environment in comparison with what we should be spending.

Mr. GROSS. Where is it proposed to get the money? Can the gentleman give me some idea of what you are spending in total through your committee on the subject of environment?

Mr. PERKINS. We have enacted a number of pieces of legislation this year and last year designed to attack this complex problem. I can get a list of them for the gentleman, if he wants me to; but none of these deal with educating the public with respect to the magnitude of the problem and the steps necessary to cope with it.

Mr. GROSS. I would be interested in knowing how much you are already spending, in light of this $45 million.

Mr. PERKINS. We are not spending anything in the areas of education supported by this bill.

Mr. GROSS. You do have some regard for the stability of the financial affairs of this country; do you not—or do you?

Mr. PERKINS. I certainly do. I think we will be enhancing that by this legislation.

Mr. GROSS. I seriously question that. I seriously question whether the Committee on Education and Labor has very much concern for the taxpayers of this country. I note, too, that some of the Members of the House, who are on the committee that writes the tax laws support this handout but they do not suggest a tax increase in order to take care of it. They find it easy to commit the Treasury to another $45 million outpouring of the taxpayers' money with apparently no regard for the source of revenue.

Apparently we will go on buying more British printing presses to speed up the printing of greenbacks as we have in the past.

Mr. Speaker, I reiterate that this Government is already authorizing and spending hundreds of millions of dollars on the so-called environment. There is absolutely no justification for authorizing another $45 million for what is here called environmental education and the creation of a new advisory committee, with all the trappings that go with it. If Congress has the slightest regard for financial responsibility it will dedicate this money to a payment on the Federal debt.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SCHEUER)

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

Mr. SCHEUER. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. I thank the gentleman for yielding. As a cosponsor of this legislation I would like to express my very strong support. I have talked and corresponded with many of the young people in my district, as well as all citizens, concerning these problems before, since, and during Earth Day, and I am convinced that the young people are as deeply and seriously and thoughtfully concerned about these problems as any citizens in the land.

I support this legislation because there is a clear need for environmental education, and the citizens of my district have both the interest and the institutions to participate actively in the program. Many people have asked me how they might help in the task of cleaning up the environment, and many ask how they can learn about the technical problems involved. One citizen has organized a well-attended adult education course, with lectures and discussions led by Government officials and experts in environmental fields. This legislation would make more of these programs possible by authorizing small grants to defray part of the cost.

Montgomery Community College, with its excellent community ties, is another great asset we have in the county, and I believe the college would be a likely participant in a program to develop a curriculum and a program in environmental education. In short, this legislation responds to a great public interest. I am confident that the people will take up the challenge to teach others to respect and restore our natural environment.

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

Mr. SCHEUER. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. I rise to fully express my strong support for H.R. 18260, the Enviromental Education Act. It seems to me that this legislation provides an excel-

lent opportunity for us to have some constructive work done at the community level, where we can get the participation of students and other young people in trying to clean up the environment in their own communities.

As an original sponsor of this legislation when it was introduced in the House of Representatives in December of last year, I am pleased with the favorable consideration and timely attention this subject has received. I want to compliment the distinguished chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), the ranking minority member, the gentleman from Ohio (Mr. AYRES), the gentleman from Indiana (Mr. BRADEMAS), and the gentleman from New York (Mr. REID) for their diligent work in bringing this measure to the floor.

Mr. Speaker, legislation will not clean up our environment. But legislation can, and must, provide the framework within which the major segments of the American society can cooperate in the effort to protect our environment. Money, too, by itself, cannot clean up our environment; but money, along with the cooperation of thousands of willing American citizens, is an essential element.

The 91st Congress is aware of the need for additional legislation for preserving the environment. Already, a series of measures have been enacted including:

The National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President;

The Endangered Species Act, which aimed at protecting those species of our wildlife which are threatened with extinction.

The Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices;

The Commission on Population Growth and the American Future, which will make a 3-year study of all fundamental questions of population growth and submit a report and recommendations to the Congress;

Amendments to the Federal Water Pollution Control Act, which authorize funds for sewage treatment grants, create an Office of Environmental Quality in the Executive Branch, and make oil companies liable for oil pollution.

However, these pieces of legislation deal primarily with mending the damage we have so far done to the environment. The measure we consider today will provide funds to develop an ecological conscience in American citizens by using the structure of the American educational system to discuss and teach principles of environmental responsibility and management.

The program will operate in a traditional way by delegating authority to the Secretary of Health, Education, and Welfare to make grants to public or private agencies and organizations and to institutions of higher education for curriculum development, pilot demonstration projects, adult education in ecology, teacher training, and the dissemination of the results of funded projects. The grant approach may not be unusual, but the subject matter and goals of the legislation are significantly new.

The approach taken in this legislation should aid us in waging the war against pollution at the local level. This is the crucial battleground in the fight to save the American environment.

Mr. Speaker, I am proud to have been an original cosponsor of this legislation, I fully support its aims and goals, and I urge my colleagues to give it their approval today.

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

Mr. SCHEUER. I am happy to yield to my colleague from New York.

Mr. KOCH. I thank the gentleman in the well.

Mr. Speaker, I support the legislation. The protection of the ecology of this country is one of the major issues before this Congress. I would be shocked if there were many in this House who would oppose this particular legislation. We are not doing enough to meet the daily assaults on our environment. This legislation is helpful because it would begin the education of our youth and train them to deal with the problem.

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

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

Mr. OBEY. Mr. Speaker, I rise in support of H.R. 18260, the Environmental Education Act of 1970.

I was pleased to be a cosponsor of this legislation when it was introduced in the Congress last year, as were many other Members of this House. I believe this legislation received so much support because we have come to realize in the past few years that we not only have environmental problems of major proportions, but we also have a serious lack of knowledge about our environment and how to protect it.

Students in school today are required to take English and history and at least become aware of biology, physics, chemistry, and perhaps zoology. But that awareness has not been put together into a real understanding of our life support system. The Environmental Education Act, which will provide funds for teaching on all levels about natural resources, pollution control and the need to maintain a balanced ecology should, if properly administered, close this serious gap in the body of knowledge we are presently transferring to the younger generation.

I am very hopeful this legislation will receive prompt and favorable action by this House today. It is one of the most important we will act on this Congress in our long-term battle to clean up and maintain a healthy environment.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from New York yield?

Mr. SCHEUER. I yield to my able colleague from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, if we can spend $75 billion a year on armaments, I do not see why we cannot devote the minimal amount contained in this bill to educate the people to clean up the environment. The principles contained in the pending legislation are sound, and if anything the effort and funds allocated are too small in relation to the magnitude of the problems posed by all types of pollution. Unless we move with firmness and speed toward solving these problems, we will not have much of a Nation left to defend. I believe the approach proposed in the pending legislation deserves solid support in the Congress, and by the American people, and I hope this bill will pass so we can get on with the job of cleaning up the environment.

Mr. SCHEUER. I thank my friend from West Virginia.

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

Mr. SCHEUER. I am happy to yield to the gentleman from Texas.

Mr. WHITE. I would like to ask the gentleman in the well what the committee contemplated in the use of the word "students" in that part of the bill referring to the language "students and ecologists" shall be on the committee, with no less than three apiece.

Mr. SCHEUER. The gentleman from California (Mr. MCCLOSKEY) and I attended a UNESCO conference in San Francisco last fall in which university students from Stanford, Berkeley, and Columbia played a leading role. Indeed, university students around the country are pushing local legislative and administrative bodies to do a better job in controlling the ways in which we produce, consume, and discard, so the Federal Government will not have to come in and clean up the mess. Those of us who are interested in fiscal sanity also say that we must educate the public so it will support effective legislative and administrative control programs to prevent our corporations and manufacturing companies from spewing poisons into our atmosphere and degrading the environment. Then the Federal Government will not have to operate a multibillion-dollar program to clean up the pollution.

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

Mr. SCHEUER. I yield to the gentleman from Indiana.

Mr. BRADEMAS. In further response to the question of the gentleman from Texas (Mr. WHITE) I would like to call the gentleman's attention to page 10 of the report with respect to the advisory committee, which I think is the point of the gentleman's question. On the committee, the report states, there will be students at the college and university level. The report does not state that students below the secondary school level will be appointed. This simply means that it is not anticipated that elementary school students will be appointed.

Mr. SCHEUER. One of the dictums of English common law that I learned at school is that the law is not an ass. I also learned that the gentlemen who would control the administration of the

program would generally not be asses. We could expect them to administer a law in an intelligent and thoughtful way.

Few other pieces of legislation have undergone a searching examination comparable to that which this bill has received.

My own office, in close cooperation with the committee staff, has been working intensively on this bill for almost a year.

Members of the committee have traveled to remote parts of the country to seek out and hear the testimony of countless, thoughtful, and concerned witnesses.

Many groups—educators, environmentalists, students, and industrial leaders—have counseled us in drafting this excellent bill.

But more than effort and skillful legislative drafting have made this bill worthy of passage.

The grim voice of necessity has begun to demand that Congress act in support of this bill.

For, our environmental situation is perilous.

The air we breathe in our cities is increasingly hazardous to our health.

As of last year a walk along New York City streets endangered one's lungs as much as a daily pack of cigarettes.

The recent near catastrophe, in New York City resulting from air pollution requires no elaboration from me.

Schoolchildren in Los Angeles, more days than not, are prohibited from playing in school yards because the fresh air is damaging to their health.

The recent photos of air pollution in Sydney, Australia, and Tokyo, Japan, offer us small comfort.

For, so much dirt is now in the air in New York City and in Los Angeles—is so saturated with pollutants—that if any of the residents breathed the air in the Rocky Mountains, I fear he would find it odd—it would have no taste.

The sidewalks in my district in the south Bronx are cluttered with broken bottles and refuse.

Sometimes it is safer to walk in the gutter.

But in the street the pedestrians' objective is to avoid not the moving cars so much as the abandoned automobiles that line many of the curbs.

The degradation of life in our country, particularly in our cities, has led me to recall some of the most damaging words ever written about our urban environment:

> The movies, the white ways, the Coney Islands which almost every American city boasts of in some form or other are means of giving jaded and throttled people the sensation of living without the direct experience of life—a sort of spiritual masturbation.
>
> In short, we in America have the choice of humanizing the industrial city or dehumanizing the population.
>
> So far we have dehumanized the population.

Some of you probably agree with this quote.

I doubt, however, that more than a few of you recognized it—even though its mere date reveals how long this country has neglected its urban environment.

For Lewis Mumford wrote it in 1922, long before most of us became actively concerned about the environmental problems of our cities—indeed, before many of us were even born.

My comments have merely touched on the environmental problems facing the country.

And they will certainly increase.

With every passing day it seems that a new problem surfaces to plague us.

Within the past year DDT was outlawed.

Only now we are beginning to realize that the substitute gases are capable of producing almost equal damage to the environment before they disintegrate.

One of the components is actually lethal in its pure state.

This and other incidents in the past year have made crystal clear that we are currently operating in a morass of ignorance about our environmental problems.

While study of the ecology and our environment is a lusty baby, it is still in its infancy.

Our present situation resembles nothing so much as a locomotive roaring downhill against all red lights with the crew lost in argument.

Recent legislation will finance research to improve the paltry, half-hearted work now being conducted by industry.

It is the primary purpose of this bill to use the findings of research to increase our citizens awareness and knowledge of the environment, and hence encourage their support of public and private programs to change our ways of producing and consuming which degrade our environment.

To quote the committee report:

> The most effective programs will be directed specifically to the solution of existing environmental problems and will draw on insights, techniques, and substantive information from various disciplines.

As the gentleman from Indiana (Mr. BRADEMAS) has indicated, this bill would authorize $45 million over a 3-year period for:

First. Developing materials for teaching environmental studies.

Second. Grants to elementary and secondary schools to teach about ecology and about natural resources, conservation and pollution control.

Third. Training teachers in environmental education.

Fourth. Funds for community conferences on the environment for civic and industrial leaders and State and local government officials.

Fifth. Preparation of materials on the environment for use by the mass media.

Sixth. Requirement that three students and three ecologists be represented on the 21-member Advisory Committee on Environmental Education, which is set up under the bill to advise the Secretary of Health, Education, and Welfare in administering the programs authorized by the legislation.

Seventh. Citizen groups and voluntary organizations in the environmental field to qualify for small grants—$10,000 and under—to conduct student seminars, workshops, and conferences on the environment, especially for adults.

There are some critics of the environment movement who say that it is only diverting our interest from the more pressing social problems in our society.

Their complaints echo the argument of Henry Demarest Lloyd against the free silver movement of the late 19th century:

> Free silver is the cowbird of the reform movement. It waited until the nest had been built by the sacrifices and the labors of others and then it laid its eggs in it, pushing out the others which lie crashed on the ground.

The fears of these people are unfounded. The terms "ecology" and "environment" are no longer thought of as esoteric terms referring solely to distant forests dotted with numerous lakes.

Indeed, it is a major purpose of this bill to convince the public that the problems of the dilapidated urban areas—such as those outlines above—are very much a concern of ecologists.

I can assure you that the members of the committee also recognize many of the urban problems are linked to our environmental problems.

The committee report states:

> The committee views environmental education as a process which must also be intimately concerned with problems of urban as well as rural life and urges that significant attention be given to supporting programs studying the effects of the urban environment on urban residents.

This understanding will help us improve the urban environment and indeed benefit the poor most of all.

They are the group most trapped and harmed by the cities' filth, noise, pollution, and environmental squalor.

They cannot afford to retreat to a second home in the suburbs or the country for fresh air, quiet, and privacy.

This bill may not deliver the poor from all of their social and economic problems; yet, it is certainly not going to be used as a diversion from facing up to these problems.

Indeed, this program will help produce the informed and concerned public which alone can demand the change in our ways of producing, distributing, consuming, and discarding essential to the effort to make our cities and countryside livable and pleasant for rich and poor alike.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. BEALL of Maryland. Mr. Speaker, will the gentleman yield?

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

Mr. BEALL of Maryland. Mr. Speaker, I rise in support of this legislation and congratulate the committee for bringing The Environmental Education Act to the floor today.

The quality of the environment is deservedly a matter of widespread concern for all the people of our country. Along the eastern seaboard of the United States we have just had an example of the type of pollution to which we are subjected when we do not receive an assist from Mother Nature in the form of favorable winds. It is extremely important that the legislative branch of our Government aggressively and expeditiously pursue legislative answers for the problems of pollution. Undoubtedly, we need more legislation that will better enable regulatory authorities to do their job in providing for cleaner air and cleaner water. Our Government needs to provide a greater basis of support in developing new technology that will give us the techniques necessary to rid our environment of pollutants.

Equally important, however, is the fact that education, as it does in so many cases, will provide the answer for much of the problem. I regularly have been receiving mail from my younger constituents asking how they can be of assistance in providing for their generation a better environment and, certainly, if we are to preserve the quality of life in our country, it is necessary that we begin to teach in the schools the ways in which this may be done. For that reason, I see in the Environmental Education Act a long range solution to this over riding problem that is of great concern to our people. This bill in providing for the development of new and improved curriculums in environmental studies will be of great assistance to local and State departments of education in implementing programs of environmental education. It provides assistance and programs for teacher training, community education, elementary and secondary education and for the preparation and distribution of materials by mass media. The legislation deals with the methods of environmental education to the fullest extent.

I would also like to congratulate the committee on the administration authorized under this legislation. I am happy to see that the authority is given to the Secretary of Health, Education, and Welfare and that this office is also authorized to utilize the services and facilities of any other agency in the Federal Government. This, in effect, means that we will have good coordination of the effort with the designation of U.S. Office of Education as the responsible agency in administering the programs of environmental education.

Most of the major problems in our country can be alleviated through education and I believe with the passage of this act we are providing a basis upon which the young people of America can be educated as to the necessity and means of providing for themselves and for future generations a better and a cleaner environment.

Mr. LANDGREBE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Indiana has 4 minutes remaining.

Mr. LANDGREBE. Mr. Speaker, I yield myself 4 minutes.

The 91st Congress has demonstrated its concern about environmental deterioration by enacting major legislation on environmental matters, including—

the National Environmental Policy Act, which established a Council on Environmental Quality in the Office of the President.

The Endangered Species Act, which is aimed at protecting our threatened wildlife;

The Tax Reform Act, which contains a section providing tax incentives to industry to encourage the installation of air and water pollution control devices;

The Commission on Population Growth and the American Future, which will make a 2 year study of all fundamental questions of population growth and submit a report and recommendations to the Congress;

Amendments to the Federal Water Pollution Control Act, directed at making oil companies liable for oil pollution and creating an Office of Environmental Quality in the Executive Branch.

President Nixon, on February 11, 1970 indicated his awareness of the importance of the effort to restore and protect the environment by asking Congress for $4 billion in Federal funds over the next five years for air and water pollution control, solid waste management, and purchase of parklands for public recreation.

This bill is mainly an educational bill to provide more money for education. We have passed bills providing funds for education far in excess of the President's request, about a half billion dollars over, and I propose that education can concentrate its efforts and its spending on environmental projects or pollution problems, if it wishes to do that with a portion of those additional funds, and it will be perfectly fine with me. I think they can do that with or without students becoming a mandatory part of the Advisory Council to tell education how to spend the money. I urge all Members to vote no on this bill.

Mr. PERKINS. Mr. Speaker, I yield to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, I rise in support of this legislation.

Mr. PERKINS. Mr. Speaker, I yield the remaining time to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Speaker, I thank the chairman for yielding me this time.

I think it is important to clarify the administration's position. It has been said that legislative authority is not needed, and therefore the administration does not support the bill. This is not correct. The administration, in a letter to me from Elliot Richardson, Secretary of Health, Education, and Welfare which has also been cleared with the White House, said:

While we do not feel that additional legislative authority is needed to carry out the purposes of H.R. 14753, we are in accord with its objectives and do not oppose its enactment. Further, the bill as amended by the Education and Labor Committee places authority for environmental education in the hands of the Secretary, and makes several other changes which remove our technical objections to the original version.

Further, Secretary Richardson writes:

As the Department testified before the Select Subcommittee on Education last April 21, "This Administration is dedicated in full measure to saving and rehabilitating our fragile, threatened environment—on which our very survival depends." Subsequent actions in this field, including the President's recent presentation of reorganization plans proposing the establishment of the independent Environmental Protection Agency and the National Oceanic and Atmospheric Administration in the Department of Commerce, are further evidence of this dedication.

Beyond this, a majority of the Members on the minority side voted favorably to report this bill from the subcommittee and unanimously from the full committee.

In my judgment, the bill enhances the position President Nixon has taken to focus national attention on the environment and on action to clean up the environment. Specifically, there is the basic need in our schools today to have programs that are multidisciplinary, that will change attitudes, that will encourage curriculum development, and that will make it possible for children in elementary and secondary schools to get the kind of education that will influence their judgment as a nation in the future.

The bill will also help the development of adults and community education programs, foster the dissemination of significant environmental education material throughout our land, and make possible the conduct of teacher training programs in this field.

The major import of this bill lies in the fact that environmental education is neither the exclusive province of the scientists or of the humanists. Effective environmental education requires the blending of various disciplines into a total view of man reacting with his natural and manmade environments. To help gain a view of the whole, to help clarify the relationships among disciplines, the bill encourages various programs, such as outdoor ecological study centers, that will enable the student to leave his textbooks and to venture out to apply some of the principles he has been studying.

Mr. Speaker, in my view this is one of the key bills to be acted on in this Congress. The funds provided for education programs will help to shape the attitude of a whole generation of young Americans toward their environment—and it is that attitude which may well determine the future of our planet. I urge the approval of this bill, and it is my understanding that the Labor and Public Welfare Committee in the Senate is close to taking action on this measure as well. The Senate subcommittee has already reported the bill unanimously.

Mr. McDADE. Mr. Speaker, I should like to compliment the sponsors of H.R. 18260 for their work and the work of the Select Subcommittee on Education in putting together this thoughtfully constructed and urgently needed piece of

legislation. I am particularly impressed with the emphasis on curriculum development which the act proposes to initiate, and the opportunity which the act makes available for the training of government, industry, and community leaders who have so much to contribute to the success of any program of environmental education.

As you probably know, the concept of a curriculum approach to the development of environmental education for all levels of education and for all subject matter disciplines was introduced by Dr. Matthew J. Brennan and Dr. Paul Brandwein at the Pinchot Institute for Conservation Studies, located in the former home of Gifford Pinchot in Milford, Pa. Naturally, I have followed their work in curriculum development with great interest and note with pride that several school systems within my district served as trial centers for their materials.

The Institute's most significant effort in curriculum development resulted in the eight-volume series of conservation curriculum teachers guides titled, "People and Their Environment," which were developed by the State department of education in South Carolina. These curriculum guides have now been published and are being used nationally, as well as in several foreign nations. I am sure they will serve as models for many of the new programs in curriculum development funded under this act.

On many occasions, Dr. Brennan has indicated the hope that funds may be found to extend this essential work in curriculum development for environmental understanding and positive support for programs which guarantee the quality of the environment. He cannot afford to wait any longer for the essential understanding by man of his relationship with his environment and his responsibility for it.

I support this essential legislation and strongly urge its passage.

Mr. MINISH. Mr. Speaker, I rise in support of H.R. 18260, the Environmental Education Act of 1970. This legislation would authorize a 3-year grant program to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

The funds authorized under this measure would be used to begin environmental education in elementary and secondary schools, develop curriculums in environmental studies, train teachers, public service personnel, government employees, and business leaders, and develop adult and community environmental education programs.

The Environmental Education Act will launch a major educational effort directed at attaining the knowledge and the skill necessary to avoid, and to correct, the mistakes of the past. Solutions to our environmental problems are not to be found only in improved technology and more efficient methods of pollution control, important as these steps are, but also in the establishment of education programs in schools, colleges, and communities to increase citizen awareness of the dimensions of our environmental crisis and to provide them with the means to combat pollution.

Mr. TAFT. Mr. Speaker, I want to express my support for the Environmental Education Act. Gaps in our knowledge and technical capability appear across the entire spectrum of the pollution problem. I have long called for the Nation's educators to put more emphasis on environmental education. No amount of legislation, regulation, or verbal support will solve the pollution problem until we have the scientific and technical tools at hand to plan and implement an effective control effort. America's environmental problems cannot be solved by any one group alone, it will take a full scale national commitment to cure them. This bill will provide our administrators, educators and communities with the necessary tools to educate Americans on how they can begin to combat pollution as individuals and by united action.

Mr. VANIK. Mr. Speaker, as one of the original sponsors of the concept of an Environmental Education Act, I am pleased to support the committee-amended bill before the House today, H.R. 18260. This bill authorizes the Department of Health, Education, and Welfare to establish educational programs to encourage understanding of policies and support of activities designed to preserve and enhance environmental quality and maintain ecological balance.

This legislation hopes to encourage and support a growing awareness of the staggering environmental crisis facing our Nation and the world. Its purpose is to assist us all in better understanding the problems of ecology and pollution.

It does this by:

First, encouraging and assisting the development, demonstration, and evaluation of innovative and improved curriculums in environmental studies;

Second, providing for educational materials for use at all school levels;

Third, actually starting and maintaining elementary and secondary education programs in environmental issues;

Fourth, running preservice and inservice teacher training programs in environmental education;

Fifth, operating adult and community education programs on ecology for citizens and citizen groups, and

Sixth, planning outdoor ecological study centers.

The interrelated problems of the environment, the totality of all the factors that go together to make an ecology, must be understood by each of us if we are to be responsible and effective citizens of the 21st century.

Mr. MEEDS. Mr. Speaker, I rise in support of H.R. 18260, the Environmental Education Act.

Headlines appear in our papers every day—"One-hundred die of mercury poisoning in Japan after eating contaminated clams"; "Oil spilled off Santa Barbara coast"; "Lake Erie said biologically dead"; "Smog hits danger point". At every turn we find that the balance of nature is upset.

We are aware that a problem exists. But for most citizens, knowledge of our environmental problem is hazy and incomplete. In order to correct our abuses of nature, we must have an educated citizenry. It no longer suffices that scientists alone know of possible environmental dangers confronting this Nation and the world. It is now a real problem, affecting the health and welfare of each and every one of us.

In order to effectively press for a solution, we all must become informed on environmental and ecological issues. Study of our environment is now just as important as the study of history or the study of arithmetic.

The Environment Education Act before us today will help bring to all Americans knowledge of man and his surroundings. It is a pioneering bill. It is designed to aid development of new and improved curriculums, provide support for environmental education at the elementary and secondary levels and disseminate curricular materials and information for educational programs. In addition it would provide training programs for teachers, public service personnel, community, industrial and business leaders and their employees. Efforts would be made to distribute information to government employees at local, State, and Federal levels, and provisions would be made for mass media distribution of environmental materials.

A blue ribbon, 21-member Advisory Committee on Environmental Education would consult with the Secretary of Health, Education, and Welfare regarding the administration or the program, recommend priorities and review operations.

The Environmental Education Act is patterned after the Drug Abuse Education Act of 1969 which passed this House early a year ago, 294 to 0.

An idea similar to the one embodied in this legislation is beginning to bloom on Widbey Island in my own State of Washington. The State has leased 600 acres for environmental study by Western Washington State College, Skagit Valley Community College, and 21 nearby school districts.

I am told by project director William Stocklin that the program is aimed at developing curricula, establishing a teacher training program, and cultivating a 600-acre environmental laboratory. An interdisciplinary approach is being applied to environmental problems; use is being made of history, geography, sociology, religion, economics, and politics. The goal of the program is to create a change in the attitude and behavior of man concerning his relationship and responsibility to his environment.

It is my hope that the legislation we are considering here today will establish a program able to draw upon the experience of this innovative group in Washington State.

I foresee the Environmental Education Act as being the catalyst for a truly educated national concern for man and his surroundings.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 18260, legislation to authorize the Secretary of Health, Education, and Welfare to establish educational programs to encourage understanding of policies designed to preserve and enhance environmental quality and maintain ecological balance.

I believe the Environmental Education Act should be passed overwhelmingly by Congress. Our entire society is wakening to the extreme importance of preserving the natural environment—a goal which is vital to the continuation of life on earth.

We know that our air and water have been despoiled by pollution. Lead, mercury, sewage, and other contaminants have been poured into our rivers and streams. Auto exhausts and smokestacks befoul the air we breathe. DDT and other pesticides are working their way through lower life forms toward the advanced species. Our seas are being rendered lifeless by nuclear waste and chemical warfare agent disposals, and the blue sky itself is threatened by the advent of the SST.

Certainly man now has the technological means of destroying all that nature has created. It will not take any new advances. All we have to do is maintain our present course and the inevitable collapse of the world ecology will result.

We can and must take drastic actions to prevent the pending disaster to our environment. Stepped-up programs to combat pollution are essential, but a necessary parallel is better education of our citizenry to the importance of this peril. Only through a fully informed and concerned public can we hope to reverse the course of destruction and turn toward beneficial policies.

As a sponsor of this bill and a member of the House Committee on Education and Labor which approved it, I heartily favor the objectives which it seeks to implement. The bill would help develop and utilize improved curricula, teacher training, and community involvement in school environmental courses.

New and improved courses of study in fundamental environment problems are proposed for the initial thrust of the program. Federal funds could be used for this, as well as for testing such curriculums in pilot programs to determine their effectiveness.

The bill also allows for a more effective dissemination of the curricular materials and other information regarding the environment, not only to elementary and secondary schools but to mass media of communications and elsewhere.

Grants would be made available to institutions of higher education, local educational agencies, and other public and private organizations for preservice and inservice training programs on environmental quality and ecology.

Grants could be made for community education programs on the environment, especially for adults. Outdoor ecological study centers could be established as laboratories for onsite observations of environmental problems and principles. Grants of up to $10,000 could be made to citizens' groups, volunteer organizations, and other public and private groups for conducting courses, workshops, seminars, symposiums, institutes, and conferences on the environment, especially for adults and community groups.

This legislation proposes an all-out education program to inform all of our citizens, through education in the schools and various types of communications for adults, on the problems of our environment and what they can do to solve them. The $5 million authorized for fiscal year 1971, $15 million for 1972, and $25 million for 1973 are a tiny investment in view of the importance of this objective.

Today our elementary and secondary schools have almost no resources with which to teach environmental education, yet the need to restore harmonious relations between man and nature is one of our Nation's most pressing challenges.

We must initiate this comprehensive program to awaken the Nation to the crisis and to stimulate measures to maintain the quality of air, water, soil, and other elements on which the survival of mankind depends. Nothing short of massive education efforts backed by a coordinated program of action can meet the threat posed by despoliation and pollution.

I urge my colleagues to approve H.R. 18260.

Mr. PRICE of Illinois. Mr. Speaker, from the beginning man has striven to define and refine his relationship with the world around him. He has alternately sought to beautify his environment, conquer it, evade it, and destroy it. But never has he been able to ignore it. John Donne said once that the death of any part of or person on this earth affects each and every individual. What he was emphasizing then is the same straight fact that needs stress more than ever today. His truth was that we are all parts of a whole and we can ignore neither that whole nor the environment in which it exists. We cannot ignore it but we have certainly tried. And every time we try to ignore our world it rebels against our apathy.

We can see the consequences of our attempts to ignore our environment everywhere. There is lead in the waters of Louisiana, mercury in the Tennessee, and smog in the air of our urban areas. Yet we persist in chopping down our trees, concreting over our grass, and dumping chemical wastes where we will. I cannot believe that the American people, willingly and with full knowledge of the consequences, would deliberately set out to wreck the world in which they must live.

Therefore, education is the key. After years of neglect the question of the quality of our environment has burst upon us like a bombshell. In the fact of its seeming enormity most of us feel overwhelmed—so overwhelmed that we become frozen in the belief that we are doomed and cannot save ourselves. In reality, there is much that can be done. But we must be educated to the dangers that face us and to our responsibilities, both as individual citizens and as groups, for finding and carrying out solutions. We have to be able to strip away the misconceptions, both in terms of the tendency of some to gloss over the problem and of others to panic at the sight of it.

With knowledge of the problem and of solutions we can all work to ensure that the quality of our environment will be high. Therefore, I strongly urge that the Members of this House support H.R. 18260.

Certainly, the Department of Health, Education, and Welfare cannot solve or be expected to solve all the problems connected with the quality of our environmental surroundings. We, individually, each bear the primary responsibility for safeguarding our physical world. We have to be willing to spend the time and make the sacrifices necessary if we do really want a quality environment. However, by encouraging and supporting the development of new and improved curriculum and materials to promote understanding of policies and by the support of activities designed to enhance environmental quality; and by providing training programs for individuals and communities, this bill will greatly upgrade our understanding and awareness of what is involved in maintaining ecological balance. It will help provide the tools we will need to undertake our responsibilities as individual citizens in this area.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 18260, as amended.

The question was taken.

Mr. ASHBROOK. 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 pro tempore. 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 289, nays 28, not voting 113, as follows:

[Roll No. 250]

YEAS—289

Adair	Blanton	Clausen, Don H.
Adams	Boland	Cleveland
Addabbo	Bow	Cohelan
Albert	Brademas	Collier
Anderson, Calif.	Brasco	Colmer
Anderson, Ill.	Bray	Conable
Andrews, N. Dak.	Brinkley	Corman
Annunzio	Brooks	Coughlin
Arends	Brown, Calif.	Cowger
Ashley	Brown, Ohio	Crane
Aspinall	Broyhill, N.C.	Culver
Ayres	Burke, Fla.	Daniels, N.J.
Barrett	Burke, Mass.	Davis, Ga.
Beall, Md.	Burton, Calif.	de la Garza
Belcher	Button	Dellenback
Bell, Calif.	Byrne, Pa.	Dennis
Bennett	Byrnes, Wis.	Derwinski
Betts	Carey	Donohue
Bevill	Carter	Dowdy
Biester	Cederberg	Dulski
Bingham	Chamberlain	Duncan
Blackburn	Chappell	Dwyer
	Clancy	Eckhardt
	Clark	

Edmondson	Kuykendall	Purcell
Edwards, Ala.	Kyl	Quie
Edwards, Calif.	Kyros	Railsback
Eilberg	Langen	Rees
Eshleman	Latta	Reid, Ill.
Evans, Colo.	Lennon	Reid, N.Y.
Fascell	Lloyd	Reuss
Feighan	Long, Md.	Rhodes
Findley	Lowenstein	Roberts
Fisher	McClory	Robison
Flood	McCloskey	Rodino
Flowers	McClure	Rogers, Colo.
Foley	McCulloch	Rogers, Fla.
Ford, Gerald R.	McDade	Rooney, N.Y.
Ford, William D.	McDonald, Mich.	Rooney, Pa.
Foreman	McEwen	Rosenthal
Fountain	McFall	Roth
Frelinghuysen	McKneally	Roybal
Frey	Mahon	Ruth
Friedel	Mailliard	Saylor
Fulton, Pa.	Mann	Schadeberg
Fuqua	Marsh	Scheuer
Galifianakis	Martin	Schneebeli
Garmatz	Matsunaga	Schwengel
Gaydos	May	Sebelius
Giaimo	Mayne	Shipley
Gibbons	Meeds	Sikes
Gilbert	Melcher	Sisk
Goldwater	Michel	Skubitz
Gonzalez	Mikva	Slack
Green, Oreg.	Miller, Calif.	Smith, Calif.
Green, Pa.	Miller, Ohio	Smith, Iowa
Griffin	Mills	Snyder
Griffiths	Minish	Springer
Grover	Mink	Stanton
Gubser	Minshall	Steed
Gude	Mize	Steiger, Ariz.
Haley	Mizell	Steiger, Wis.
Hamilton	Mollohan	Stokes
Hammer-schmidt	Monagan	Stratton
Hanna	Morgan	Stubblefield
Hansen, Idaho	Morse	Sullivan
Harrington	Morton	Talcott
Harsha	Mosher	Taylor
Harvey	Moss	Teague, Calif.
Hastings	Murphy, N.Y.	Thomson, Wis.
Hathaway	Myers	Udall
Hays	Natcher	Ullman
Hechler, W. Va.	Nedzi	Vander Jagt
Heckler, Mass.	Nelsen	Vanik
Helstoski	Nichols	Vigorito
Hicks	Nix	Waldie
Hogan	Obey	Wampler
Holifield	O'Hara	Watts
Hosmer	O'Konski	Whalen
Howard	Olsen	White
Hunt	O'Neal, Ga.	Whitehurst
Hutchinson	Passman	Whitten
Jacobs	Patman	Widnall
Johnson, Calif.	Patten	Wiggins
Johnson, Pa.	Perkins	Williams
Jonas	Pettis	Wilson, Bob
Jones, Ala.	Philbin	Wold
Jones, N.C.	Pickle	Wolff
Jones, Tenn.	Pike	Wyatt
Karth	Pirnie	Wylie
Kastenmeier	Poage	Wyman
Kazen	Podell	Yates
Kee	Poff	Yatron
Keith	Preyer, N.C.	Young
Kleppe	Price, Ill.	Zablocki
Kluczynski	Price, Tex.	Zion
Koch	Pryor, Ark.	Zwach
	Pucinski	

NAYS—28

Abbitt	Camp	Dorn
Abernethy	Clawson, Del	Flynt
Andrews, Ala.	Collins	Goodling
Ashbrook	Daniel, Va.	Gross
Buchanan	Davis, Wis.	Henderson
Burlison, Mo.	Devine	Landgrebe
Cabell	Dickinson	McMillan
Montgomery	Schmitz	Waggonner
Satterfield	Scott	
Scherle	Teague, Tex.	

NOT VOTING—113

Alexander	Fallon	Pollock
Anderson, Tenn.	Farbstein	Powell
Baring	Fish	Quillen
Berry	Fraser	Randall
Biaggi	Fulton, Tenn.	Rarick
Blatnik	Gallagher	Reifel
Boggs	Gettys	Riegle
Bolling	Gray	Rivers
Brock	Hagan	Roe
Broomfield	Hall	Rostenkowski
Brotzman	Halpern	Roudebush
Brown, Mich.	Hanley	Rousselot
Broyhill, Va.	Hansen, Wash.	Ruppe
Burleson, Tex.	Hawkins	Ryan
Burton, Utah	Hébert	St Germain
Bush	Horton	Sandman
Caffery	Hull	Shriver
Casey	Hungate	Smith, N.Y.
Celler	Ichord	Stafford
Chisholm	Jarman	Staggers
Clay	King	Stephens
Conte	Landrum	Stuckey
Conyers	Leggett	Symington
Corbett	Long, La.	Taft
Cramer	Lujan	Thompson, Ga.
Cunningham	Lukens	Thompson, N.J.
Daddario	McCarthy	Tiernan
Dawson	Macdonald, Mass.	Tunney
Delaney	MacGregor	Van Deerlin
Denney	Madden	Watkins
Dent	Mathias	Watson
Diggs	Meskill	Weicker
Dingell	Moorhead	Whalley
Downing	Murphy, Ill.	Wilson, Charles H.
Edwards, La.	O'Neill, Mass.	Winn
Erlenborn	Ottinger	Wright
Esch	Pelly	Wydler
Evins, Tenn.	Pepper	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Stafford.
Mr. Hébert with Mr. Horton.
Mr. Daddario with Mr. Meskill.
Mr. Burleson of Texas with Mr. Bush.
Mr. Thompson of New Jersey with Mr. Cunningham.
Mr. Biaggi with Mr. King.
Mr. Delaney with Mr. Watkins.
Mr. Dent with Mr. Wydler.
Mr. Pepper with Mr. Riegle.
Mr. Fallon with Mr. Fish.
Mr. Gallagher with Mr. Denney.
Mr. Gettys with Mr. Hall.
Mr. Ryan with Mr. Brock.
Mr. Roe with Mr. Brown of Michigan.
Mr. Rarick with Mr. Burton of Utah.
Mr. Ottinger with Mr. Esch.
Mr. Leggett with Mr. Halpern.
Mr. Charles H. Wilson with Mr. Taft.
Mr. Casey with Mr. Ruppe.
Mr. Dingell with Mr. Reifel.
Mr. Edwards of Louisiana with Mr. Roudebush.
Mr. Fulton of Tennessee with Mr. Pollock.
Mr. Gray with Mr. Quillen.
Mr. Rostenkowski with Mr. Pelly.
Mr. St Germain with Mr. Lujan.
Mr. Rivers with Mr. Watson.
Mr. Moorhead with Mr. Lukens.
Mr. Murphy of Illinois with Mr. Weicker.
Mr. Tunney with Mr. Winn.
Mr. Tiernan with Mr. MacGregor.
Mr. Ichord with Mr. Mathias.
Mr. Blatnik with Mr. Rousselot.
Mr. Alexander with Mr. Erlenborn.
Mr. Caffery with Mr. Thompson of Georgia.
Mr. Fraser with Mr. Farbstein.
Mr. Hagan of Georgia with Mr. Long of Louisiana.
Mr. Symington with Mr. Clay.
Mr. Hanley with Mr. Hawkins.
Mr. Baring with Mr. Conyers.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Macdonald of Massachusetts with Mr. Powell.
Mr. Madden with Mr. Dawson.
Mrs. Hansen of Washington with Mr. Diggs.
Mr. Anderson of Tennessee with Mr. Broomfield.
Mr. Hull with Mr. Brotzman.
Mr. Wright with Mr. Cramer.
Mr. Jarman with Mr. Broyhill of Virginia.
Mr. Hungate with Mr. Whalley.
Mr. Celler with Mr. Conte.
Mr. McCarthy with Mr. Corbett.
Mr. Downing of Virginia with Mr. Smith of New York.
Mr. Landrum with Mr. Shriver.
Mr. Boggs with Mr. Sandman.
Mr. Evins of Tennessee with Mr. Staggers.
Mr. Stephens with Mr. Stuckey.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE LABOR-HEW APPROPRIATION BILL FOR 1971

(Mr. FLOOD asked and was given permission to extend his remarks at this point in the RECORD and to include tables.)

Mr. FLOOD. Mr. Speaker, I place in the RECORD tables showing, in detail, the amounts included in the Labor-HEW appropriation bill for 1971 as it passed the House, along with the comparative figures for 1970 and the budget for 1971:

SUMMARY OF LABOR-HEW APPROPRIATIONS FOR 1970 AND 1971

	1970 comparable			
	Appropriation	After 2-percent reduction[1]	1971 budget	House bill (H.R. 18515)
Department of Labor	$1,090,098,000	$1,090,098,000	$1,216,542,000	$1,208,368,000
Department of Health, Education, and Welfare	13,515,506,500	13,367,613,000	15,352,815,000	15,486,915,000
Related agencies	2,044,627,000	2,044,627,000	2,162,380,000	2,129,380,000
Total	16,650,231,500	16,502,338,000	18,731,737,000	18,824,663,000

[1] Sec. 410 of the Labor-HEW appropriation act for fiscal year 1970 (Public Law 91-204) required a reduction of 2 percent in the total appropriations contained in the act excluding those involving trust funds.

DEPARTMENT OF LABOR APPROPRIATIONS FOR 1970 AND 1971, BY APPROPRIATION

Appropriation	1970 comparable	1971 budget	House bill
Manpower development and training activities	$671,696,089	$747,494,000	$744,494,000
Manpower Administration, salaries and expenses	40,828,600	43,667,000	42,165,000
Trust fund transfers	(16,580,600)	(16,835,000)	(16,835,000)
Bureau of Apprenticeship and Training	6,872,498	6,958,000	6,958,000
Unemployment compensation for Federal employees and exservicemen and trade adjustment activities	185,600,000	200,100,000	200,100,000
Unemployment insurance service, (trust funds)	(4,210,600)	(4,274,000)	(4,274,000)
Limitation on grants to States for unemployment compensation and Employment Service Administration, (trust funds)	(665,722,000)	(717,700,000)	(717,700,000)
Labor-management Services Administration	13,137,608	17,169,000	16,500,000
Wage and Labor Standards Administration	41,744,570	45,925,000	45,000,000
Employees' compensation, claims, and expenses	55,699,983	109,800,000	109,800,000
Bureau of Labor Statistics	24,093,454	27,578,000	26,150,000
Bureau of International Labor Affairs	1,462,000	1,490,000	1,490,000
Special foreign currency program	85,066	75,000	75,000
Office of the Solicitor, salaries and expenses	5,721,500	5,884,000	5,884,000
Trust fund transfer	(157,000)	(157,000)	(157,000)
Office of the Secretary, salaries and expenses	6,739,900	10,402,000	9,752,000
Trust fund transfer	(593,000)	(595,000)	(595,000)
Adjustments for carryover balances and transfers	36,416,732		
Total, Federal funds	1,090,098,000	1,216,542,000	1,208,368,000
Total, trust funds	(687,313,200)	(739,561,000)	(739,561,000)
Total Department of Labor	1,777,411,200	1,956,103,000	1,947,929,000

DETAILED BREAKDOWN OF DEPARTMENT OF LABOR APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY

Appropriation/activity	1970 comparable	1971 budget	House bill
Manpower development and training activities:			
1. Training and allowance payments:			
(a) Job opportunities in the business sector/on-the-job training	$182,608,000	$260,000,000	$260,000,000
(b) Concentrated employment program	49,600,000	76,000,000	76,000,000
(c) Public service careers	49,000,000	35,400,000	35,400,000
(d) Institutional training	258,068,689	256,000,000	256,000,000
(e) Part-time and other training	10,084,000	10,084,000	10,084,000
(f) Disadvantaged youth program	33,900,000		
2. Program services:			
(a) Employment security services	44,892,400	50,492,000	50,492,000
(b) State institutional training services	8,000,000	8,000,000	8,000,000
(c) On-the-job training services	1,500,000	500,000	500,000
(d) Planning and technical assistance	18,109,000	21,929,000	18,929,000
(e) Labor market information and job matching	15,934,000	29,089,000	29,089,000
Total	671,696,089	747,494,000	744,494,000
Manpower Administration, salaries and expenses:			
1. Experimental, demonstration, and research programs	19,890,000	20,618,000	19,768,000
2. Planning, research, and evaluation	3,902,900	4,232,700	4,141,400
3. Training and employment	18,250,800	19,912,400	19,538,500
4. Federal institutional training service	2,574,600	2,572,600	2,572,600
5. Civil rights compliance	617,000	724,700	682,700
6. Executive direction:			
(a) General administration	1,997,600	2,073,100	2,054,300
(b) Financial and management services	5,052,800	5,317,100	5,191,100
(c) Manpower management data systems	4,503,800	4,557,200	4,557,200
(d) Reports to the public on manpower programs	619,700	494,200	494,200
Total	57,409,200	60,502,000	59,000,000
Less: Trust fund transfer	—16,580,600	—16,835,000	—16,835,000
Total appropriation	40,828,600	43,667,000	42,165,000
Bureau of Apprenticeship and Training	6,872,498	6,958,000	6,958,000
Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities:			
1. Payments to Federal employees	63,600,000	68,500,000	68,500,000
2. Payments to ex-servicemen	121,400,000	131,000,000	131,000,000
3. Trade adjustment activities	600,000	600,000	600,000
Total	185,600,000	200,100,000	200,100,000
Limitation on Grants to States for unemployment compensation and employment service administration:			
1. Unemployment insurance service	284,033,000	320,031,000	312,831,000
2. Employment service	328,968,000	352,141,000	347,341,000
3. Administration and management	39,771,000	42,528,000	42,528,000
4. Contingency fund	13,000,000	3,000,000	15,000,000
Total	665,772,000	717,700,000	717,700,00
Unemployment Insurance Service	4,210,600	4,274,000	4,274,000
Labor-Management Services Administration:			
1. Labor-management relations services	397,400	402,200	402,200
2. Labor-management policy development	658,200	1,265,400	965,400
3. Administration of reporting and disclosure laws	9,331,700	10,747,092	10,378,092
4. Veterans' reemployment rights	1,290,108	1,511,508	1,511,508
5. Federal labor-management relations	750,000	2,517,500	2,517,500
6. Executive direction and administrative services	710,200	725,300	725,300
Total	13,137,608	17,169,000	16,500,000

DETAILED BREAKDOWN OF DEPARTMENT OF LABOR APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY—Continued

Appropriation/activity	1970 comparable	1971 budget	House bill
Wage and Labor Standards Administration:			
1. Improving and protecting wages of the Nation's workers:			
(a) Compliance and enforcement	$21,862,038	$22,364,900	$22,364,900
(b) Wage and employment standards	803,400	814,000	814,000
(c) Special wage standards	1,771,200	1,790,100	1,790,100
(d) Executive direction and planning research	2,946,600	2,984,000	2,984,000
Subtotal	27,383,238	27,953,000	27,953,000
2. Wage determinations under Davis-Bacon Act	951,700	1,523,000	1,276,400
3. Improving safety and working conditions of workers	4,933,894	5,901,900	5,370,900
4. Advancing opportunities and status of women	1,057,800	1,179,800	1,179,800
5. Federal contract compliance:			
(a) Federal contract compliance	658,000	1,568,300	1,568,300
(b) Plans for progress	227,000		
Subtotal	885,000	1,568,300	1,568,300
6. Workmen's compensation	6,255,500	7,369,400	7,369,400
7. Executive direction, planning, evaluation, and research	277,438	429,600	282,200
Total	41,744,570	45,925,000	45,000,000
Employees' compensation claims and expenses:			
1. Federal civilian employees benefits	41,527,483	95,627,200	95,627,200
2. Armed Forces reservists benefits	11,175,000	10,775,000	10,775,000
3. War Claims Act benefits	400,000	400,000	400,000
4. Other benefits	2,597,500	2,997,800	2,997,800
Total	55,699,983	109,800,000	109,800,000
Bureau of Labor Statistics:			
1. Manpower and employment	9,371,900	10,170,300	9,770,300
2. Prices and cost of living	3,801,300	4,556,100	4,086,100
3. Wages and industrial relations	3,765,300	4,293,200	3,935,200
4. Productivity, technology, and growth	1,498,600	1,522,600	1,522,600
5. Foreign labor and trade	519,400	529,900	529,900
6. Executive direction and staff services	4,492,954	4,990,400	4,790,400
7. Revision of the Consumer Price Index	644,000	1,515,500	1,515,500
Total	24,093,454	27,578,000	26,150,000
Bureau of International Labor Affairs:			
1. International organizations affairs	151,700	154,300	154,300
2. Foreign labor and manpower policy and program development	330,000	335,300	335,300
3. Labor and manpower technical services	153,200	156,500	156,500
4. Trade negotiations and economic policy development	390,500	398,000	398,000
5. Executive direction and management services	436,600	445,900	445,900
Total	1,462,000	1,490,000	1,490,000
Special foreign currency	85,066	75,000	75,000
Office of the Solicitor:			
1. (a) Litigation	684,700	771,100	771,100
(b) Interpretations and opinions	763,400	772,300	772,300
(c) Labor relations and civil rights	359,100	361,400	361,400
(d) Legislation	593,400	597,400	597,400
(e) Labor-management laws	391,200	399,200	399,200
2. Field legal services	2,658,600	2,714,400	2,714,400
3. Administration and management services	428,100	425,200	425,200
Total	5,878,500	6,041,000	6,041,000
Less: Trust fund transfer	−157,000	−157,000	−157,000
Total appropriation	5,721,500	5,884,000	5,884,000
Office of the Secretary:			
1. Executive direction	1,125,700	2,456,400	1,806,400
2. Office of information	381,400	326,600	326,600
3. Office of the Assistant Secretary for Administration:			
(a) Immediate office	147,200	147,600	147,600
(b) Office of Management Assistance	112,200	113,300	113,300
(c) Personnel operations	1,510,300	1,448,600	1,448,600
(d) Library	413,600	418,500	418,500
(e) Office of Budget Policy and Review	208,300	310,600	310,600
(f) Office of Program Review and Audit	2,157,200	2,518,600	2,518,600
(g) Office of Management Systems	528,400	537,000	537,000
(h) Purchase of data processing equipment		1,931,000	1,931,000
4. Appeals from determinations of Federal Employee Claims	173,600	174,800	174,800
5. Promoting employment of the Handicapped	575,000	614,000	614,000
Total	7,332,900	10,997,000	10,347,000
Less: trust fund transfer	−593,000	−595,000	−595,000
Total appropriation	6,739,900	10,402,000	9,752,000

HEW APPROPRIATIONS FOR 1970 AND CONSTITUENT AGENCY

Agency	1970 comparable: Appropriation	1970 comparable: After 2 percent reduction [1]	1971 budget	House bill
Food and Drug Administration	$81,617,500	$81,617,500	$89,549,000	$89,549,000
Environmental Health Service	165,187,000	158,437,000	161,558,000	162,827,000
Health Services and Mental Health Administration	1,305,684,000	1,278,754,000	1,269,880,000	1,384,090,000
National Institutes of Health	1,509,726,500	1,421,622,000	1,542,039,000	1,634,739,000
Subtotal, health agencies	3,062,215,000	2,940,430,500	3,063,026,000	3,271,205,000
Social and Rehabilitation Service	8,317,132,500	8,292,119,500	9,566,464,000	9,500,092,000
Social Security Administration	2,024,564,000	2,024,564,000	2,599,886,000	2,599,886,000
Special Institutions	72,027,000	72,027,000	66,987,000	66,788,000
Departmental Management	38,853,000	38,853,000	56,452,000	48,944,000
Technical adjustments	715,000	−381,000		
Total, Department of Health, Education, and Welfare	13,515,506,500	13,367,613,000	15,352,815,000	15,486,915,000

[1] Sec. 410 of the Labor-HEW Appropriation Act for fiscal year 1970 (Public Law 91-204) required a reduction of 2 percent in the total appropriations contained in the act excluding those involving trust funds.

DETAILED BREAKDOWN OF HEW APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY

FOOD AND DRUG ADMINISTRATION

Appropriation/activity	1970 comparable: Appropriation	1970 comparable: After 2 percent reduction [1]	1971 budget	House bill
Food and drug control:				
1. Foods and drugs	$58,152,500	$58,152,500	$62,725,000	$62,725,000
2. Hazardous products	4,355,000	4,355,000	5,144,000	5,144,000
3. Pesticides	12,544,000	12,544,000	14,938,000	14,938,000
4. Program management	6,566,000	6,566,000	6,742,000	6,742,000
Total	81,617,500	81,617,500	89,549,000	89,549,000

ENVIRONMENTAL HEALTH SERVICE

Air pollution control:				
1. Abatement and control	36,394,000	36,394,000	40,301,000	40,301,000
2. Research and demonstration	65,219,000	58,469,000	57,282,000	57,282,000
(Section 104 research)	(45,000,000)	(38,250,000)	(27,900,000)	(27,900,000)
3. Manpower training	5,516,000	5,516,000	5,750,000	5,750,000
4. Program management	2,653,000	2,653,000	2,670,000	2,670,000
Total	109,782,000	103,032,000	106,003,000	106,003,000
Environmental control:				
1. Solid waste management	15,275,000	15,275,000	15,336,000	17,136,000
2. Occupational health	7,603,000	7,603,000	8,283,000	8,283,000
3. Radiological health	16,639,000	16,639,000	16,862,000	16,862,000
4. Community environmental management	5,872,000	5,872,000	4,712,000	4,712,000
5. Water hygiene	2,701,000	2,701,000	2,344,000	2,344,000
6. Program management	3,237,000	3,237,000	3,243,000	3,243,000
Total	51,327,000	51,327,000	50,780,000	52,580,000
Office of the Administrator	4,078,000	4,078,000	4,775,000	4,244,000
Total, Environmental Health Service	165,187,000	158,437,000	161,558,000	162,827,000

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Mental health:				
1. Research:				
(a) Grants	85,254,000	85,254,000	87,740,000	89,600,000
(b) Direct operations	25,952,000	25,952,000	26,389,000	26,389,000
Subtotal	111,206,000	111,206,000	114,129,000	115,989,000
2. Manpower development:				
(a) Grants	118,366,000	118,366,000	116,350,000	116,350,000
(b) Direct operations	5,603,000	5,603,000	5,671,000	5,671,000
Subtotal	123,969,000	123,969,000	122,021,000	122,021,000
3. State and community programs:				
(a) Community mental health centers:				
(1) Construction	35,500,000	29,200,000		
(2) Staffing	47,550,000	47,550,000	60,100,000	80,100,000
(b) Narcotic addiction and alcoholism programs	12,000,000	11,175,000	15,900,000	15,900,000
(c) Direct operations	2,453,000	2,453,000	2,499,000	2,499,000
Subtotal	97,503,000	90,378,000	78,499,000	98,499,000
4. Rehabilitation of drug abusers	16,619,000	16,619,000	19,640,000	19,640,000
5. Program support	11,384,000	11,384,000	12,367,000	12,367,000
Total, mental health	360,681,000	353,556,000	346,656,000	368,516,000
Saint Elizabeths Hospital	14,212,000	14,212,000	14,823,000	14,823,000
Health services research and development	42,653,000	42,474,000	57,403,000	57,403,000
Comprehensive health planning and services:				
1. Partnership for health grants:				
(a) Planning	20,000,000	19,008,000	22,000,000	22,000,000
(b) Formula	100,000,000	90,000,000	90,000,000	90,000,000
(c) Project	73,843,000	73,596,000	109,500,000	109,500,000
Subtotal	193,843,000	182,604,000	221,500,000	221,500,000
2. Migrant health	15,000,000	15,000,000	15,000,000	15,000,000
3. Standard setting and resource development	10,252,000	10,252,000	10,434,000	10,434,000
4. Program management	4,380,000	4,380,000	4,564,000	4,564,000
Total	223,475,000	212,236,000	251,498,000	251,498,000
Less: trust fund transfer	−4,320,000	−4,320,000	−4,320,000	−4,320,000
Total appropriation	219,155,000	207,916,000	247,178,000	247,178,000

Footnote at end of table.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued

Appropriation/activity	1970 comparable: Appropriation	1970 comparable: After 2 percent reduction [1]	1971 budget	House bill
Maternal and child health:				
1. Maternal and child health:				
(a) Formula grants	$108,000,000	$108,000,000	$118,600,000	$118,600,000
(b) Project grants	77,869,000	75,825,000	83,030,000	83,030,000
(c) Research and training	17,085,000	14,885,000	17,085,000	17,085,000
(d) Program management	3,071,000	3,071,000	3,109,000	3,109,000
Subtotal	206,025,000	201,781,000	221,824,000	221,824,000
2. Family planning:				
(a) Grants and contracts	22,800,000	22,800,000	32,015,000	32,015,000
(b) Program management			1,500,000	1,500,000
Subtotal	22,800,000	22,800,000	33,515,000	33,515,000
Total	228,825,000	224,581,000	255,339,000	255,339,000
Regional medical programs:				
1. Regional medical programs:				
(a) Grants	73,500,000	73,500,000	79,500,000	79,500,000
(b) Direct operations	1,771,000	1,771,000	1,812,000	1,812,000
Subtotal	75,271,000	75,271,000	81,312,000	81,312,000
2. Technical assistance and disease control	20,930,000	18,287,000	13,168,000	13,168,000
3. Program management	1,947,000	1,947,000	2,022,000	2,022,000
Total	98,148,000	95,505,000	96,502,000	96,502,000
Communicable diseases	41,301,000	41,301,000	41,538,000	41,938,000
Medical facilities construction:				
1. Construction grants	172,200,000	172,200,000	50,000,000	172,200,000
2. Direct loans			30,000,000	
3. Interest subsidies			5,000,000	5,000,000
4. D.C. medical facilities	10,000,000	8,500,000		
5. Program direction and technical assistance	4,149,000	4,149,000	4,321,000	4,321,000
Total	186,349,000	184,849,000	89,321,000	181,521,000
Patient care and special health services	77,443,000	77,443,000	79,883,000	79,883,000
National health statistics	9,174,000	9,174,000	9,918,000	9,663,000
Retired pay of commissioned officers	16,700,000	16,700,000	19,501,000	19,501,000
Office of the Administrator	11,043,000	11,043,000	11,812,000	11,812,000
Total, Health Services and Mental Health Administration	1,305,684,000	1,278,754,000	1,269,880,000	1,384,090,000
NATIONAL INSTITUTES OF HEALTH				
Research Institutes (analysis by program):				
1. Research grants:				
(a) Regular program:				
(1) Non-competing	327,327,000	312,780,000	318,187,000	318,187,000
(2) Competing	133,830,000	123,030,000	131,144,000	156,433,000
Subtotal	460,157,000	435,810,000	449,331,000	474,620,000
(b) General research support grants	50,310,000	50,310,000	39,810,000	52,673,000
(Total program including NIMH)	(57,677,000)	(57,677,000)	(45,977,000)	(60,700,000)
(c) Multidisciplinary centers	30,318,000	26,154,000	35,904,000	45,422,000
(d) Special programs	23,565,000	21,124,000	21,344,000	21,623,000
Subtotal, research grants	564,350,000	533,398,000	546,389,000	594,338,000
2. Research training programs	197,873,500	178,522,000	176,787,000	191,037,000
3. Intramural research	96,780,000	94,841,000	102,544,000	105,127,000
4. Collaborative research and development	128,370,500	125,692,000	165,607,000	171,194,000
5. Other institute direct operations	44,117,500	42,814,000	44,221,000	45,352,000
Total, research institutes	1,031,491,500	975,267,000	1,035,548,000	1,107,048,000
Research institutes (analysis by appropriation):				
Biologics Standards	8,443,000	8,441,000	8,640,000	8,838,000
National Cancer Institute	190,969,500	181,332,000	202,383,000	227,383,000
National Heart and Lung Institute	171,792,500	161,049,000	171,747,000	178,479,000
National Institute of Dental Research	30,914,500	28,860,000	34,563,000	35,257,000
National Institute of Arthritis and Metabolic Diseases	141,171,000	132,091,000	132,152,000	138,339,000
National Institute of Neurological Diseases and Stroke	102,892,000	96,320,000	96,972,000	100,807,000
National Institute of Allergy and Infectious Diseases	101,166,500	98,231,000	99,219,000	102,249,000
National Institute of General Medical Sciences	159,987,000	148,309,000	148,376,000	166,072,000
National Institute of Child Health and Human Development	77,318,000	76,221,000	93,303,000	94,436,000
National Eye Institute	25,398,500	23,892,000	25,686,000	30,986,000
National Institute of Environmental Health Sciences	18,485,000	17,730,000	19,843,000	20,620,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	2,954,000	2,791,000	2,664,000	3,582,000
Total, research institutes	1,031,491,500	975,267,000	1,035,548,000	1,107,048,000
Health manpower:				
1. Institutional support:				
(a) Medical, dental, and related	105,000,000	101,400,000	113,650,000	116,350,000
(b) Nursing	8,400,000	7,000,000	11,000,000	11,000,000
(c) Public health	10,071,000	9,471,000	9,071,000	9,071,000
(d) Allied health professions	11,587,000	10,988,000	14,245,000	14,245,000
Subtotal	135,058,000	128,859,000	147,966,000	150,666,000

Appropriation/activity	1970 comparable: Appropriation	1970 comparable: After 2 percent reduction [1]	1971 budget	House bill
Health manpower—Continued				
2. Student assistance:				
(a) Traineeships	$20,670,000	$20,670,000	$22,270,000	$22,270,000
(b) Direct loans:				
(1) Medical, dental, etc	23,781,000	15,000,000	12,000,000	22,000,000
(2) Nursing	16,360,000	9,610,000	9,610,000	15,610,000
Subtotal	40,141,000	24,610,000	21,610,000	37,610,000
(c) Scholarships:				
(1) Medical, dental, etc	15,541,000	15,541,000	15,000,000	15,000,000
(2) Nursing	7,178,000	7,178,000	17,000,000	17,000,000
Subtotal	22,719,000	22,719,000	32,000,000	32,000,000
Subtotal, student assistance	83,530,000	67,999,000	75,880,000	91,880,000
3. Manpower requirements, utilization and program management	16,771,000	16,746,000	18,388,000	18,388,000
Total, Health manpower	235,359,000	213,604,000	242,234,000	260,934,000
Payment of sales insufficiencies and interest losses	957,000	957,000	3,083,000	3,083,000
Dental health	11,722,000	10,824,000	10,954,000	10,954,000
Research resources	71,324,000	62,692,000	63,701,000	66,201,000
Construction of health educational, research, and library facilities:				
1. (a) Medical and related	94,500,000	94,500,000	94,500,000	94,500,000
(b) Dental	23,600,000	23,600,000	23,600,000	23,600,000
2. Nursing	8,000,000	8,000,000	8,000,000	8,000,000
Total, construction of health educational, research and library facilities	126,100,000	126,100,000	126,100,000	126,100,000
National Library of Medicine	19,573,000	19,263,000	19,769,000	19,769,000
Buildings and facilities	1,900,000	1,615,000		
Office of the Director	7,845,000	7,845,000	8,206,000	8,206,000
Scientific activities overseas (special foreign currency program)	3,455,000	3,455,000	32,444,000	32,444,000
Total, National Institutes of Health	1,509,726,500	1,421,622,000	1,542,039,000	1,634,739,000
SOCIAL AND REHABILITATION SERVICE				
Grants to States for public assistance:				
1. Maintenance assistance	4,350,180,000	4,350,180,000	4,943,551,000	4,943,551,000
2. Repatriated U.S. nationals	700,000	600,000	770,000	770,000
3. Medical assistance	2,654,122,000	2,654,122,000	3,109,685,000	3,109,685,000
4. Social services	463,738,000	463,738,000	509,328,000	509,328,000
5. State and local training	23,264,000	23,264,000	25,536,000	25,536,000
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000
7. Research and training	17,200,000	16,980,000	17,080,000	17,080,000
Total	7,555,204,000	7,554,884,000	8,651,950,000	8,651,950,000
Work incentives:				
1. Training	94,140,000	85,140,000	92,750,000	61,000,000
2. Day care	25,860,000	16,860,000	77,250,000	59,000,000
Total	120,000,000	102,000,000	170,000,000	120,000,000
Rehabilitation services and facilities:				
1. Services:				
(a) Basic State grants	436,000,000	436,000,000	503,000,000	503,000,000
(b) Innovation	3,200,000	3,200,000	3,200,000	3,200,000
(c) Rehabilitation service projects:				
(1) Regular expansion grants	9,500,000	9,500,000	12,800,000	12,800,000
(2) Training in industry	500,000	450,000	1,000,000	1,000,000
(3) New careers	1,000,000	900,000	2,000,000	2,000,000
(4) Services for migrants			5,000,000	
(5) Workshop improvement	10,533,000	9,906,000	11,300,000	11,300,000
(6) Initial staffing	550,000	550,000	550,000	550,000
Subtotal	22,083,000	21,306,000	32,650,000	27,650,000
(d) Services for the mentally retarded	24,969,000	23,644,000	24,790,000	24,790,000
Subtotal, services	486,252,000	484,150,000	563,640,000	558,640,000
2. Facilities:				
(a) Vocational rehabilitation facilities	3,500,000	2,892,000		
(b) Facilities for the mentally retarded	12,031,000	10,226,000	8,000,000	8,000,000
Subtotal, facilities	15,531,000	13,118,000	8,000,000	8,000,000
Total	501,783,000	497,268,000	571,640,000	566,640,000
Programs for the aging:				
1. State grants	13,000,000	13,000,000	15,200,000	15,200,000
2. Foster grandparents program	9,250,000	8,817,000	10,000,000	10,000,000
3. Research and training	6,110,000	5,942,000	6,800,000	6,800,000
White House Conference on Aging	(250,000)	(250,000)	(1,000,000)	(1,000,000)
Total	28,360,000	27,759,000	32,000,000	32,000,000
Juvenile delinquency prevention and control	10,000,000	10,000,000	15,000,000	15,000,000
Research and training:				
1. Research and demonstrations:				
(a) Rehabilitation	21,425,000	20,603,000	22,360,000	26,360,000
(b) Social services	3,500,000	3,289,000	6,000,000	
(c) Income maintenance experiments	8,000,000	8,000,000	12,000,000	8,000,000
Subtotal	32,925,000	31,892,000	40,360,000	34,360,000
2. Training	27,700,000	27,700,000	27,700,000	27,700,000
3. Special centers	10,875,000	10,331,000	13,375,000	13,375,000
Total	71,500,000	69,923,000	81,435,000	75,435,000

DETAILED BREAKDOWN OF HEW APPROPRIATIONS FOR 1970 AND 1971 BY ACTIVITY—Continued

SOCIAL AND REHABILITATION SERVICE—Continued

Appropriation/activity	1970 comparable		1971 budget	House bill
	Appropriation	After 2 percent reduction [1]		
Social and rehabilitation activities overseas (special foreign currency program)	$2,000,000	$2,000,000	$7,000,000	$4,000,000
Salaries and expenses	28,645,500	28,645,500	37,829,000	35,457,000
Less: trust fund transfer	−360,000	−360,000	−390,000	−390,000
Total appropriation	28,285,500	28,285,500	37,439,000	35,067,000
Total, Social and Rehabilitation Service	8,317,132,500	8,292,119,500	9,566,464,000	9,500,092,000
SOCIAL SECURITY ADMINISTRATION				
Payments to Social Security trust funds:				
1. Matching payments for supplementary medical insurance	928,151,000	928,151,000	1,245,282,000	1,245,282,000
2. Hospital insurance for uninsured	617,262,000	617,262,000	878,688,000	878,688,000
3. Military service credits	105,000,000	105,000,000	105,000,000	105,000,000
4. Retirement benefits for the uninsured	364,151,000	364,151,000	370,916,000	370,916,000
Total	2,014,564,000	2,014,564,000	2,599,886,000	2,599,886,000
Special benefits for disabled coal miners	10,000,000	10,000,000	[2] (160,000,000)	([3])
Limitation on salaries and expenses (trust funds)	(934,369,000)	(934,369,000)	(997,461,000)	(997,461,000)
Limitation on construction (trust funds)			(2,800,000)	(2,800,000)
Total, Social Security Administration	2,024,564,000	2,024,564,000	2,599,886,000	2,599,886,000
SPECIAL INSTITUTIONS				
American Printing House for the Blind	1,404,000	1,404,000	1,476,000	1,557,000
National Technical Institute for the Deaf:				
1. Academic program	2,851,000	2,851,000	3,608,000	3,608,000
2. Construction			16,136,000	16,136,000
Total	2,851,000	2,851,000	19,744,000	19,744,000
Model secondary school for the deaf:				
1. Academic program	427,000	427,000	2,182,000	2,182,000
2. Construction	351,000	351,000	250,000	250,000
Total	778,000	778,000	2,432,000	2,432,000
Gallaudet College:				
1. Academic program	4,494,000	4,494,000	5,750,000	5,470,000
2. Construction	1,106,000	1,106,000	1,400,000	1,400,000
Total	5,600,000	5,600,000	7,150,000	6,870,000
Howard University:				
1. Academic program	21,109,000	21,109,000	24,000,000	24,000,000
2. Construction	30,410,000	30,410,000	1,000,000	1,000,000
3. Freedmen's Hospital	9,875,000	9,875,000	11,185,000	11,185,000
Total	61,394,000	61,394,000	36,185,000	36,185,000
Total, Special Institutions	72,027,000	72,027,000	66,987,000	66,788,000
DEPARTMENTAL MANAGEMENT				
Office for Civil Rights	6,666,000	6,666,000	8,874,000	8,874,000
Less: trust fund transfer	−856,000	−856,000	−947,000	−947,000
Total appropriation	5,810,000	5,810,000	7,927,000	7,927,000
Office of Child Development:				
1. Research and demonstrations			8,500,000	3,500,000
2. White House Conference on Children and Youth	400,000	400,000	600,000	600,000
3. Administration and technical assistance	1,507,000	1,507,000	2,355,000	1,817,000
Total	1,907,000	1,907,000	11,455,000	5,917,000
Departmental Management:				
1. Executive direction	6,523,000	6,523,000	8,299,000	
2. Public information	691,000	691,000	729,000	
3. Community and field services	4,223,000	4,223,000	5,415,000	
4. Legal services	4,063,000	4,063,000	4,488,000	
5. Financial management:				
(a) Audit	11,455,000	11,455,000	12,917,000	
(b) Other	2,246,000	2,246,000	2,477,000	
Subtotal	13,701,000	13,701,000	15,394,000	
6. Administrative management	5,984,000	5,984,000	7,144,000	
7. Surplus property utilization	1,380,000	1,380,000	1,456,000	
Total	36,565,000	36,565,000	42,925,000	40,825,000
Less: trust fund transfer	−5,429,000	−5,429,000	−5,855,000	−5,725,000
Total appropriation	31,136,000	31,136,000	37,070,000	35,100,000
Total, Departmental Management	38,853,000	38,853,000	56,452,000	48,944,000

[1] Sec. 410 of the Labor-HEW Appropriation Act for fiscal year 1970 (Public Law 91-204) required a reduction of 2 percent in the total appropriations contained in the act excluding those involving trust funds.

[2] Tentative estimate. Budget amendment will be submitted as soon as final estimate can be made.

[3] Indefinite; obligations authorized to be charged to subsequent appropriations.

RELATED AGENCIES

Agency	1970 appropriation	1971 budget	House bill
National Labor Relations Board	$38,522,000	$37,930,000	$39,430,000
National Mediation Board	2,353,000	2,394,000	2,394,000
Railroad Retirement Board:			
Payment for military service credits	19,206,000	19,969,000	19,969,000
Limitation on salaries and expenses	(16,162,000)	(16,740,000)	(16,740,000)
Total, Railroad Retirement Board	19,206,000	19,969,000	19,969,000
Federal Mediation and Conciliation Service	9,027,000	9,508,000	9,508,000
U. S. Soldiers' Home (trust fund appropriation):			
Operation and maintenance	9,445,000	9,822,000	9,822,000
Capital outlay	170,000	128,000	128,000
Total, U.S. Soldiers Home	9,615,000	9,950,000	9,950,000
Office of Economic Opportunity	1,948,000,000	2,080,200,000	2,046,200,000
Federal Radiation Council	132,000	144,000	144,000
President's Committee on Consumer Interests	460,000	810,000	810,000
National Commission on Product Safety	1,475,000		
President's Council on Youth Opportunity	300,000	300,000	300,000
Cabinet Committee on Opportunities for Spanish-Speaking People	537,000	675,000	675,000
Payment for the Corporation for Public Broadcasting	15,000,000		
National Credit Union Administration		500,000	
Total, related agencies	2,044,627,000	2,162,380,000	2,129,380,000

PROHIBITING SALACIOUS ADVERTISING

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11032) to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising, as amended.

The Clerk read as follows:

H.R. 11032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended by adding a new section as follows:

"§ 1466. Transportation of salacious advertising

"No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, an unsolicited advertisement that is salacious. An advertisement is salacious within the meaning of this section if it depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse or masturbation or any act of sadism or masochism. An advertisement otherwise within the definition of this section shall be deemed not to constitute a salacious advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"Whoever violates this section shall be fined not more than $50,000, or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned not more than ten years, or both, for a subsequent offense.

"When any person is convicted of a violation of this section, the court may, in addition to the penalty prescribed, order the destruction of all copies of the salacious advertisement seized from the possession or custody of such person or anyone acting on his behalf, at the time of his arrest."

SEC. 2. The table of contents preceding chapter 71 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1466. Transportation of salacious advertising."

The SPEAKER pro tempore. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, H.R. 11032, as amended, makes it a Federal offense to use the mails or other means of commerce to distribute unsolicited salacious advertisements.

This measure is one of the three anti-obscenity proposals recommended by the President. Two of these proposals, as amended by the Committee on Post Office and Civil Service have already been approved by the House on April 28 of this year. They were contained in H.R. 15693, a bill to amend title 39 of the United States Code to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from offensive intrusion into their homes of sexually-oriented mail matter, and for other purposes.

These proposals, already approved by the House, would:

First, make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 17 years of age matters dealing with a sexual subject in a manner unsuitable for young people, and

Second, extend existing postal law enabling a citizen to protect his home from any intrusion of sex-oriented advertising, regardless of whether or not he has actually received such mailings.

H.R. 11032, the instant bill, Mr. Speaker, I submit is the remaining part of the program designed to prohibit the knowing deposit in the mail for transport in interstate commerce of unsolicited advertisements that are salacious as specifically defined. As already mentioned, the program of the administration was embodied in three proposals. Two of these were, in fact, referred to the Subcommittee No. 3 of the House Committee on the Judiciary. Fourteen days of public hearings were held by the subcommittee, in which more than 150 anti-obscenity measures were considered and appraised. Twenty-seven Members of this body came before the committee to testify.

Although the approach of the various witnesses differed as to detail, the record of the hearing makes it abundantly clear that a tremendous volume of unsolicited salacious advertising is being disseminated through the mails and through interstate commerce. The Federal legislative remedy to the situation is embodied in H.R. 11032.

In this connection, I desire to compliment the main proponent of the legislation, the ranking minority Member of the House Judiciary Committee, the gentleman from Ohio (Mr. McCULLOCH).

I would also like to compliment those Members who cosponsored the measure, members of the subcommittee, and the members of the subcommittee who worked so hard on it, including the gentleman from Michigan (Mr. HUTCHINSON), the gentleman from Pennsylvania (Mr. BIESTER), the gentleman from Minnesota (Mr. MACGREGOR), as well as the gentleman from California (Mr. EDWARDS), and the gentleman from Illinois (Mr. MIKVA), and the gentleman from Michigan (Mr. CONYERS), and the gentleman from New York (Mr. RYAN).

The subcommittee reported out this bill, which was approved unanimously in the full committee. I should point out the gentleman from New York (Mr. RYAN), because of illness, was not present. We wish him a speedy recovery. He had strong reservations to the measure. My report to the Members that it was unanimous should not be taken to speak for the gentleman from New York in this connection.

I should like to talk briefly, Mr. Speaker, about the committee amendments to the bill.

First, the language of the original proposal would have proscribed traffic between consenting persons whereas the fundamental purpose of the legislation was to relieve unwilling recipients of the burden of receiving offensive materials. Accordingly, the committee has amended the proposal so that it applies only to material that has not been requested or subscribed for, in short, to unsolicited material.

Second, the measure, as introduced, was vulnerable to serious criticism that it would infringe the first amendment

guarantee of freedom of speech. H.R. 11032, as proposed, contained only one criterion of criminality—appeal to prurient interest in sex. This single criterion fails to meet the three standards of obscenity laid down by the High Court in *Roth* v. *United States*, 354 U.S. 476 (1959), and related cases. Those standards encompass not only "prurient appeal" but also offensiveness under community standards as well as utter lack of redeeming value. The Department of Justice, urging support for the legislation and relying on the Supreme Court decision in *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942), maintains that the first amendment does not apply to purely commercial advertising. While the matter is not entirely free from doubt, the committee determined that the constitutionality of a prohibition of the transportation of patently salacious matter in the mails or in commerce is worth testing.

In other words, Mr. Speaker, it is worth the effort we are making here today.

However, the committee also determined that so far as possible criminal laws should not be made to depend on imprecise or seculative criteria. Accordingly, the committee amendment to H.R. 11032 enumerates and catalogues the characteristics of an advertisement that render it "salacious" under the bill and thus interdicted. The definition of "salacious advertisement" contained in H.R. 11032 is substantially the same as the definition contained in H.R. 15693, the postal regulation measure which passed the House on April 28.

Lastly, the committee has amended H.R. 11032 to expressly authorize the destruction on court order of copies of salacious advertisements seized from the possession of a person who has been convicted of a violation of the proposed statute or from a person acting on his behalf. This provision exists today in section 1465 of Title 18, United States Code, and applies to cases in which a person is convicted of transportation of obscene matter for sale or distribution.

One last matter, Mr. Speaker, on penalties.

Mr. Speaker, the penalties provided by H.R. 11032 were carefully reviewed by the committee. Although the provisions for imprisonment are substantially higher than those recommended in a study draft recently issued by the National Commission on Reform of Federal Criminal Laws, they are consonant with existing obscenity penalties—a maximum of 5 years imprisonment for a first offense and 10 years for subsequent offenses. The bill also authorizes substantial fines—a maximum of $50,000 for a first offense and $100,000 for subsequent offenses.

The SPEAKER pro tempore. The gentleman has consumed 8 minutes.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 1 additional minute.

In conclusion, Mr. Speaker, I believe H.R. 11032 as amended by the committee is a workable proposal. Its approval today will complete House action on all antiobscenity measures recommended by the administration.

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

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

Mr. PUCINSKI. I congratulate the gentleman for bringing this legislation to the floor for action. I intend to support it.

I wonder if we could make some legislative history on the intent here.

In the bill we state, "an unsolicited advertisement that is salacious." I would presume that "unsolicited" means just that, and a defense by someone mailing out advertising, that he did not know it was unsolicited, would be no defense under this act. Does the gentleman care to perhaps elaborate on the word "unsolicited?"

Mr. KASTENMEIER. Yes. The committee found that nearly all the objectionable material that hundreds of thousands of Americans complain about is unsolicited, and comes by mail and enters the house, of course, through the mailbox.

We are not attempting here to interdict newspapers or magazines for which there is a subscription. We consider these solicited. But it is the unsolicited variety, that which is not asked for, that constitutes the offensive material we wish to proscribe.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 1 additional minute.

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

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

Mr. KAZEN. You know, one of the main difficulties we have had in passing legislation dealing with this type of matter and material is the definition of the material. Is your definition of salacious matter satisfactory, as far as the committee is concerned, in order to get around Supreme Court decisions?

Mr. KASTENMEIER. In answer to the question of the gentleman, of course, we are not defining obscenity, which is a different matter. We are defining what we consider to be salacious. We are going on the assumption that because we are dealing with commercial advertising, the first amendment guarantees with respect to requiring a definition of obscenity do not obtain here. Consequently we have tried to be as specific as we can and have more or less emulated the language that was contained in the post office bill which earlier passed this House—H.R. 15693—so as to put advertisers on notice as to what they may not use in advertising, and which this bill defines to be salacious.

Mr. McCULLOCH. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, I rise in support of H.R. 11032.

I am deeply disturbed by the serious threat to the moral and social fabric of our society posed by the mass of obscene materials which daily pour through the mails and move, it would seem, almost unhindered across State lines in interstate commerce.

In order to deal with this rising tide of pornography in our Nation, the President has proposed a three-pronged attack. The first prong of this attack, H.R. 11031, was designed to protect children from exposure to material which, though not actually obscene under the Supreme Court's test in *Memoirs* v. *Massachusetts*, 383 U.S. 413 (1966), might be harmful to minors. The substance of this proposal was passed by the House on April 28, 1970, as title I of H.R. 15693 by a vote of 375 to 8.

Title II of H.R. 15693 embodies the second part of the President's plan. This provision, originally introduced as title II of H.R. 10877, strikes at the problem of the unsolicited obscene advertisements which has flooded our homes by prohibiting the mailing of any "sexually-oriented advertisement" to any person who files with the Postmaster a statement that he desires to receive no such materials through the mails.

The third and final prong of the President's antipornography program, H.R. 11032, of which I am pleased to be a principal sponsor, is now before the House for action. This bill is aimed primarily at the mass of salacious and objectionable advertisements that are sent out indiscriminately in mass mailings by the purveyors of pornography who seek to make a fast buck at the expense of the sensibilities of millions of often unwilling recipients.

H.R. 11032, as introduced, would prohibit knowingly mailing or transporting in interstate commerce any advertisement designed or intended to appeal to a prurient interest in sex. The penalty for violation is a maximum of a 5-year term in jail or $50,000 fine for the first offense and 10 years or $100,000 for a subsequent offense.

The Committee on the Judiciary labored long and hard on this legislation. Subcommittee No. 3 held 14 days of hearings and heard 41 witnesses. The total testimony received numbers in the thousands of pages. In the executive sessions our members struggled to produce a bill that would be both an effective enforcement tool and yet capable of passing constitutional muster. I am confident that this goal has been attained.

The committee adopted three amendments of substance. First, the bill was limited to unsolicited advertisements to strengthen its right to privacy character.

Second, the bill was tightened up by replacing the term "designed or intended to appeal to a prurient interest in sex" with a more objective, less vague definition of the materials to be proscribed. This definition is essentially that contained in H.R. 15693 defining "sexually-oriented advertisement," which the House has already approved by passing H.R. 15693. Armed with this increased specificity in the definition of the materials prohibited, the U.S. attorneys and the courts should be able to use H.R. 11032 as an effective weapon against salacious advertisements.

The third amendment provides for the destruction on court order of salacious advertisements which are the basis of a conviction under the proposed act.

While the administration originally favored the language of H.R. 11032 as introduced, I am pleased to state that the Justice Department finds all of these

amendments acceptable and supports the bill as reported by the Judiciary Committee.

Mr. Speaker, in reporting out this most important piece of legislation the Committee on the Judiciary can well be proud of the strong lead it has taken in the war on pornography.

I strongly urge that the House follow this lead by adopting H.R. 11032.

Mr. Speaker, I include a chronology of the actions of the Judiciary Committee on H. R. 11032 at this point in the Record:

May 2, 1969—President Nixon's message to Congress.

May 7, 1969—Draft of the bill sent to Congress, accompanied by Attorney General's statement; introduction of the bill.

September 15, 1969—Subcommittee 3 began hearings.

April 16, 1970—Last of 14 public hearings.

May 20, 1970—First markup in Subcommittee 3.

July 7, 1970—Subcommittee 3 reported out the bill.

July 28, 1970—Full Committee reported the bill.

August 3, 1970—Consideration by the House on Suspension Calendar.

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

Mr. McCULLOCH. I am glad to yield to the gentleman.

(Mr. MINSHALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, as cosponsor of the bill before us, H.R. 11032, to end the use of interstate facilities, including the mails, for transport of salacious advertising, and as author of three other antiobscenity measures, I urge the House to give its strong endorsement to this important measure.

By coincidence, my office this morning received a slimy example of the very sort of advertisement H.R. 11032 would help eliminate. It was forwarded to me by an understandably indignant constituent in North Olmsted, Ohio, and is typical of the filth that is being sent, unsolicited, into the homes of millions of decent Americans. The panderers of pornography glean names from newspapers, magazines, school, club, and even church rosters, and, all to often, obtain them from mailing lists sold on the open market by mail order and publishing houses with which the citizen has done legitimate business. Many of the targets of this kind of advertising are minors.

I am putting this misspelled, ungrammatical piece of nastiness in the RECORD today because its author, who calls himself Andy Drew, has unintentionally presented a better case for banning his sort of slimy enterprise from the mails and from interstate commerce than all the oratory this House could muster:

DEAR SIR: I got your name from a special list that I bought. The guy that sold me the list (for a lot of money) said that you for sure would be interested in the kind of films I have for sale and that you wouldn't cause me any trouble. I hope he was right because trouble is something I don't need and I'm not looking for. You can figure out for yourself the kind of films I make, and if your not interested please *please* destroy this letter and you'll never hear from me again.

To tell the truth I've never mailed anything like this before. All my business for the past several years has been with a fairly small group of guys who have some money and kept me busy making the kind of films that each one tells me turns them on. But now I've run into a problem and have to think about expanding a little.

The problem is that these characters in Denmark are advertising that they can send the same kind of films into this country that I've been making and they even have the nerve to guarantee delivery. Even tho I know some guys that got burned because the films never got thru customs some of my customers have decided to try out the foreigners.

I really got fed up with these Danish bandits when I lost some customers and I figure it this way—Why shouldn't I let people who buy these films know they don't have to take chances and play dangerous games and get rooked good from the foreigners when they can buy the same stuff (I think my films are a lot better anyway) right here in the good old US of A.

You can bet that I'm going to send you really good stuff because I'm not looking for thousands of customers but just enough to supply a steady repeat business I can handle by myself. (I do all the work myself so I know that you get everything just like you want.)

After you've seen my first films you can tell me what you like yourself and I'll see what I can do for you. But in the meantime I went thru all my negs and chose 6 that I think are really great in quality and action and in the models that are in them. I have some more I will tell you about later but let's start with these first.

All are 200' in regular 8mm Black & White (I can get you Super-8 but it may take a few days longer.) I'm only going to charge you $15 for each film (or you san save money by ordering all 6 for $75). Of course if you want me to make a film specially for you later on it'll have to cost a little more. Here are the titles I've given the 6 films. (Titles omitted.)

I have here omitted the names of the films offered, since the titles and descriptions are obscene. The letter continues:

I shot while making these films and some others.

12 photos (all different) for $8. 24 photos (all different) for $12.

So send me $15 for each film you want or else $75 for all six (which is like getting one film for free).

Make your checks and money orders payable to *Andy Drew* because this is the name I'm using. Send your order and money to Andy Drew, 1800 N. Highland Ave. Rm. 616, make sure you put in *Rm. 616* so I'll get your order for sure, Los Angeles, Calif. 90028.

If you want me to ship you COD send me half of what your total order comes to (I don't like to be taken either) and then *make sure positively that someone is there to get the package.* If it got into the wrong hands it might really embarrass both of us.

Yours truly,

ANDY.

To save both of us time and trouble you can order here and tear this part off and send it to me with your money. Then I'll get your films out to you real fast.

ANDY DREW,
1800 N. Highland Ave. Rm. 616
Los Angeles, Calif.

(Titles omitted).

—— all six for $75 like getting one free
—— 12 Photos $8 —— 24 Photos $12
Name ----------
Address ---------- ----------
City ---------- State -------- Zip code ----

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

Mr. McCULLOCH. I am glad to yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I commend the distinguished gentleman for his leadership in this matter. I rise in support of this legislation.

I welcome this opportunity to express my full support for H.R. 11032, to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. This bill represents another important step toward controlling a problem which is of very deep concern to American citizens throughout the Nation; that is, the intrusion into American homes of unwanted, unsolicited, and offensive sex-oriented mail. The constituent mail coming into my office and that of so many of my colleagues certainly attests to the depth and breadth of this concern, which has in turn been reflected in the large number of bills introduced to deal with this growing problem.

Along with my distinguished colleague from Ohio, the Honorable WILLIAM MCCULLOCH, who is the chief sponsor of the legislation before us today, I cosponsored an original version of H.R. 11032 on May 12, 1969. This legislation also embodies one of the legislative proposals called for by President Nixon in his May 2, 1969 message to the Congress on sex-oriented mail.

As reported from the House Judiciary Committee, H.R. 11032 would prohibit the knowing deposit in the mail or transportation in interstate commerce of unsolicited material which exploits a prurient interest in sex through advertising. In order to deal effectively with any constitutional questions arising from the provisions of this bill, the committee has carefully and explicitly defined the concept of "salacious advertising" and the penalties provided for in H.R. 11032 are consonant with existing obscenity penalties. A first violation of this bill would carry a maximum fine of $50,000 or imprisonment of not more than 5 years, or both; subsequent offenses would carry a fine of not more than $100,000, or imprisonment of not more than 10 years, or both.

The committee is to be commended for its favorable consideration of this important legislation, which certainly deserves the complete approval by the House today. I would like to also express my support for an amendment added to the bill by the Judiciary Committee, which provides for court-ordered destruction of all copies of a salacious advertisement seized from the possession of a person convicted of a violation of this act.

In addition to the large volume of constituent mail I have already referred to, the subcommittee hearings on this legislation have clearly indicated the need for this legislation. While I have no illusions that H.R. 11032 will completely eliminate the growing problem of pornography dissemination in this country, it is another significant and essential step toward the solution to this problem. On April 28 of this year the House gave its approval to another step toward this solution in passing H.R. 15693. That legislation is aimed

at the protection of minors under 17 years of age from obscene mailings and the protection of the privacy of all mail patrons who do not want to receive such mail.

I strongly urge my colleagues in the House today to join in taking this additional action toward dealing with the very real problem of increasing traffic in pornography and salacious advertising.

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

Mr. McCULLOCH. I yield for one question.

Mr. PUCINSKI. Mr. Speaker, I would also like to join in congratulating the gentleman from Ohio for his support of this legislation which I think is most important.

Am I correct in assuming that there would be no defense under this bill for a sender of the salacious advertisement to a person who did not solicit the advertising, but if he claims that someone other than that person solicited it instead and if a person is a victim of a prank and someone sends in and requests material in another person's name, I presume this would not be an offense under this legislation.

Mr. McCULLOCH. I see that the chairman of the subcommittee which handled the legislation rises quickly to answer that question.

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

Mr. McCULLOCH. I yield to the gentleman from Wisconsin for an answer to the question which has been posed by the gentleman from Illinois.

Mr. KASTENMEIER. I would say to my friend from Illinois that that was not unsolicited material. Here I believe that the sender should have more reason to believe and to understand that the matter was, in fact, solicited.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, I believe this is a weakness of the bill and I hope we can correct it by adopting legislation which would make it an offense to send a request in behalf of another person without the knowledge or approval of the third party.

Mr. KASTENMEIER. I think that is correct.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I strongly favor H.R. 11032, and recommend passage of to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. Congress must prevent the distribution of salacious material that appeals only to base interest. Congress must take firm measures to protect American families from this unwanted material. The receipt of this unwanted obscene mail is an intolerable invasion of privacy, and the rights of the family to be free from such material. These acts should be made actually illegal by the Congress by legislation. As American homes are being flooded by this objectionable material, Congress must act firmly to protect families by legislative provisions that will offer real protection, and respect real constitutional rights of freedom of speech and press, which certainly does not include unwanted obscene materials.

I am glad to advise the Congress that on May 26, 1969, I sponsored the bill, H.R. 11631, which has one of its chief purposes to protect the public from intrusion into their homes through the U.S. postal service of obscene matter. My bill provided for each citizen the right to file a statement with the U.S. Post Office declaring that that person does not want such material delivered to his home. It also provided for fine and imprisonment against the sender of such material by the Attorney General of the United States for sending of obscene material through the U.S. mails over the objection of any citizen.

I have strongly favored stopping the distribution of salacious material through my favorable vote on H.R. 15693, the bill introduced by Congressman DULSKI of New York to protect those young people under 17 years of age from mail harmful to minors and to protect the privacy of those U.S. postal patrons who do not want to receive advertising for obscene materials. H.R. 15693 passed the House on April 28, 1970, and my affirmative vote is recorded on page 13287 of the CONGRESSIONAL RECORD.

I strongly endorse H.R. 11032 being debated today as I believe it will give great protection to each American citizen of all ages against unwanted and unsolicited obscene materials delivered by interstate means or the U.S. postal service.

I like particularly the leadership of President Nixon in sending his firm message to Congress asking prompt action to protect our citizens and families against obscene mail. Here is the President's message:

PROPOSALS ON SEX-ORIENTED MAIL

To the Congress of the United States:

American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it. Since 1964, the number of complaints to the Post Office about this salacious mail has almost doubled. One hundred and forty thousand letters of protest came in during the last 9 months alone, and the volume is increasing. Mothers and fathers by the tens of thousands have written to the White House and the Congress. They resent the intrusions into their homes, and they are asking for Federal assistance to protect their children against exposure to erotic publications.

The problem has no simple solution. Many publications dealing with sex—in a way that is offensive to many people—are protected under the broad umbrella of the first amendment prohibiting against any law "abridging the freedom of speech, or of the press."

However, there are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The courts have not left society defenseless against the smut peddler; they have not ruled out reasonable Government action.

Cognizant of the constitutional structures, aware of recent Supreme Court decisions, this administration has carefully studied the legal terrain of this problem.

We believe we have discovered some untried and hopeful approaches that will enable the Federal Government to become a full partner with States and individual citizens in drying up a primary source of this social evil. I have asked the Attorney General and the Postmaster General to submit to Congress three new legislative proposals.

The first would prohibit outright the sending of offensive sex materials to any child or teenager under 18. The second would prohibit the sending of advertising designed to appeal to a prurient interest in sex. It would apply regardless of the age of the recipient. The third measure complements the second by providing added protection from the kind of smut advertising now being mailed, unsolicited, into so many homes.

PROTECTING MINORS

Many States have moved ahead of the Federal Government in drawing distinctions between materials considered obscene for adults and materials considered obscene for children. Some of these States, such as New York, have taken substantial strides toward protecting their youth from materials that may not be obscene by adult standards but which could be damaging to the healthy growth and development of a child. The United States Supreme Court has recognized, in repeated decisions, the unique status of minors and has upheld the New York statute. Building on judicial precedent, we hope to provide a new measure of Federal protection for the young.

I ask Congress to make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people.

The proposed legislation would not go into effect until the sixth month after passage. The delay would provide mailers of these materials time to remove from their mailing lists the names of all youngsters under 18. The Federal Government would become a full partner with parents and States in protecting children from much of the interstate commerce in pornography. A first violation of this statute would be punishable by a maximum penalty of 5 years in prison and a $50,000 fine; subsequent violations carry greater penalties.

PRURIENT ADVERTISING

Many complaints about salacious literature coming through the mails focus on advertisements. Many of these ads are designed by the advertiser to appeal exclusively to a prurient interest. This is clearly a form of pandering.

I ask the Congress to make it a Federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising.

This measure focuses on the intent of the dealer in sex-oriented materials and his methods of marketing his materials. Through the legislation we hope to impose restrictions on dealers who flood the mails with grossly offensive advertisements intended to produce a market for their smut materials by stimulating the prurient interest of the recipient. Under the new legislation, this form of pandering could bring a maximum penalty of 5 years imprisonment, and a fine of $50,000 for a first offense and 10 years and a fine of $100,000 for subsequent offenses.

INVASION OF PRIVACY

There are other erotic, sex-oriented advertisements that may be constitutionally protected but which are, nonetheless, offensive to the citizen who receives them in his home. No American should be forced to accept this kind of advertising through the mails.

In 1967 Congress passed a law to help deal with this kind of pandering. The law permits an addressee to determine himself whether he considers the material offensive in that finds it "erotically arousing or sexu-

ally provocative." If the recipient deems it so, he can obtain from the Postmaster General a judicially enforceable order prohibiting the sender from making any further mailings to him or his children, and requiring the mailer to delete them from all his mailing lists.

More than 170,000 persons have requested such orders. Many citizens however, are still unaware of this legislation, or do not know how to utilize its provisions. Accordingly, I have directed the Postmaster General to provide every congressional office with pamphlets explaining how each citizen can use this law to protect his home from offensive advertising. I urge Congress to assist our effort for the widest possible distribution of these pamphlets.

This pandering law was based on the principle that no citizen should be forced to receive advertisements for sex-oriented matter he finds offensive. I endorse that principle and believe its application should be broadened.

I therefore ask Congress to extend the existing law to enable a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not a citizen has ever received such mailings.

This new stronger measure would require mailers and potential mailers to respect the expressed wishes of those citizens who do not wish to have sex-oriented advertising sent into their homes. These citizens will put smut-mailers on notice simply by filing their objections with a designated postal authority. To deliberately send such advertising to their homes would be an offense subject to both civil and criminal penalties.

As I have stated earlier, there is no simple solution to this problem. However, the measures I have proposed will go far toward protecting our youth from smut coming through the mails; they will place new restrictions upon the abuse of the postal service for pandering purposes; they will reinforce a man's right to privacy in his own home. These proposals, however, are not the whole answer.

The ultimate answer lies not with the Government but with the people. What is required is a citizens' crusade against the obscene.

When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.

RICHARD NIXON.

THE WHITE HOUSE, *May 2, 1969.*

The purpose of the President's message was to request Congress:

First. To make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age matter dealing with a sexual subject in a manner unsuitable for young people;

Second. To make it a Federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising, and

Third. To extend existing law enabling a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not he has received such mailings.

Measures embodying all three proposals were promptly introduced. The first and second, authored by the ranking minority Member of the Judiciary Committee, Congressman MCCULLOCH, as H.R. 11031 and H.R. 11032, respectively, were referred to this committee. The third became title II of H.R. 10877 and was referred to the Committee on Post Office and Civil Service.

The first and third of the President's legislative proposals have been passed by the House in H.R. 15693 that was processed by the Committee on Post Office and Civil Service and passed the House on April 28.

The remaining legislative proposal of the President, embodied in H.R. 11032, was requested in the following words:

Many complaints about salacious literature coming through the mails focus on advertisements. Many of these ads are designed by the advertiser to appeal exclusively to a prurient interest. This is clearly a form of pandering.

I ask the Congress to make it a Federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising, (The emphasis is the President's.)

This measure focuses on the intent of the dealer in sex-oriented materials and his methods of marketing his materials. Through the legislation we hope to impose restrictions on dealers who flood the mails with grossly offensive advertisements intended to produce a market for their smut materials by stimulating the prurient interest of the recipient. Under the new legislation, this form of pandering could bring a maximum penalty of 5 years imprisonment, and a fine of $50,000 for a first offense and 10 years and a fine of $100,000 for subsequent offenses.

PENALTIES

The penalties provided by H.R. 11032 were carefully considered by the committee. The provisions for imprisonment, although substantially higher than those recommended in the study draft recently issued by the National Commission on Reform of Federal Criminal Laws, are consonant with existing obscenity penalties, namely, maximums of 5 years for a first offense and 10 years for subsequent offenses. The provisions for fines (maximums of $50,000 for a first offense and $100,000 for subsequent offenses) are high. Taking cognizance of the fact that these figures are maximums, the committee decided to recommend no change in penalties provided by the bill. In addition, of course, the committee's amendment No. 5 provides for destruction on court order of copies of a falacious advertisement seized from the possession of a person who has been convicted of a violation of the proposed new section or from a person acting on his behalf.

I therefore, join with the unanimous membership of the House Judiciary Committee, both Republican and Democratic, in urging prompt passage by the U.S. House of Representatives of H.R. 11032, as strengthened and amended by that committee.

I am glad to join in the strong lead of the House Judiciary Committee in this war on obscene materials and pornography, which are flooding our U.S. mails and our homes today.

I urge Congress to stop the use of interstate facilities, including U.S. mails, to transport obscene advertising materials. This mail is sent to young and older people through lists obtained from papers, schools, clubs, and even voter lists. Unsolicited obscene mail is a violation of the U.S. constitutional right of privacy, and this evil invasion cannot be justified under the false banner that it is "free speech."

Mr. Speaker, I compliment the gentleman from Ohio upon his leadership and excellent statement, as well as the House Judiciary Committee upon the fine work which has been done on this important legislation to stop obscene material flooding U.S. homes.

I would like to ask one question: Could the committee enlighten the House at what age the person is judged to have adequate judgment within which to give his consent to request or solicit advertising material of this nature? For example, in my district a mother from Jefferson Borough just yesterday complained to me that her 11-year-old son had received obscene material by mail that he did not ask for nor request. She wondered just how his name could get on any such list, and objected most strongly. Could a request by an 11-year-old child be considered a valid request? I say definitely "no."

What is the age at which mature judgment can be said to be used in determining what is a valid request?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman from Ohio will yield further, there is no age limit contained in this bill. This is a bill to provide across-the-board proscriptions of so-called pandering advertising. The problem of minors in connection with this type of mail was dealt with in the Post Office and Civil Service bill—H.R. 15693.

Mr. FULTON of Pennsylvania. Mr. Speaker, if the gentleman will yield further, should there be an age limit in this bill below which no consent or no request for obscene materials would be received?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman from Ohio will yield further, in my view, we intend for this measure to be all inclusive. The other bill specifically dealt with protection of minors.

Mr. MCCULLOCH. Mr. Speaker, I yield to the gentleman from Virginia (Mr. POFF) to further respond to the question.

Mr. POFF. Mr. Speaker, I thank the distinguished gentleman from Ohio. My own thought is that the word "unsolicited" is intended to offer the accused the predicate for a defense and if the defense is to be meaningful, then the defendant cannot be put to the burden of showing that he had knowledge of the age of the person who solicited it.

Mr. MCCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the bill before us reminds me of an important problem regarding obscenity cases in Federal courts which I feel my colleagues should know about.

In July of this year, an obscenity case, United States against Boltansky, was heard in Baltimore, Md., before U.S. District Judge R. Dorsey Watkins. The defense rested its case on July 23. The U.S. Government prosecutors had no rebuttal, so the case was then ready for submission to the fact finder. Since the

defendant waived his right to a jury, Judge Watkins was sitting as the trier of fact. On that morning, July 23, Judge Watkins stated that he would postpone his decision until after the Commission on Obscenity and Pornography had reported. As an attorney and a legislator, this position is astounding and incomprehensible.

The Assistant U.S. Attorney who was prosecuting the case argued that the case should be decided expeditiously so that the Government would have some guidelines for future prosecutions. Judge Watkins dismissed this argument with the suggestion that the Government might somehow protect itself by putting into its files the names of those prosecutions which would have been instigated except for Judge Watkins' hesitation to rule in the Boltansky case.

The Department of Justice's Criminal Division attorney assigned to the case then asked to be heard and indicated to the judge that it appeared that he was planning to allow the Commission's findings to influence his decision. Such a procedure is without legal precedent in the administration of criminal justice. This is analogous to allowing a jury to go beyond the evidence presented in a case and to do research on their own before passing on the issue at hand. When the Government made these arguments, the judge responded that his decision was not unlike a lower court's deferring a decision on an important issue of law which was soon to be decided by an appellate court. With all due respect to Judge Watkins, there is no analogy whatsoever. The President's Commission on Obscenity and Pornography is not an appellate court. It is a group of laymen who can at best recommend changes in statutes. This Commission has no power to legislate or adjudicate. Judge Watkins has the responsibility to adjudicate on the basis of the law as it exists at the time of the alleged offense, not on the basis of what the law might be at some time in the future. Such a postponement is wholly distinguishable from postponing a factual determination when all evidence is in.

The case should be adjudicated promptly. Delay to await the findings of an ad hoc commission of laymen which can in no way affect the case at bar is totally without justification. The Government and defendants whose trials are pending are entitled to expeditious handling.

We, as Federal legislators, have a responsibility to formulate statutes such as the bill before us today, but Federal judges have a responsibility to interpret these statutes and promptly adjudicate cases on the basis of the existing law.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I rise in support of H.R. 11032 for the specific purpose of clarifying any misunderstanding of the committee's intent in its definition of salacious advertising.

The definition uses the phrase, "Any act of natural or unnatural intercourse."

During the committee's consideration of this language it was emphasized by its author, Congressman MIKVA, that the intent of the phrase is to reach all sexual acts involving penetration between persons of the same or of different sexes, between human beings, or human beings and animals or things.

The committee accepted this broad definition of sexual intercourse in favorably reporting the bill in the House. If enacted into law, it should be so understood by the courts and law enforcement officials.

This measure is not without constitutional doubt, but the evident problem warrants our reliance upon Valentine against Chrestensen until the Supreme Court has spoken further on the subject.

Mr. McCULLOCH. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding. As a cosponsor of H.R. 11032, which would prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising, I support the present version of the bill even though it has been modified and made milder in committee. Nevertheless, it is still noteworthy to get it passed by the House this session. I know I share the experience of many other Members who have received irate letters and enclosures from constituents demanding a stop to the dissemination of this trash only to have the Post Office inform us that their hands are tied because of court rulings.

I hope the consideration of H.R. 11032 today indicates a trend on the part of Congress to come to grips with the whole area of pornography and obscenity in both the printed and movie medias. It has been somewhat discouraging to date that more legislation designed to firmly cope with this issue has not been forthcoming. Legislation that I introduced to establish a House Select Committee on the Investigation of Pornographic Enterprises has not seen the light of day. H.R. 7201, introduced in February 1969 which would take out of the hands of the U.S. Supreme Court and place in the local courts the determination of obscenity and pornography, is perhaps too strong an approach for Congress. I believe, however, that the American public, viewing the confusion and depressing record of the highest court of the land on this issue, would support such an approach.

Still more depressing are the reports emanating from the Commission on Obscenity and Pornography, that body established during the last administration to review the whole area of obscenity with a view to recommending legislation and providing definitions and guidelines so urgently needed in this most complex area. Three of the Commissioners have taken issue with the operation of the Commission and see very little hope of worthwhile results from this body's efforts.

I think it is understandable, then, why I am encouraged by the House's consideration of H.R. 11032 today and will support it on final passage.

Mr. WHITE. Mr. Speaker, will the gentleman yield for the purpose of a question?

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

Mr. WHITE. Mr. Speaker, I want to ask this question: First of all, of course, I support the legislation, but for legislative history I want to be sure as to how it relates to advertisements for works of art.

On page 2 it states in the definition of salacious material: "In a predominantly sexual context." Does this qualify "depicts, in actual or simulated form" for purposes of an advertisement for works of art; and if so, then such advertisement of a work of art would have to be also "in a predominantly sexual context" before it would be in violation of this law?

Mr. McCULLOCH. I would yield to the gentleman from Wisconsin for an answer to that inquiry.

Mr. KASTENMEIER. Mr. Speaker, I would say to the gentleman from Texas that he has stated the proposition correctly.

Mr. WHITE. Mr. Speaker, I thank the gentleman, and I appreciate the gentleman yielding to me.

Mr. McCULLOCH. Mr. Speaker, I yield 6 minutes to the ranking Republican member who, with the chairman of the subcommittee, did such a remarkable job, the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, first I want to pay tribute to the distinguished gentleman from Ohio (Mr. McCULLOCH) who is the author of this legislation. He has given the subject his personal and preferred attention over the entire period of his service in this body, and the work product I think reflects great credit on his concern and talent in this area.

Mr. Speaker, H.R. 11032 is the third part of the administration's pornography control package. The first two parts were, in substantial measure, incorporated in H.R. 15693 passed earlier by the House. One part permits postal patrons to force distributors of sexually oriented advertisements to remove their names from mailing lists, even if those advertisements do not meet the court definition of "obscenity." The second part outlaws the mailing of sex-oriented material harmful to minors, even if that material fails to meet the court definition of "obscenity."

H.R. 11032, the third part of the administration's package, makes it a crime to mail or transport in interstate commerce an unsolicited advertisement that is in itself salacious, even if it fails to meet the court definition of "obscenity." Under the present law, 18 U.S.C. 1461, mail advertisements are outlawed if they are themselves obscene or if the material they advertise is obscene.

The Supreme Court's definition of "obscenity" is tripartite. The material is obscene, and therefore not entitled to first amendment protection, if: First, the dominant theme of the material taken as a whole appeals to a prurient interest in sex; second, the material is patently offensive because it affronts community standards relating to the description or representation of sexual matters; and

third, the material is utterly without redeeming social value.

While the Supreme Court has held that the legislature cannot proscribe sexually oriented material which fails to meet that tripartite test, it has indicated that Congress can proscribe the unsolicited mailing of commercial advertisements which in themselves are designed to appeal to a prurient interest in sex, even when they fall short of the tripartite definition of obscenity.

Thus, H.R. 11032 proscribes advertisements which meet the statutory definition of "salacious."

In the original form recommended by the administration, H.R. 11032 simply outlawed advertisements intended to appeal to a prurient interest in sex. No effort was made to define that phrase. The committee substituted for that phrase the word "salacious" and added an itemized definition of the word. It did so because it felt that the phrase without statutory definition might offend the constitutional mandate of precision and certainty in a criminal statute.

While I support the bill in its present form, I favor the original form. I do so for two reasons. First, as more fully explained in a memorandum which I will append to the foot of this statement, I do not believe the phrase offends the constitutional mandate. Second, I am afraid that the definition of the word "salacious" the committee inserted in the bill may become a predicate for much mischief. The definition attempts to make an inventory of specifics. Each item in the inventory itself challenges definition. Each item encourages defense counsel to invent another defense. Each item invites, indeed commands, interpretation, construction, and application by the trial court and the appellate courts. In its very specificity, the committee's definition exacerbates rather than resolves the problem of vagueness.

For these reasons, I earnestly believe that the statute we are writing would be more functional and more effective if we were to restore the bill to its original form. Nevertheless, I am equally convinced that, even in its present form, the bill would, at least partially, fill a void in the criminal code and help to take the profit out of pornographic pandering.

This is a pornography control bill. It is more than that. It is a right of privacy bill. It is a family protection bill. It is a bill designed to protect the American home against the flood of advertising filth which is pouring unsolicited through the mail slot in the front door.

The following is a memorandum supporting H.R. 11032 in its original form.

Mr. Speaker, the administration's bill to prohibit the distribution, through the mails or other facilities of interstate commerce, of advertisements "designed or intended to appeal to a prurient interest in sex" has been opposed on the grounds that first, it is unconstitutionally vague; second, it deals with materials which are protected by the first amendment; and third, it restricts the reading matter for adults to that which is suitable for children.

I would like to examine these arguments and attempt to clarify the confusion which appears to exist about what this bill is intended to accomplish and the constitutional basis upon which it was formed.

First, the argument has been advanced that the legislation is unconstitutional "because it is so vague and indefinite that it 'fails to give fair notice of what acts will be punished'." Certainly, one would agree that a criminal statute must give adequate notice of that conduct which is prohibited. This bill, H.R. 11032, would curtail the distribution of advertisements "designed or intended to appeal to a prurient interest in sex." Therefore, not only must the salacious nature of the appeal be known, it must be calculated as well.

As to the understanding of the words "prurient interest," the Supreme Court has found the term sufficiently precise to include it as a necessary element to establish a matter obscene in a prosecution under section 1461 of title 18, United States Code, *Roth* v. *U.S.*, 354 U.S. 476 (1957). In the Roth case, which held that obscenity is not afforded first amendment protection, the Court adopted the following standard for obscenity:

> Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest.

As defined in that case, the first meaning of "prurient interest" is "a tendency to excite lustful thoughts."

Since the Supreme Court has itself used the phrase in establishing a test for obscenity, it could hardly be found unconstitutionally vague when utilized in another, but closely related, context.

Second, it is contended that commercial advertisements are afforded first amendment protection and H.R. 11032 "is obviously an unconstitutional attempt to expand the standards of obscenity promulgated by the Supreme Court" in Roth and *Memoirs* v. *Massachusetts*, 383 U.S. 413 (1966).

This legislation is not an attempt to expand, or to alter, the Court's definition of obscenity. Section 1461 of title 18 is and would continue to be the Federal statute to prohibit distribution of obscene matter or of advertisements for obscene matter. Perhaps the bill's purpose will be clarified by a statement of what this legislation would not do:

First. It would not prohibit advertisement of any matter;

Second. It would not affect the distribution of any matter which is not an advertisement;

Third. It would not amend the current definition of obscenity.

This legislation would curtail the distribution of advertisements which are calculated to appeal to a prurient interest. The nature of the products being advertised would not be relevant to the application of the provisions. The legislation would not proscribe advertisements for pornographic materials if the advertisements themselves are not objectionable.

The constitutional basis of H.R. 11032 is that commercial advertisements are not afforded first amendment protection. This basic premise has been attacked on the grounds that the Supreme Court's decision on this matter, *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942), was "casual, almost offhand" and has not "survived reflection." In Valentine, the Court held that while the streets are proper places for the exercise of freedom of communicating information and disseminating opinion, and while the Government may not unduly burden such use, the "Constitution imposes no such restraint on Government as respects purely commercial advertising." There is no indication in the opinion that the Court's determination was either "casual" or "offhand." Furthermore, since the time that it was referred to in that manner by Mr. Justice Douglas, in a concurring opinion in the case of *Cammarano* v. *U.S.*, 358 U.S. 498 in 1959—a reference relied upon by opponents of the legislation—the Supreme Court has cited Valentine with approval. In 1966, in *Ginzberg* v. *United States*, 383 U.S. 463 (1966), the Court suggested that the Government may be properly concerned with prurient advertising, and, in a footnote, stated:

> /M/aterial sold solely to produce sexual arousal, *like commercial advertising*, does not escape regulation because it has been dressed up as speech, *or in other contexts might be recognized as speech* (italic added).

It has also been contended that Valentine "was not intended to and cannot apply to advertisements for books and other material which enjoy the benefits of the first amendment." But in *Breard* v. *Alexandria*, 341 U.S. 622 (1950) the Court was faced with this contention and stated:

> We agree that the fact that periodicals are sold does not put them beyond the protection of the First Amendment. The selling, however, brings into the transaction a commercial feature.
>
> The First and Fourteenth Amendments have never been treated as absolutes. Freedom of speech or press does not mean that one can talk or distribute where, when and how one chooses.

The cloak of first amendment protection cannot be said to immunize from governmental control every transaction which is associated with the press, speech, or religion. In instances where State or local laws have been held unconstitutional for unduly infringing upon first amendment rights, the Court has frequently gone out of its way to point out that other circumstances may exist where such restraints could be imposed. As the Court stated in *Thomas* v. *Collins*, 323 U.S. 516 (1945), once a speaker goes beyond a public speech to enlist support for a lawful movement "as when he undertakes the collection of funds or securing subscriptions," he enters an area where reasonable restrictions may be imposed. Then, in *Schneider* v. *State* 308 U.S. 147 (1939).

> We are not to be taken as holding that commercial soliciting and canvassing may not be subjected to such regulation as the ordinance require.

And in *Cantwell* v. *Connecticut* 310 U.S. 296 (1940)

> The general regulation, in the public interest, of solicitation, which does not un-

reasonably obstruct or delay the collection of funds, is not open to any constitutional objection, even though the collection be for a religious purpose.

This legislation would not unduly suppress any publication. It would require one who solicits sales of any item to refrain from intentionally employing prurient appeal in his solicitations. This neither imposes self-censorship, which was proscribed in *Smith* v. *California*, 361 U.S. 147 (1959) nor reduces the availability of publication to any segment of our population which was the crucial problem in *Butler* v. *Michigan*, 352 U.S. 380 (1957).

While the courts have tended in recent years to make prosecutions under the obscenity statutes, 18 United States Code 1461, et seq., more and more difficult, they have established another line of decisions indicating a judicial willingness to recognize the right of the individual who does not wish to be confronted by salacious materials as well as the rights of those who do.

In a recent Supreme Court decision upholding the constitutionality of the so-called anti-pandering statute, *Rowan* v. *U.S. Post Office*, 38 U.S.L.W. at 4343 (May 4, 1970), 39 United States Code 4009(a), the Court stated:

It places no strain on the doctrine of judicial notice to observe that whether measured by pieces or pounds, Everyman's mail today is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive . . . That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere . . . The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain.

In the case of *Stanley* v. *Georgia*, 394 U.S. 557 (1969) the Court, in finding a statute prohibiting the private possession of obscene material to be unconstitutional, recognized that the public distribution of such matter may be treated differently and mentioned that:

There is always the danger that obscene material . . . might intrude upon the sensibilities or privacy of the general public.

Similarly, in *Redrup* v. *New York*, 386 U.S. 767 (1967), three cases involving the distribution of salacious materials were reversed when it was established that the books and magazines did not meet the Court's definition of obscenity and that:

In none (of the cases) was there any suggestion of an assault upon individual privacy by publication in a manner so obstrusive as to make it impossible for an unwilling individual to avoid exposure to it.

In May 1970, three-judge Massachusetts Federal Court enjoined prosecution of cast members of "Hair" for indecent exposure and reasoned that first amendment obscenity standards must be applied, but, if lewd acts and indecent exposure should be thrust upon an unsuspecting public, first amendment protection may be lost. *Langston* v. *Byrne*, U.S. D.C. Mass., May 6, 1970, 7 Crim. Law. Rep. 2135.

Whether or not legislation such as H.R. 11032 should ultimately replace the present obscenity law is a question that need not be answered now. However, with a constant narrowing of the application of the present law by the courts certainly there is a need for legislation which can protect the general public from materials offensive to it which cannot be constitutionally banned outright.

Any right which one may have to purchase and read anything he chooses must be put in balance with the right of others to be free from unwanted exposure to the salacious. Regardless of the constitutionality of restrictions on the sale and distribution of pornography, there is hardly a sound argument that can be made to support a contention that vendors should be allowed to merchandise anything in a manner which is understandably offensive to countless American families upon whom the unsolicited advertisements are thrust.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I rise in support of H.R. 11032, as amended by the Judiciary Committee, to prohibit the use of interstate facilities, including the mails, for the transportation of unsolicited, salacious advertising.

Mr. Speaker, the issue of pornography and obscenity in a free and open society is one fraught with difficulties for the Congress. Our constitutents are complaining in ever-increasing numbers of the unordered and unsolicited smut that is being sent into their homes through the mail. President Nixon summarized the complaints in his message to the Congress over a year ago. He stated:

American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it. Since 1964, the number of complaints to the Post Office about this salacious mail has almost doubled. One hundred and forty thousand letters of protest came in during the last nine months alone, and the volume is increasing. Mothers and fathers by the tens of thousands have written to the White House and the Congress. They resent these intrusions into their homes, and they are asking for federal assistance to protect their children against exposure to erotic publications.

None can question that unordered smut and the salacious advertising for it are being mailed into our homes—the only issue that remains concerns the kind of action the Congress can constitutionally take to deter the producers and suppliers of near pornography.

The constitutional problem, of course, concerns the definition of obscenity and the limits of the first amendment. Under present Federal law, the knowledgeable mailing of obscene matter is an offense punishable by up to 5 years in prison and a fine of up to $5,000 (18 U.S.C. 1461). Further legislation in that area is unnecessary. What is needed most is enforcement. In *Roth* v. *United States*, 354 U.S. 476 (1959), the Supreme Court established the test of obscenity as "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." Subsequent decisions have added the requirements that patent offensiveness to current community standards of decency must be established independently of prurient appeal, and that the matter must be shown to be utterly without redeeming social value, as well as prurient and patently offensive.

Clearly, as stated earlier, if material falls within the definition of obscenity as set out by the courts, it is unlawful under present law to send it through the mails or otherwise in interstate commerce. But what of the salacious, obscene advertisements and solicitations that are being sent unordered into our homes? Surely, the right of privacy, the freedom to go to one's mailbox without the fear of finding erotic and often disconcerting advertising can also be protected.

All constitutional issues represent a balancing of one dominant societal need against another. In this case, freedom of speech, as protected by the first amendment, must be balanced against the individual's freedom to be free from having unwanted morally offensive materials thrust upon him. I have studied the constitutional issue here involved, and I am inclined to agree with the Justice Department and all the other Members of the Committee on the Judiciary that the legislation before us today deals effectively with a serious problem in a way that avoids any abridgment of the freedom of speech. I base my conclusion on several decisions of the United States Court. While it may be under recent decisions of the Supreme Court that speech, including books, magazines and other printed materials is constitutionally protected unless it falls within the three-pronged definition of obscenity, in *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942), the Court ruled that commercial advertising did not enjoy the same degree of protection as noncommercial speech. The Court, in Valentine, unanimously upheld a municipal ordinance which outlawed the distribution of handbills advertising a commercial enterprise. A similar principle was delineated in *Breard* v. *Alexandria*, 341 U.S. 622 (1951).

Assistant Attorney General William H. Rehnquist, in testimony before Subcommittee No. 3 of the House Judiciary Committee, explained the reasons for excluding commercial advertising from first amendment protection. He stated:

The central purpose of the Amendment is to assure what Justice Holmes called the 'free trade in ideas.' *Abrams* v. *United States*, 250 U.S. 616, 630 (dissenting opinion) . . . This is not to suggest, of course, that the Amendment extends only to expressions of philosophical or political character. Constitutionally protected speech may include artistic works, special commentary, and many other modes of expressions by which ideas may be conveyed or public attitudes shaped. But the purpose of ordinary advertising is to sell a product, not an idea. Accordingly, such advertising is low on the scale of values underlying the First Amendment. It may be suppressed when necessary to promote other legitimate interests.

I am in agreement with Assistant Attorney General Rehnquist. There can be no doubt that the protection of the right of privacy, especially in the area of pornography, is a legitimate governmental concern. It is my belief that H.R.

11032 deals properly and constitutionally with a growing and serious national problem.

Mr. Speaker, I want also to call special attention to two of the amendments made by the committee. The first limits the application of the measure to unsolicited advertisements only. Remembering that we are here dealing with matter falling outside the triple test of obscenity, and relying, as we do, on the protection of the right of privacy, the committee was careful to limit the measure's sanctions to those who mail unordered, their pervicacious advertisements.

Another committee amendment worthy of note describes specifically the kind of advertising aimed at, rather than rendering our intentions unclear and leaving the task to the subjective judgments of prosecutors, judges and juries. Both of these amendments improve the bill and I commend the members of Subcommittee No. 3, and especially the chairman of that subcommittee, the gentleman from Wisconsin, (Mr. KASTENMEIER) and the ranking member of the subcommittee, the gentleman from Virginia (Mr. POFF) for their dedication and insight.

Mr. Speaker, I urge the overwhelming approval of H.R. 11032.

Mrs. REID of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentlewoman from Illinois.

Mrs. REID of Illinois. Mr. Speaker, I rise in support of H.R. 11032, to prohibit the interstate transportation of salacious advertising.

There is no question that most Americans are deeply irritated by the outpouring of filth which circulates so freely today. Who among us has not received numerous letters from constituents urging that we take new initiatives to control the dissemination of indecent materials? Another indication of the enormity of the problem is reflected in the fact that more than one-half million persons have filed complaints with the Post Office Department in the last 3 years specifically objecting to obscene mailings.

The time has come to act decisively in stamping out the menace of pornography in our Nation. I find it very encouraging that this is the second bill against pornography to be brought before the House in this session. Last year I introduced H.R. 9372, to protect minor children from receipt of unsolicited obscene materials through the mails. A similar measure, H.R. 15693, was passed by the House on April 28, 1970—and I was glad to give it my support.

In my opinion, the bill now before us—H.R. 11032—is a necessary adjunct to the previously passed legislation because it will close an additional loophole. Whereas H.R. 15693 covered the mailing of sexually oriented materials, the present bill will help to stop shipments by use of any means in interstate commerce. It is my hope that the House will pass this bill today and that early action will be taken in the Senate.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MILLER) such time as he may require.

(Mr. MILLER of Ohio asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, Congress has an obligation to prevent the unchecked flow of pornographic material into American homes. To this end I have sponsored legislation in the past which would strike at the root of the problem by making it a Federal offense to use the mails as a means of dissemination for smut literature. Now, in an additional step to tighten the noose on those who knowingly aid and abet the alarming rise in sex crimes in America, I heartily support H.R. 11032 which will prohibit the interstate transportation of salacious advertising. The President has called upon Congress to act swiftly in this area where interstate transportation and other facilities of commerce are used for commercial exploitation of prurient interests in sex through advertising. This bill provides for a maximum fine of $50,000 and 5 years in prison for the first offense and $100,000 and 10 years for subsequent convictions.

Commercial interests which knowingly deposit in the mail or use interstate commerce to distribute unsolicited advertisements which depict immoral acts should be subject to the severest letter of the law and held fully responsible for their premeditated illegal actions.

Two bills I submitted to the Congress earlier in conjunction with this legislation would create a package of forceful legislation aimed at protecting the American public and directly assist law enforcement officials in their efforts to halt the rise in sex-related crimes.

One bill will make it a Federal crime to send or offer to send through the mails obscene materials to a minor under 18 or to a household where a minor resides. The second would require the Postmaster General to withdraw second-, third-, and fourth-class mailing permits from anyone sending obscene material through the mail.

I echo President Nixon's deep concern for the need for legislation in all areas of sex-oriented mail. The number of complaints about unsolicited mail to the Post Office since 1964 has about doubled. More than 140,000 letters of protest came to the attention of the Federal Government during the last 9 months alone. Facts and figures point out the need for the legislation and the justified cries of parental outrage across the land tell us that the time to act is now, not later.

Mr. McCULLOCH. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COUGHLIN) such time as he may require.

Mr. COUGHLIN. Mr. Speaker, I join in congratulating the learned gentleman from Virginia (Mr. POFF) and the subcommittee on an outstanding job in reporting out legislation which should go far toward eliminating one of the major problems we have. That is the problem of pandering advertising with floods of obscene material seeking to make a profit out of pornography.

Mr. FEIGHAN. Mr. Speaker, as cosponsor of H.R. 11032, I rise in support of this bill.

The unprecedented flood of pornographic material through the mails has caused deep public concern throughout the Nation. The number of complaints filed with the Post Office Department has almost doubled in the past few years. Mail from my constituents and others makes clear the resentment and even outrage of countless numbers of our citizens. I am certain that many of my colleagues share this concern, as nearly 200 Congressmen have cosponsored various measures to combat the dissemination of smut material through the mail.

The response of the public shows that there is a need to shield people from unsolicited, offensive advertising. It is an invasion on the right of privacy to subject upon a person against his will personally repugnant material.

The time has come to give law-enforcement officials the proper tools they need to deal with pornographic advertising through the mails, something they now lack. H.R. 11032 would provide them the needed law, without, I believe, enfringing on anyone's constitutional rights.

This is a bill to prohibit the use of interstate facilities, including the mails, for the transportation of unsolicited and salacious advertising. The bill would punish anyone who knowingly does so with a fine of up to $50,000 and up to 5 years' imprisonment for the first offense, and stiffer penalties for subsequent offenses.

As amended, the bill provides for constitutional guarantees. The criteria for determining what is "salacious advertising" is clearly defined. Also, only by sending unsolicited mail can a person be prosecuted.

This bill will correct some deficiencies in the laws dealing with pornographic advertising through the mails.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in enthusiastic support of H.R. 11032, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising.

On May 2 of last year, President Nixon reported to the Congress that American homes were being bombarded with the "largest volume of sex-oriented mail in history." He went on to say that most of the mail was "unsolicited, unwanted, and deeply offensive" to those who receive it. In response to this most serious problem, the Congress enacted H.R. 15693 which incorporated two of the President's proposals on this matter. Now we are called upon to implement the third and final provision of that report.

Grossly offensive advertising intended to produce a market for smut materials has had a most negative effect upon our society. All too many Americans have had the privacy of their homes violated by professional advertisers seeking to arouse the prurient interests of the recipients. The most unfortunate results of this highly distasteful practice can be seen among our young who have been exposed to such unsolicited materials.

Devoid of socially redeeming value, this advertising only serves to destroy the idealism of our youth.

The time has come for us to take strong actions to alleviate this ugly problem from our midst. H.R. 11032 imposes stiff penalties for misuse of the mails consonant with existing forms of retribution. The severity of this situation clearly demands a tough Federal response.

Of special merit is the provision of H.R. 11032 which defines precisely the concept of "salacious advertising" to make clear from the outset the specific area covered by the bill.

Although there has been some debate as to the constitutionality of the bill, H.R. 11032 has the support of the Justice Department which bases its judgment on the cases of Roth against United States and Valentine against Chrestensen.

Let me add my enthusiastic endorsement to the unanimous assent of the Judiciary Committee in urging favorable action on this bill by the Congress.

Mr. BENNETT. Mr. Speaker, I rise in support of this bill, H.R. 11032. My only regret is that it is not more inclusive, so as to ban the shipment of all salacious material in interstate commerce. Yet, this is a difficult field in which to legislate and this bill has been carefully drawn; and I would hesitate to attempt drastic revision on the floor of the House lest the ultimate product might fail for lack of restrictions required by the courts as based upon the Constitution. So under the circumstances, I urge the passage of this bill and express the sincere hope that committee may yet bring out the more inclusive legislation which I have heretofore introduced and which has been the subject of lengthy hearings already in the committee.

Mr. VANIK. Mr. Speaker, I am in favor of the legislation before the House today to prohibit the interstate transportation of salacious advertising.

Last year I sponsored with others legislation designed to discourage the unsolicited and unwelcome mailing of "smut" advertising. The need for such legislation came to my attention as a result of several hundred complaints from constituents about unsolicited advertising of a salacious nature. In some cases, the unwanted advertising was addressed to a child—in one case a 6-year-old.

The legislation originally introduced raised certain constitutional questions which the committee, in the bill now before us, seems to have largely resolved.

This is a good bill which meets a very serious and annoying problem and protects the right of privacy of each to be free from offensive and unwanted publications.

Mr. DORN. Mr. Speaker, this bill will curb the mailing of unwanted and deeply offensive sex-oriented obscene advertisements. If enacted, this bill will prohibit the use of interstate facilities, including the mails, for the transportation of exclusively sex-oriented, obscene advertising. Any advertisement which is "salacious" under the language of the bill would be prohibited. Violators of this provision could be punishable by a fine of $50,000 and/or 5 years' imprisonment.

Mr. Speaker, the urgent need for action against the peddlers of smut was documented by House committee hearings. These hearings made it clear that a huge volume of unsolicited salacious advertising is being disseminated through the mails. Our children are being exposed to this advertising of shocking and immoral filth by commercial hucksters who seek to develop a market for their trash publications. The President, in a special message to the Congress, reported that in a recent 9-month period the Post Office Department received 140,000 letters of protest from parents concerning sex-oriented mail and that the volume of complaints is increasing.

Mr. Speaker, my main concern is with the impact this disgusting pornographic material has on the youth of our Nation. Some people have sent me shocking material which has been received by minors, some no more than 9 or 10 years of age. The measure we have passed today is a necessary first step to protecting the freedom of our children not to have their emotional development disrupted by exposure to depraved and insulting advertising material.

I hope this bill goes quickly to final passage, and that the Congress will take additional measures to prohibit pornographic advertising and mailing, not covered by this bill.

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is considering H.R. 11032, a bill to prohibit individuals and organizations from using interstate facilities, such as the mail, for the transportation of salacious advertising.

I fully support this proposal. I believe Congress should approach, from every conceivable angle, the problem of how to most effectively curtail the staggering amount of obscenity and pornography presently inundating the Nation. In this spirit I have, among other things, introduced two bills which would close interstate commerce and the postal system to smut peddlers. I am, therefore, most pleased that Congress is squarely addressing this vital issue.

This, however, is not the first time in this Congress that the House has acted on the obscenity problem. Earlier in this session legislation prohibiting the use of the mails and interstate commerce for the purpose of sending obscene materials to minors was passed. In my statement of support for that proposal I noted that it too contained provisions similar in thrust to some of these in my two bills. In addition, I stated that, "Although this bill is by no means a cure-all, it does represent an effective first step in asserting appropriate Federal regulations in this vital area." Today, I can make the same comment about H.R. 11032, with the exception that it constitutes an effective second step in the continuing fight against pornography.

Mr. Speaker, the distinguished members of the House Judiciary Committee are to be commended for their diligence in bringing this bill to the floor, for debate and vote. It is my hope that the other body will be equally diligent in passing this bill. If so, then President Nixon soon will add another law controlling obscenity and pornography to our growing legislative arsenal.

Mr. MONAGAN. Mr. Speaker, I support H.R. 11032, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. The committee amendments to the bill do much to clarify the proscriptions contained in this measure, and I urge their adoption.

This bill is similar to my own H.R. 12926 which I introduced on July 17, 1969, in response to citizen protests to the unsolicited, unwanted, sex-oriented advertising that floods their mail. I have introduced four antiobscenity bills in this Congress and the major provisions of three of them have already passed the House. Unlike my three previous bills that the House has acted upon, this bill is primarily concerned with sexually oriented advertisements that are bombarding American homes with unprecedented frequency. Publishers and mailers of offensive advertisements, in their drive to expand the market for obscene materials, have shown themselves insensitive to the public demand for protection of their right of privacy.

Under the terms of this bill any person convicted of knowingly transporting in interstate commerce or depositing in the mail an advertisement that is salacious as defined in the bill can be fined up to $50,000 and imprisoned for 5 years for a first offense, and fined up to $100,000 and imprisoned up to 10 years for a second offense. In addition, upon conviction of any person under these provisions the court may order the destruction of all copies of the salacious advertising that the Government seized from the possession of such person at the time of the arrest.

Citizens need and deserve the protections contained in this bill, and I urge my colleagues to join me in voting for passage.

Mr. ASHLEY. Mr. Speaker, today dealers in pornography are increasingly using the U.S. mails as a pipeline for the unconscionable flow of smut and obscenity.

With each new wave of such mailings, my office is besieged with letters from people who are horrified and nauseated by the material that they are receiving. This matter far too often falls into the hands of impressionable youths, who are thus subjected to scenes of sado-masochism, fetishism, and homosexuality.

The recipients of such mailings have also bombarded the post offices with their complaints. In the 9-month period from August 1968 to May 2, 1969, alone the Post Office Department received 140,000 letters of protest from recipients of unsolicited offensive mailings and I am advised that the volume of complaints is growing every month.

In 1968 Congress responded to the people's cries of outrage by passing a law aimed at stopping the flow of unsolicited filth through the mail. The Post Office Department acted promptly to implement it by issuing pamphlets informing citizens that if they received a pandering advertisement which they found offensive, they had the right to ask that the family receive no more mail of any kind from the sender.

In Toledo, radio station WSPD followed up passage of the law with a series of programs explaining how a citizen can

file a complaint to supposedly force removal of his name from an objectionable list. Yet Northern Ohioans are being inundated with what local postal officials describe as the filthiest material they have ever seen.

Hundreds upon hundreds of citizens have registered formal complaints, but to no avail. For example, one Lima, Ohio, mother filed 16 complaints between April 1968, and January of 1969, trying to stop the unsolicited mailing of obscene material to her teenage child. But the junk mail just keeps coming.

The 1968 law has proved ineffective for two reasons. First, the senders circulate their mailing lists amongst one another, so if one mailer expunges a person's name from his list, 10 other senders may still have that name on their roster. Second, senders are tempted to, and do, flout the law, knowing that the Government must go through lengthy procedures to prosecute them and that the end product of such procedures is simply an order directing them to expunge the name from their list. The senders are not subject to any criminal penalties until they defy the court order.

Fortunately, the 91st Congress has not shirked its duty of finding an effective way to keep the purveyors of smut from people's doorstep. On April 28, 1970, the House passed H.R. 15693, which contains two important antiobscenity measures. The first makes it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 matter dealing with a sexual subject in a manner unsuitable for young people. In addition, it extends existing law enabling a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not he has received such mailings.

Today, in considering H.R. 11032, we have the opportunity to tighten the lid on the coffin of the smut purveyors. In considering this bill, it is important to remember that it is not aimed at great works of literature, such as a Ulysses or a Lady Chatterly's Lover; instead, it is aimed at people whose sole purpose is that of commercial exploitation. I believe that this is in line with Supreme Court decisions in the area. The case of Valentine against Chrestensen seems to indicate that the first amendment does not apply to purely commercial advertising. In addition, in the recent case of Ginzburg against United States, the Court said:

> The question of obscenity may include consideration of the setting (which the Court found was one of commercial exploitation) in which the publications were presented, and where the purveyor's sole emphasis is on the sexually provocative aspects of his publications, that fact may be decisive in the determination of obscenity.

Further, the bill is narrowly drawn so that it is aimed only at unsolicited material and an advertisement is not salacious if those parts which might be so considered constitute only a small and insignificant part of the whole.

In short, I think the bill is carefully drawn so as to be both constitutional and effective. While the matter is not wholely free from doubt, I believe that the constitutionality of a prohibition of the transportation of patently salacious matter in the mails or in commerce is worth testing and I strongly urge passage of H.R. 11032.

Mr. MOLLOHAN. Mr. Speaker, today we have the opportunity to close another door to hard-core pornography and smut that has flooded tens of thousands of American homes. With the passage of H.R. 11032 we will make it a federal offense to mail unsolicited advertising which in itself is salacious.

The House will recall that some time ago, we passed H.R. 15693 to prevent mailing of such materials to those who were less than 18 years old, and to give the individual the power to protect his home from intrusion of sex-oriented advertising regardless of whether he has received such mailing.

Today, by imposing harsh penalties on those who use the mails to send unsolicited salacious advertising to the individual, we are closing the last door on this smut.

I think it should be made clear that this bill cannot shut down the sale of pornography through the private retailer on the street, but it can put a halt to the mass mailing of this filth to people who do not want to receive and who do not want their children to receive it.

This is a necessary and timely step for the Congress to take for the millions of families in the country who want to protect themselves from the onslaught of this unwanted social garbage. The complaints that the Congress and the Executive have received about this practice have reached into the hundreds of thousands, far more than just a few years ago.

This volume of correspondence is directly related to the mass mailing tactics of the smut dealers, and through the legislation today, we are going to effectively put a stop to this.

Mr. ZABLOCKI. Mr. Speaker, it is a privilege to support H.R. 11032, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. At the very outset I wish to commend our colleague from Wisconsin, ROBERT KASTENMEIER, for his efforts in behalf of this legislation as well as for the expeditious action taken on the measure.

As the Members of this body well know, the problem of mail-order pornography has long been of deep concern to me. It is gratifying that, at last, we are fighting the pollution of our Nation's mail boxes with all the legal instruments at the command of the Government.

When I began my investigations of mail-order pornography in the early 1960's, my expressed concern was met with apathy and "don't-rock-the-boat" sentiments from Federal postal officials and representatives of the direct mail industry alike.

Yet it was evident to all who would see that the problem was then out of hand. From 1960 to 1966, the increase in complaints to the Post Office about salacious advertisements rose astoundingly from less than 50,000 to more than 200,000.

It was then that Congress became aware of the magnitude of a situation that several of us had been calling attention to before whatever committees or subcommittees would hear us.

The result was the passage of legislation in the 90th Congress prohibiting the mailing of pandering advertisements to postal patrons who find them offensive. This law—Public Law 90–206—allowed the parents of this Nation to strike back at the smut peddlers.

The response to this legislation by the public has been little short of staggering. According to figures which I obtained from the general counsel of the Post Office Department only last week, in the past 2 years since the law was enacted, the Department has received 459,129 complaints pursuant to Public Law 90–206.

As a result, the Department has issued 372,029 prohibitory orders to mailers directing that they refrain from further such mailings. To date, there have been 3,734 violations of the prohibitory orders referred to the Justice Department by the Post Office Department. These referrals have resulted in 228 court orders against mailers.

The import of these statistics is, I believe, twofold.

First, the American people are sick and tired of having their mailboxes filled with salacious advertisements by conscienceless profiteers who would corrupt innocent children for the sake of a few dollars. It is truly heartening that so many have been willing to take the time to fill out complaint forms and file them with the Post Office.

Second, the mechanism established under Public Law 90–206 is slow, unwieldly and essentially fails to strike at the source of the salacious ads. A complaint can be made only after such materials have been received; if a mailer complies with the Post Office directive he is free to continue to send his pornographic solicitations.

Clearly, there is a need for new legislation aimed directly at the smut peddlers. H.R. 11032, the bill before the House today, is just such a proposal. It has my wholehearted and enthusiastic support.

To be commended for his efforts as I have stated earlier for bringing his proposal to the floor is my esteemed colleague and fellow Wisconsinite, the Honorable ROBERT KASTENMEIER.

With the leadership of Congressman KASTENMEIER, the House Judiciary Committee has reported out an improved and strengthened version of a proposal which originated with the administration.

The original bill was somewhat vague and questionable as to its constitutionality. The committee bill is specific in defining the categories of advertisements which are to be considered salacious and, therefore, subject to the law.

Recent decisions by the U.S. Supreme Court and other State and Federal courts have upheld antipornography statutes when the definition of the materials covered is clear and concrete. This bill meets that criterion and its constitutionality will, I believe, thereby be upheld.

Further, H.R. 11032 will be effective in helping eliminate the daily traffic in filth which is polluting our Nation's mail system. Last year, for example, more than

1 million school children are estimated to have received unsolicited materials or ads of a prurient nature.

How many more millions of adults have received such unwanted smut, one can only guess. It is, no doubt, tens of millions. Yet these mailings emanate from a relatively small number of smut peddlers.

If those miscreants can be located and arrested for their use of the mails or other forms of interstate commerce, if they can be convicted and sent to prison, if their salacious ads can be seized and destroyed, then we have taken a significant step forward in the crusade to end the traffic in pornography and drive the smut peddlers out of business.

Because H.R. 11032 aims at just such actions, I urge its overwhelming approval by the House of Representatives.

At the same time, undoubtedly this proposal—even if added to existing laws—is far from completing the job to be done against the pollution of pornography. There are now pending before the Congress a number of other bills which would attack the smut industry at other key points. Those bills too should be considered and approved.

In that regard I want to point to the recent hearings by the House Subcommittee on Postal Operations, chaired by the distinguished gentleman from Pennsylvania (Mr. NIX).

It was that subcommittee, under the leadership of Chairman NIX, which developed the legislation which became Public Law 90–206. Not content to rest on the provisions of that legislation, however, it has been considering a number of other proposals which seek to curb the traffic in smut.

All these efforts are, I believe, Mr. Speaker, worthy of commendation. We have made a good beginning in the fight against salacious advertising; now let us, by passing H.R. 11032 and subsequent necessary legislation, carry the cause to ultimate victory.

Mr. MIKVA. Mr. Speaker, I rise to announce that I will vote for this bill to restrict, and impose criminal penalties on, the use of the mails or interstate commerce to circulate unsolicited salacious advertising. I will support this bill despite my reservations about earlier legislation passed by this House which, although aiming generally at the same target was, in my estimation, so broad and so loosely drawn as to present real constitutional problems.

My own subcommittee, Subcommitee No. 3 of the House Judiciary Committee, is the group which fashioned this bill. I believe that we have reported a carefully drafted, narrowly limited bill which strikes at an important problem. There can be no question after the 23 days of hearings held by our subcommittee that the problem of unwanted sexual advertising which is offensive to the many thousands of families who receive it is a real problem in this country. This bill is a carefully focused and, in my opinion, constitutional attempt to meet and deal with that problem.

I should stress that this bill is far narrower than an earlier bill, H.R. 15693, which I voted against when it passed the House on March 16 of this year. H.R. 15693 relied for its effectiveness on a mere legal presumption that the sender was aware that a household to which he mailed a prohibited item contained a minor. Such a presumption, in my view, cannot be a sufficient basis on which to base a finding of criminality with its accompanying criminal penalties. By contrast, H.R. 11032 requires that the offender knowingly deposit in the mail or for transport in interstate commerce the prohibited matter. This scienter requirement would apply to both the act of depositing the material and to the nature of the material which is inserted in the mails or interstate commerce.

Another way in which this bill is more carefully drafted than H.R. 15693 is that it defines precisely what it is that makes an advertisement "salacious." It omits the "catch-all" phrases which are and ought to be anathema to strict constitutionalists when dealing with criminal laws. Moreover, it avoids the possibility that a larger publication which contains only a small offensive passage picture, and so forth, will be condemned in its entirety because of the small or insignificant part.

Finally, H.R. 11032, unlike the earlier H.R. 15693, applies only to unsolicited advertisements, only to those commercial solicitations which enter the home unwanted and unrequested. It is this class of sexual material which is most offensive to homeowners and which most infringes the citizen's right of privacy. By directing our proscription only to those advertisements which are unsolicited, we exempt the whole range of subscription publications which the homeowner has asked to have sent to him. This formula thus strikes a nice balance between the desire for privacy on the part of subscribers to publications and the desire to be left alone on the part of nonsubscribers.

Mr. LOWENSTEIN. Mr. Speaker, the flood of unsolicited pornography that is invading millions of innocent homes has become a national disgrace. Those of us who are parents know how urgent it is that our children not be exposed to this kind of trash during their formative years.

But this problem will not be met by the kind of legislative grandstanding we see in the two so-called antipornography bills we have considered so far. These measures are doubly bad: they hold out the false hope that Congress is doing something to solve the problem, while in fact they are aggravating it even more by creating new legal difficulties and confusion. The truth of the matter is that some of us want to act now to curb the speed of pornographic materials while others seem to see it as supplying an inexhaustible bale of political hay. The rhetoric that has accompanied the two bills we have been urged to pass has tended to obscure the fact that these bills are not needed to stop pornographic mailings. In fact, despite all the rhetoric, they could easily make it more difficult to do this.

To begin with, it is already against the law to send pornography through the mails. The law provides for stiff 5-year sentences and $5,000 fines. The problem is how to get this law effectively enforced, not how to devise more laws that will not be effectively enforced. The General Counsel of the Post Office has announced recently that the Post Office Department is working on this problem:

> Ninety-five percent of the current complaints about obscenity in the mail, he said, results from the indiscriminate mail advertising of some 15 major promoters. One of these dealers has already been convicted of violating the postal obscenity statute.... Ten more of these promoters are under indictment, and evidence relating to mailing activities of the remaining four is in the hands of the appropriate U.S. attorneys.... We hope that indictments against these four will be returned promptly.

There is another legal tool that ought to be utilized far more widely and effectively than it has been to date. Several years ago Congress passed a law permitting the recipient of pornographic mail to order his name removed from the smut mailer's list. Last year alone, 230,000 people took advantage of this law, but it is not generally known that this remedy is available, as the President noted in his message to Congress on pornography and as I am reminded whenever I talk with constituents.

So it should be understood that the two additional bills we have considered will actually delay effective implementation of a drive against smut in the mails. The doubtful constitutionality of both these measures will tie up the whole matter in the courts for years, while the two laws I have described have already been found constitutional.

Whether or not one agrees with recent Supreme Court decisions on pornography, they are the law of the land and adopting unconstitutional bills will not change their rulings on that fact. It will not put any smut peddlers in jail. It may well enable them to pollute the mails for a longer time while litigation drags on. If, on the other hand, we follow the specific guidelines that the Supreme Court has laid down to regulate obscenity much of what is most objectionable can be kept from our homes.

There is one loophole in the present statutes that troubles me especially, and to plug that loophole I have introduced a bill that will make it easier to cut the flow of pornographic material available to minors. Under this proposal which Senators TYDINGS, GOLDWATER, and THURMOND, among others, have joined me in sponsoring in the Senate—law enforcement officers would be given new authority to stop the distribution of obscene material to young people.

I have also introduced a bill that would make it possible for private citizens to take an active part in the effort to stem the tide of all unsolicited mail. While pornography is the most serious problem presented by unsolicited advertisements, it is high time we relieved our overburdened postal system of all kinds of unwanted junk mail—instead of subsidizing its distribution.

Under my proposal, a postal patron could inform his local postmaster that he did not want to receive any more notices from a specific source. His wishes would be enforced by requiring the sender to pay the cost for having the un-

solicited mail returned, a cost that would be several times greater than that of the original mailing.

This measure raises no constitutional problems, and would bring immediate relief from all kinds of nuisance mail. It would also save taxpayers an enormous amount of money, speed the delivery of nonjunk mail, and ease the plight of postal employees in the bargain. These are not proposals that will produce emotional speeches or sensational headlines, but they will work, and that is what is needed to help in this serious situation.

Among the games people sometimes play is the effort to make other people think things are happening that really are not. Some people become experts at looking busy when it is convenient, as some politicians specialize in creating the illusion that problems are being solved by introducing or voting for bills that sound good but leave the problem intact. The so-called antipornography bills that have come before us this session are this kind of legislation. The problem of pornography in the mail—and of junk mail generally—is too critical a problem for deceptive games. As I have indicated, there is much that can be done to deal effectively with this problem. I hope everyone who realizes its magnitude will insist on more effective enforcement of relevant statutes, and will join in the effort to pass the two additional bills I have described.

If we do these things, we will be well on our way to protecting our mail system from abuse and protecting our wives and children from unwanted smut. Railing against the Supreme Court will not achieve either of these important goals.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on his subject.

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

There was no objection.

Mr. McCULLOCH. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill H.R. 11032, as amended.

The question was taken.

Mr. ANNUNZIO. 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 pro tempore. 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 322, nays 5, not voting 103, as follows:

[Roll No. 251]

YEAS—322

Abbitt	Anderson, Calif.	Ashbrook
Abernethy	Andrews, Ala.	Ashley
Adair	Andrews, N. Dak.	Aspinall
Adams	Annunzio	Ayres
Addabbo	Arends	Barrett
Albert	Belcher	Beall, Md.
Alexander	Bell, Calif.	Bennett
Betts	Bevill	Biester
Bingham	Blackburn	Blanton
Boggs	Boland	Bow
Brademas	Brasco	Bray
Brinkley	Brooks	Brown, Ohio
Broyhill, N.C.	Buchanan	Burke, Fla.
Burke, Mass.	Burlison, Mo.	Button
Byrne, Pa.	Byrnes, Wis.	Cabell
Camp	Carey	Carter
Cederberg	Chamberlain	Chappell
Clancy	Clark	Clausen, Don H.
Clawson, Del	Cleveland	Cohelan
Collier	Collins	Colmer
Conable	Corbett	Corman
Coughlin	Cowger	Crane
Culver	Daniel, Va.	Daniels, N.J.
Davis, Ga.	Davis, Wis.	de la Garza
Dellenback	Denney	Dennis
Derwinski	Devine	Dickinson
Donohue	Dorn	Dowdy
Dulski	Duncan	Dwyer
Eckhardt	Edmondson	Edwards, Ala.
Edwards, Calif.	Eilberg	Eshleman
Evans, Colo.	Evins, Tenn.	Fascell
Feighan	Findley	Fisher
Flood	Flowers	Flynt
Foley	Ford, Gerald R.	Ford, William D.
Foreman	Fountain	Frelinghuysen
Frey	Friedel	Fulton, Pa.
Fuqua	Gallifianakis	Garmatz
Gaydos	Giaimo	Gibbons
Gilbert	Goldwater	Gonzalez
Goodling	Green, Oreg.	Green, Pa.
Griffin	Griffiths	Gross
Grover	Gubser	Gude
Haley	Hamilton	Hammer-schmidt
Hanna	Hansen, Idaho	Hansen, Wash.
Harrington	Harsha	Harvey
Hastings	Hathaway	Hays
Hébert	Hechler, W. Va.	Heckler, Mass.
Helstoski	Henderson	Hicks
Hogan	Holifield	Hosmer
Howard	Hunt	Hutchinson
Jacobs	Johnson, Calif.	Johnson, Pa.
Jonas	Jones, Ala.	Jones, N.C.
Jones, Tenn.	Karth	Kastenmeier
Kazen	Kee	Keith
Kleppe	Kluczynski	Kuykendall
Kyl	Kyros	Landgrebe
Landrum	Langen	Latta
Lennon	Lloyd	Long, Md.
McClory	McCloskey	McClure
McCulloch	McDade	McDonald, Mich.
McEwen	McFall	McKneally
McMillan	Mahon	Mailliard
Mann	Marsh	Martin
Matsunaga	May	Mayne
Meeds	Melcher	Michel
Mikva	Miller, Calif.	Miller, Ohio
Mills	Minish	Mink
Minshall	Mize	Mizell
Mollohan	Monagan	Montgomery
Morgan	Morse	Morton
Mosher	Moss	Murphy, Ill.
Murphy, N.Y.	Myers	Natcher
Nedzi	Nelsen	Nichols
Nix	Obey	O'Hara
O'Konski	Olsen	O'Neal, Ga.
Passman	Patman	Patten
Perkins	Pettis	Philbin
Pickle	Pike	Pirnie
Poage	Podell	Poff
Preyer, N.C.	Price, Ill.	Price, Tex.
Pryor, Ark.	Pucinski	Purcell
Quie	Railsback	Rees
Reid, Ill.	Reid, N.Y.	Reuss
Rhodes	Roberts	Robison
Rodino	Rogers, Colo.	Rogers, Fla.
Rooney, N.Y.	Rooney, Pa.	Rosenthal
Roth	Roybal	Ruth
Sandman	Satterfield	Saylor
Schadeberg	Scherle	Schmitz
Schneebeli	Schwengel	Scott
Sebelius	Shipley	Sikes
Sisk	Skubitz	Slack
Smith, Calif.	Smith, Iowa	Snyder
Springer	Stanton	Steed
Steiger, Ariz.	Steiger, Wis.	Stokes
Stratton	Stubblefield	Sullivan
Taft	Talcott	Taylor
Teague, Calif.	Teague, Tex.	Thomson, Wis.
Udall	Ullman	Vander Jagt
Vanik	Vigorito	Waggonner
Waldie	Wampler	Watts
Whalen	White	Whitehurst
Whitten	Widnall	Wiggins
Williams	Wilson, Bob	Wold
Wolff	Wyatt	Wylie
Wyman	Yates	Yatron
Young	Zablocki	Zion
Zwach		

NAYS—5

Brown, Calif.	Koch	Scheuer
Burton, Calif.	Lowenstein	

NOT VOTING—103

Anderson, Ill.	Farbstein	Quillen
Anderson, Tenn.	Fish	Randall
Baring	Fraser	Rarick
Berry	Fulton, Tenn.	Reifel
Biaggi	Gallagher	Riegle
Blatnik	Gettys	Rivers
Bolling	Gray	Roe
Brock	Hagan	Rostenkowski
Broomfield	Hall	Roudebush
Brotzman	Halpern	Rousselot
Brown, Mich.	Hanley	Ruppe
Broyhill, Va.	Hawkins	Ryan
Burleson, Tex.	Horton	St Germain
Burton, Utah	Hull	Shriver
Bush	Hungate	Smith, N.Y.
Caffery	Ichord	Stafford
Casey	Jarman	Staggers
Celler	King	Stephens
Chisholm	Leggett	Stuckey
Clay	Long, La.	Symington
Conte	Lujan	Thompson, Ga.
Conyers	Lukens	Thompson, N.J.
Cramer	McCarthy	Tiernan
Cunningham	Macdonald, Mass.	Tunney
Daddario	MacGregor	Van Deerlin
Dawson	Madden	Watkins
Delaney	Mathias	Watson
Dent	Meskill	Weicker
Diggs	Moorhead	Whalley
Dingell	O'Neill, Mass.	Wilson, Charles H.
Downing	Ottinger	Winn
Edwards, La.	Pelly	Wright
Erlenborn	Pepper	Wydler
Esch	Pollock	
Fallon	Powell	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Stafford.
Mr. Randall with Mr. Horton.
Mr. Daddario with Mr. Meskill.
Mr. Burleson of Texas with Mr. Bush.
Mr. Thompson of New Jersey with Mr. Cunningham.
Mr. Biaggi with Mr. King.
Mr. Delaney with Mr. Watkins.
Mr. Dent with Mr. Wydler.
Mr. Pepper with Mr. Riegle.
Mr. Fallon with Mr. Fish.
Mr. Gallagher with Mr. Anderson of Illinois.
Mr. Gettys with Mr. Hall.
Mr. Ryan with Mr. Brock.
Mr. Roe with Mr. Brown of Michigan.
Mr. Rarick with Mr. Burton of Utah.
Mr. Ottinger with Mr. Esch.
Mr. Leggett with Mr. Halpern.
Mr. Charles H. Wilson with Mr. Berry.
Mr. Casey with Mr. Ruppe.
Mr. Dingell with Mr. Reifel.
Mr. Edwards of Louisiana with Mr. Roudebush.
Mr. Fulton of Tennessee with Mr. Pollock.
Mr. Gray with Mr. Quillen.
Mr. Rostenkowski with Mr. Pelly.
Mr. St Germain with Mr. Lujan.
Mr. Rivers with Mr. Watson.
Mr. Moorhead with Mr. Lukens.
Mr. Tunney with Mr. Winn.
Mr. Tiernan with Mr. MacGregor.
Mr. Ichord with Mr. Mathias.
Mr. Blatnik with Mr. Rousselot.
Mr. Anderson of Tennessee with Mr. Erlenborn.
Mr. Caffery with Mr. Thompson of Georgia.
Mr. Fraser with Mr. Farbstein.
Mr. Hagan of Georgia with Mr. Long of Louisiana.
Mr. Symington with Mr. Clay.
Mr. Harley with Mr. Hawkins.
Mr. Baring with Mr. Conyers.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Macdonald of Massachusetts with Mr. Powell.
Mr. Madden with Mr. Diggs.
Mr. Stephens with Mr. Broomfield.
Mr. Hull with Mr. Brotzman.
Mr. Wright with Mr. Cramer.
Mr. Jarman with Mr. Broyhill of Virginia.

Mr. Hungate with Mr. Whalley.
Mr. Celler with Mr. Conte.
Mr. McCarthy with Mr. Shriver.
Mr. Downing of Virginia with Mr. Smith of New York.
Mr. Staggers with Mr. Stuckey.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

WITHHOLDING OF CITY INCOME TAXES ON FEDERAL EMPLOYEES

Mr. GREEN of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2076) relating to withholding, for purposes of income tax imposed by certain cities, on the compensation of Federal employees, as amended.

The Clerk read as follows:

H.R. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5517 of title 5 of the United States Code is amended—

(1) by inserting "or city" after "State" each place it appears in subsections (a) and (b), and

(2) by inserting before the period at the end of subsection (c) the following: ", and 'city' means only a city which is incorporated under the law of a State and which had a population (according to the last decennial census before the request under subsection (a)) of sixty thousand or more individuals".

(b) The heading for such section 5517 is amended to read as follows:

"§ 5517. Withholding State and city income taxes".

(c) The analysis for subchapter II of chapter 55 of title 5 of the United States Code is amended by striking out the item relating to section 5517 and inserting in lieu thereof the following:

"5517. Withholding State and city income taxes."

(d) The amendments made by this section shall apply only in respect of agreements entered into after the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. HUNT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GREEN) is recognized.

Mr. GREEN of Pennsylvania. Mr. Speaker, the objective of the pending bill is not new to this House. This bill, in brief, would simply authorize Federal agencies in cities over 60,000 population to afford employees of such agencies the convenience of having income taxes levied by such cities withheld periodically from their paychecks. The concept of intergovernment cooperation in this area, the area of withholding taxes, is not new. The United States Code has provided since 1952 that where a State law requires the withholding by employers of a general State income tax from the compensation of employees, the Federal Government, as an employer in that State, will cooperate in withholding such State tax from compensation paid Federal employees working in that State.

This intergovernmental cooperation, Mr. Speaker, I think makes sense, because the States have always cooperated with the Federal Government in withholding Federal income taxes from the compensation of State employees, and in like manner cities have cooperated with the Federal Government in withholding Federal income tax on city employees' compensation.

This bill, then, is a logical extension of existing law and a reciprocal move on the part of the Federal Government, which is long overdue to extend the withholding procedures of income taxes of cities.

In order that the bill will apply only in situations where there is likely to be a substantial number of Federal employees within the boundaries of a municipality and to minimize the administrative burdens on the Federal agencies, the application of the bill is limited to cities of 60,000 population or over.

Mr. Speaker, I think we all know the advantages to the individual worker, the salaried employee, the salaried person, of having his income tax or the tax on compensation he receives withheld by the employer and paid over to the taxing authority in each payroll period. This avoids the very aggravating and onerous experience of arriving at the annual due date for income tax and finding that he owes a total amount beyond his immediate means to pay. Many times such worker will have to borrow to pay the tax, whereas it could have been withheld in periodic installments each payday and the bulk of the total amount due would already have been paid and in some instances he might even be due a refund.

Federal employees in cities which have an income tax providing for withholding in its administration, have heretofore not been able to avail themselves of the convenience of having city income taxes withheld from their Federal paychecks. At the end of each year on the return due date, they are faced under present law with the burdensome necessity of having to pay the total of such taxes in a lump sum. The pending bill would cure this inequitable situation and afford Federal employees in cities the same convenient method of paying their city taxes through withholding as applies to employees of private business and industry.

Mr. Speaker, as I said at the outset of my remarks, this is not a new bill or one that is unfamiliar to this body. A similar measure, H.R. 3151, was passed by the House on February 17, 1960, and on several subsequent occasions, the Committee on Ways and Means has favorably reported similar legislation.

The Committee on Ways and Means has favorably reported this legislation.

In the early years of the bill's history, it is true there was some misunderstanding as to its purpose, but I believe most of that, if not all of that, has been cleared up and laid to rest. The measure enjoys the support of virtually every Federal national employee association, including among others the American Federal Government Employees, the National Federation of Federal Employees, the National Association of Letter Carriers, the National Postal Union, and the United Federation of Postal Clerks.

In the last Congress—and I emphasize this—the Committee on Ways and Means invited and held the record open for some time now to receive public comment on this bill. The universal demand for its enactment was fully confirmed, because in none of these proceedings and in none of the hearings has anyone from this House or outside come to speak officially against it for the record.

Mr. Speaker, I believe that this is good legislation which, as I have said, simply extends to city income and wage taxes the provision already in the law for Federal agency withholding of State income taxes. There are adequate safeguards in the bill to assure Federal employees are treated fairly and on a par with all other employees in the cities. It is a bill that is 100 percent in the interest of Federal employees, and that is why I have introduced it.

The Department of the Treasury, I might add, favors the bill. Its enactment is long overdue. I hope this House will pass it.

In closing I do want to point out one thing. This bill in no way changes the tax liability of any citizen. It does not in any way impose any new tax on any citizen living anywhere in this country. Rather, it assists a large number of Federal employees to more conveniently meet a local tax obligation that they already have.

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

Mr. GREEN of Pennsylvania. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, as you know I represent one of the areas near the Nation's Capital, and my constituents have been concerned for a matter of years over the possible imposition of a commuter tax or payroll tax. Therefore I wonder if this measure in any way would lay the foundation for a subsequent enactment of a commuter tax. If so, I would oppose the bill. I wonder if the gentleman would comment on this possibility.

Mr. GREEN of Pennsylvania. I assure the gentleman that is not the purpose of this legislation. This legislation does not encourage any municipality to enact any tax. Taxes that have already been enacted and are already due are the only ones covered by this bill. The purpose of it is to make it convenient for the employees to pay these taxes in installments rather than in lump sums at the end of the year, a reality which they have found very difficult in the past.

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

Mr. GREEN of Pennsylvania. I yield to the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Speaker, I would add further on the question asked by the gentleman from Virginia (Mr. SCOTT) it is my understanding the tax presently imposed in the District of Columbia does not apply to nonresidents, so the constituents of the gentleman who asked the

question would not be affected by the present law in the District of Columbia.

Mr. BYRNE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to the Gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Speaker, did not the courts uphold the legality of this act?

Mr. GREEN of Pennsylvania. The legality of this particular act has never been tested to my knowledge, because this bill has not become law, but I might add that anyone who objects to the legality of a particular local tax that has been enacted, they would have recourse through the courts.

Mr. SCOTT. Mr. Speaker, will the gentleman yield further?

Mr. GREEN of Pennsylvania. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I understand the present measure does not impose a commuter tax, but I wonder if somehow it would be used as a foundation for the subsequent consideration of such a tax? I am asking the gentleman's opinion on this. It is a convenient way for the city to collect taxes.

Mr. GREEN of Pennsylvania. It is a convenient way, I might add, for the Federal employees to pay their taxes, and that has been my chief concern, to make it easier for them to pay their taxes by periodic installations as this bill provides, rather than in a lump sum payment which I think they find very difficult to do.

Imagine the situation if we did not have our income taxes taken from our pay in installments. It would be a difficult burden at the end of the year to come up with the money necessary to pay those taxes.

Facilitating tax payments is the purpose of this bill. It in no way is designed to encourage any additional taxes. It in no way imposes additional taxes on anyone.

Mr. SCOTT. I am asking for an expression of opinion from the gentleman. Would this be the foundation upon which to later impose a commuter tax?

Mr. GREEN of Pennsylvania. No. I believe not.

Mr. SCOTT. I thank the gentleman.

Mr. GREEN of Pennsylvania. I believe that is clear.

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

Mr. GREEN of Pennsylvania. I yield briefly to the gentleman from Maryland.

Mr. HOGAN. I just want to say that this is the problem with respect to which I have been trying to get the Clerk of the House to respond, inasmuch as employees of the Architect of the Capitol are faced with exactly the same problem if they live either in Maryland or in Virginia. The taxes for the State are not withheld, and they are faced with the problem each year of having to ante up that substantial amount of money.

I am hopeful that eventually the Clerk of the House will find a way to withhold from their salaries.

Mr. GREEN of Pennsylvania. I thank the gentleman for his contribution. Once again he has highlighted the purpose of this legislation, which is to make it easier for the Federal employees who are faced with burdensome taxes to meet their obligation.

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

Mr. GREEN of Pennsylvania. I yield to my distinguished colleague.

Mr. BARRETT. Is it not true that we passed a similar bill in 1960?

Mr. GREEN of Pennsylvania. Yes.

Mr. BARRETT. Is it not true that there were people who worked in the Philadelphia Naval Yard at Philadelphia, in the Frankford Arsenal and DSA in Philadelphia, who had not taken the money and laid it aside to pay their wage taxes, and that the taxes ran up to $700 or $800 or $900, and when they were called on to pay the taxes they were not able to pay them? They were told that court orders were out for them, and if those taxes were not paid they would put them into jail, and if that were to happen they would have to pay them all at one time. They were unable to pay.

Is it not also true that the people who were told that went out and borrowed money at very high interest rates to pay off the taxes, sometimes paying between 10 and 15 percent to get ready money to pay these taxes, to prevent themselves from being picked up on a court order and put into jail?

Mr. GREEN of Pennsylvania. The gentleman is very familiar with this situation, because he has been a supporter of this proposal for many years. He has seen the necessity for highlighting some of the problems facing the local Federal employees when taxes are not withheld in periodic installments.

Mr. BARRETT. The gentleman knows that we passed similar legislation in 1960 with respect to employees at the navy yard.

Mr. GREEN of Pennsylvania. The gentleman is familiar with the problem. He knows as well as I that we have received many thousands of signatures from Federal employees in and around the Philadelphia area, and outside Philadelphia, who have requested this legislation. They have urged the passage of this legislation, and have come to Washington, D.C., from time to time, to urge its passage.

Mr. BARRETT. And we had all these affidavits, and we brought them onto the floor and showed them to the Members at that time, in 1960. The affidavits were this high.

All labor organizations were supporting this. It is true that there was State and municipal withholding of taxes by private companies, but unfortunately we did not have that incorporated in the law, so that the Federal Government could withhold the wage taxes. This is what we are asking for today, is that right?

Mr. GREEN of Pennsylvania. We are just trying to make it easier for these people who have a local tax obligation to meet it.

Mr. BYRNE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Pennsylvania. I yield to my colleague from Pennsylvania.

Mr. BYRNE of Pennsylvania. I might remind the gentleman that in 1960 the bill passed by a vote of 222 to 160. These Federal employees and their wives have constantly been writing to us to ask, "Please, please, please take it out of the pay, because when vacation time comes and the police or the sheriff grabs them they are committed right away to jail, plus a $100 fine, plus penalties and interest."

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

Mr. GREEN of Pennsylvania. I yield to the gentleman.

Mr. BARRETT. I just want to say to the gentleman that the Members from the State of Missouri were against this in 1960. Today they are all for it because of the necessity of paying this in piecemeal fashion.

Mr. Speaker, I rise in support of H.R. 2076, which will permit the withholding by the Federal Government of city income taxes from the salaries of Federal employees. The regular collection of taxes from employee payrolls was initiated both as a service to citizens and to Government bodies. The periodic collection of these taxes is less painful and in some cases necessary if full and accurate payment is to be anticipated. In addition, this collection procedure provides for more efficient fiscal planning on the part of the taxing body.

The bill before us is intended to correct a long-standing problem in regard to the method of collecting municipal income taxes from Federal employees by permitting the withholding of the same. Because of an omission in the wording of the law, passed more than a decade ago, to permit the withholding by the Federal Government of State and Territorial taxes, Federal agencies have not been empowered to withhold municipal income taxes. This condition has existed even though these municipalities, and others, have withheld Federal income taxes from its employees.

There are a number of restrictions in existing law, now applicable to State withholding taxes, under which this bill would apply to the city withholding taxes. I understand that these are designed both to limit the administrative burdens of the Federal Government and to prevent hardship and discrimination in the case of the Federal employees involved.

Mr. Speaker, the House has previously passed a legislative proposal of this type. It can only be hoped that this time we can succeed in obtaining the cooperation and concurrence of the other body in the enactment of this very worthwhile legislation.

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

Mr. GREEN of Pennsylvania. I yield to the gentleman.

Mr. SAYLOR. I thank the gentleman for yielding.

I might be in favor of this bill, but I am astounded to hear the gentleman from Pennsylvania (Mr. BARRETT) say that on a court order they put people in Pennsylvania in jail for being in debt and for nonpayment of taxes. I thought we abolished that in Pennsylvania many years ago.

Mr. GREEN of Pennsylvania. I think the gentleman is correct.

Mr. HUNT. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I have risen in opposition to this bill. I am amazed sometimes to find how many people we have in these United States who want to be taxed. I want to assure you in the area that I come from, the First Congressional District of New Jersey, I have yet to find one of those bleeding hearts who want their money taken from their payroll by the Federal Government to satisfy the Philadelphia wage tax.

Mr. BARRETT. Will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. BARRETT. I would like to tell the gentleman, as a matter of record, we brought thousands and thousands of petitions from the city of Camden, N.J., from the First Congressional District, when Charley Wolverton stood in the well where the gentleman stands today and showed him the people who were asking to have this money extracted from their pay every payday.

Mr. HUNT. I do not doubt the gentleman's word. That was in 1960. Times have changed since 1960, because since that time we have had many other impositions of taxes. I have consistently said the reason why I am bitterly opposed to this bill is because it does nothing more than acquiesce in an unfair taxation of New Jersey residents who work in the city of Philadelphia. It is the only tax that I know of whereby people who never set foot in the city of Philadelphia during their working hours are taxed 3 percent of their gross pay.

I will come back to that later. Let me come down a little bit to the report itself.

On page 2 it says that the bill was reported unanimously by your committee, and the Treasury Department has indicated that it favors its enactment. Who is the Treasury Department to say that they favor the enactment that will take a gross wage pay tax and withhold it from a person in the State of New Jersey who is not even connected with the Treasury Department? Who are they to say they favor this?

This is nothing more than a big-city pay bill. It affects only big cities. Small cities cannot use it. You must have a population of 60,000 or over before you even begin to get into this category to withhold this tax.

Actually, Mr. Speaker, what they are seeking to do is to set up a new Bureau of Taxation within the Federal Government whereby the Federal Government will withhold from the Federal workers' payroll the gross amount of tax required to satisfy a city wage tax.

Mr. Speaker, is it not bad enough that we must have this involvement by the Federal Government for our own income tax and by States for their income tax, without asking the people of this entire Nation to pay the bill to collect a wage tax for a city where Federal employees are working?

Mr. Speaker, in my opinion, it gets to be a pretty sorry mess. I cannot see, for the life of me, why we have to pay that. Yet they say to us the legislation is in order to limit the administrative burden being assumed by the Federal Government. Then here we tell you that there is going to be an additional burden imposed upon the Federal Government.

Mr. Speaker, why should the people in one of the other States, namely Virginia or North Carolina, or any other State, pay taxes to the Federal Government for the purpose of using that money to run a collection agency for the city of Philadelphia?

Mr. BARRETT. Mr. Speaker, will the gentleman yield at that point?

Mr. HUNT. I would like to finish my statement before yielding to the gentleman and then I shall do so.

I want to talk to you a little bit about the matter of our problems, about the so-called voluntary admission that they, the workers, want this money withheld.

I agree with the gentleman from Pennsylvania when he said that they put people in jail for nonpayment of taxes. Well, let me tell you, sir, I have been over into the State of Pennsylvania, where a member of my locality, a man who lives in my locality, but who works in Philadelphia did not pay his taxes. He was brought to the front gate of the navy yard, arrested, he was fingerprinted, he was photographed, and put in prison.

This is no longer a joking matter.

Mr. BARRETT. Mr. Speaker, will the gentleman yield to me?

Mr. HUNT. Yes, I yield to the gentleman.

Mr. BARRETT. I want to agree with the gentleman to say that is absolutely true, because a constituent of mine moved over into the city of Camden and her husband obtained employment at the Philadelphia Naval Base and refused to pay his taxes because he lived in the State of New Jersey. The tax is a city tax. If you work in the city of Philadelphia, you must pay the tax. It only applies to those who work in Philadelphia.

We in Philadelphia—we as Members of Congress who live in Philadelphia pay our taxes—city wage taxes, which your constituent prior to your becoming a Member of the House of Representatives came to me, the wife of this man, and said her husband had been apprehended because he failed to pay $700 in wage taxes and said "I do not have the money." When I referred to the person going out to borrow money to pay his wage tax and pay this substantial interest on it, all of this could have been avoided if they had taken a few pennies out of his pay envelope over the period of that year.

Mr. HUNT. A few pennies?

Mr. BARRETT. A few pennies every day.

Mr. HUNT. I did not know they would put a man in jail for failure to pay a few pennies.

Mr. BARRETT. I am speaking in terms of, for instance, $1.50 to $1.70 a month. This is practically what she would have paid. However, when people are called upon to pay $700, plus the interest rate, and the penalty—the penalty for failing to pay the wage tax is 6 percent, plus a 12-percent penalty, which is 18 percent per year, this can all have been avoided by passing this bill today and by letting this money be taken out of their monthly pay.

Mr. HUNT. I appreciate the gentleman's remarks. However, there is a very strong difference of opinion. Let me tell you that when you say the people in Philadelphia or the people who work in Philadelphia are objecting to this tax, you are right.

But let me ask you a question, sir, and I have talked to you about this before, you know that we have a situation whereby people who work in the Philadelphia Navy Yard, Federal employees, daily, from the shores of New Jersey, get on a ferry boat owned by the Federal Government, cross the river to the Philadelphia Navy Yard, and they work in that navy yard 8 hours, and then they get on that same ferry and come home. They never put one foot in the city of Philadelphia. They never get any benefits from the city of Philadelphia. They cannot vote in the city of Philadelphia. They will not even collect their garbage for them, yet you want to impose a 3 percent gross tax and now you want the Federal Government to collect it for you.

Mr. BARRETT. I agree with the gentleman.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield? I just want to make one thing clear, and that is that this bill does not impose any tax at all.

Mr. HUNT. I am well aware of that.

Mr. GREEN of Pennsylvania. The tax is already levied.

Mr. HUNT. But if you are permitted to ram this thing through rough-shod, and we have to acquiesce to it, but you know as well as I do that there are pending court cases coming up on this matter. We do not want this bill passed until those court cases are settled.

Mr. GREEN of Pennsylvania. The Philadelphia wage tax has been in existence since the early 1940's.

Mr. BARRETT. Since 1945.

Mr. GREEN of Pennsylvania. And there have been ample opportunities for this to be heard in the courts. I come here not defending the city wage tax of any city, I come here to make it easier for the Federal employees to have these burdensome taxes collected so as to make it easier for them to pay their taxes.

Mr. HUNT. Why did not the gentleman then confine this burdensome matter to the Federal employees who live in Philadelphia, and not try to extend it across the Nation, or across the river to New Jersey where we are fighting this unholy tax? Why did the gentleman not do that. That is what I asked the gentleman to do, confine it to Philadelphia, Pa.

Mr. GREEN of Pennsylvania. Because the employees, whether they live in the city or not, are liable for the tax.

Mr. HUNT. Are these people liable who get off that ferry boat and who do not go into the city of Philadelphia at all, who do not live in the city of Philadelphia, but who come to the navy yard on that ferry boat, are they liable for that tax?

Mr. GREEN of Pennsylvania. I do not know who is or who is not liable for the tax, and this bill does not concern itself with that. This bill concerns itself only with those who are liable, and it makes it

easier for those who are legally liable to pay the tax.

Mr. HUNT. And easier to argue the point we have been arguing through the years.

I will not yield any further to the gentleman.

Let me read to you——

Mr. BARRETT. Will the gentleman yield further? I just want to answer the question.

Mr. HUNT. All right, sir.

Mr. BARRETT. You know the Philadelphia members love you, and you know——

Mr. HUNT. We love you, personally.

Mr. BARRETT. And we do not want you to go astray with a misapprehension. We are talking about——

Mr. HUNT. I would say to the gentleman that Mrs. Hunt's little boy has been getting along pretty well for a good many years, and has not gone astray yet.

Mr. GREEN of Pennsylvania. We are talking about the wage tax on earnings earned in the city of Philadelphia.

Mr. BARRETT. That is correct.

Mr. HUNT. That is right.

Mr. BARRETT. The gentleman seems to be confused with transportation in getting into Philadelphia where the people make their livelihood.

Mr. HUNT. I am not confused. A ferry boat is a ferry boat, no matter how you cut it.

Mr. BARRETT. That is not relevant with what we are talking about.

Mr. HUNT. A Federal reservation is a Federal reservation, no matter how you cut it, and the Philadelphia Navy Yard provides those people with wages and that is what you are taxing them on, and you want to make it easier to collect those taxes, and that is what you are providing for, and I am unalterably opposed to your scheme——

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

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

Mr. PATTEN. Mr. Speaker, I would ask the gentleman, do people who live in Philadelphia and go out to work in New Jersey have to pay a similar tax?

Mr. HUNT. No, we do not tax them.

Mr. PATTEN. Do the 400,000 workers who live in north Jersey and who work in New York, do they have to pay the tax?

Mr. HUNT. No, they do not have a Federal withholding tax?

Mr. PATTEN. And do the people who live in New York and work in New Jersey have to pay a tax?

Mr. HUNT. No, they do not.

Mr. PATTEN. They do not have to pay a tax?

Mr. HUNT. That is correct, New Jersey does not impose a wage or State income tax.

Mr. PATTEN. They talk about the benefits of helping the fellow pay $1.50 a week, taking it out of his pay check, but that is not our problem. We contend that this is unconstitutional, the tax is unconstitutional, and I am not going to help them out. I am against the bill, and join with the gentleman from south Jersey.

Let me add this: that they have been trying for the past more than 10 years to bring this back, and previously it did not pass the Senate. Does the gentleman know why?

Mr. HUNT. Yes, because the Senate in their wisdom refused to pass it, and the gentleman knows that.

This bill has been 10 years in the making, and getting through, and it has never gotten through completely.

I thank the gentleman from New Jersey for trying to help me out.

Mr. PATTEN. Would the gentleman agree that in the opinion of the authorities for the last 10 or 15 years that this tax is unconstitutional, and do not those same authorities from New Jersey regard such a tax, the Attorney General and all, as unconstitutional?

Mr. HUNT. That is correct.

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

Mr. HUNT. I yield to the gentleman.

Mr. COWGER. Mr. Speaker, can the gentleman tell me please whether his constituents presently in New Jersey are paying the Philadelphia city tax?

Mr. HUNT. Oh, yes.

Mr. COWGER. How would this bill change that?

Mr. HUNT. They reserve the right to keep their money to themselves and to gather interest rates on it in the bank until——

Mr. COWGER. But they still have to pay.

Mr. HUNT. Until—you asked me a question, sir. Let me finish.

They reserve the right to take their own money that they earn and put it in the bank and accumulate interest, and then at the end of the year or at the end of the quarter, they pay their own taxes out of it.

Mr. COWGER. But they have to pay the taxes anyhow.

Mr. HUNT. Oh, yes, they do pay the taxes.

Mr. COWGER. So it does not change the tax structure?

Mr. HUNT. No, it does not, but we are hopeful that the courts will.

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

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

Mr. SCOTT. As I understand, the city of Philadelphia does have a commuter tax that the people who live in New Jersey and the surrounding States, and who are working in Philadelphia, pay a tax on their income; is that right, sir?

Mr. HUNT. That is right.

Mr. SCOTT. Well, now, in a situation such as I am in, representing Virginia, in your opinion, would the passage of this bill make it easier or be a stepping stone toward the imposition of a commuter tax by the city of Washington.

Mr. HUNT. I am glad the gentleman brought that up. They have made estimates and it would open the door up for a commuter tax all over this nation, if this is passed. That is why the Senate, in their wisdom in 1960, refused to pass this bill. They never passed it over there.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman taking the floor, as he has, and pointing out this danger. I thank the gentleman for yielding.

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

Mr. HUNT. I yield to the gentleman.

Mr. SANDMAN. Has anyone ever estimated what this will cost the Federal Government if this sets a precedent and spreads throughout the Nation.

Mr. HUNT. No, there is nothing in this bill that indicates what the cost will be to the Federal Government. But I can assure you it will be rather substantial.

Mr. SANDMAN. As this applies, according to the report, it would affect 41 cities in the States that are represented and which have over 60,000 population. But it is only in those areas today that have an income tax; is that correct?

Mr. HUNT. That is right.

Mr. SANDMAN. Even in our State where we do not have an income tax, it looks like we may have the same thing in other cities.

Mr. HUNT. I am afraid so.

Mr. SANDMAN. With the likelihood of the expanding population throughout the country, there will be far more than 41 cities where this tax will have to be taken from their salaries every week.

Mr. HUNT. You are right.

Mr. SANDMAN. Is there any part of this that the city of Philadelphia gets that the city of Philadelphia pays to the Federal Government for collecting this tax?

Mr. HUNT. Oh, no. This bill exempts them specifically. This bill specifically exempts them the payment of any costs to the Federal Government for the city of Philadelphia tax collection. In other words, the Federal Government becomes a collection agency and leaves or waives all rights to be recompensated by this bill for all the administrative work that they perform.

Mr. SANDMAN. All this is an additional Federal cost?

Mr. HUNT. This is a one-way street.

Mr. SANDMAN. I oppose the bill the same as you do.

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

Mr. HUNT. I yield to the gentleman.

Mr. GROSS. I am struck by the fact that there is no departmental report on this bill. There is absolutely nothing from the Treasury—no official letter in the report from the Treasury on this bill. Surely they could have given us an estimate of what it would cost to collect the tax here, since this does set a precedent. Does the gentleman from Pennsylvania have any idea why the report is bereft of any communication from the Treasury Department?

Mr. HUNT. I did not get that answer—I asked the same question and I did not get an answer.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. GREEN of Pennsylvania. First, the cost is negligible. Secondly, this is not a one-way street, because the city of Philadelphia, as well as every other city in this country, knew about this Federal tax, which is a courtesy to the Federal Government. So it is not a one-way street.

I might tell the gentleman from Iowa (Mr. GROSS) that the Treasury has come

before the committee and has indicated that the cost is negligible and have indicated that they favor the bill.

Mr. GROSS. Then why did you not put that in the report?

Mr. GREEN of Pennsylvania. Because, may I say to the gentleman from Iowa (Mr. GROSS) that it seemed clear on its face that just one more checkoff on the payroll would not cost anything at all.

Mr. GROSS. What is so sacred about the figure of the 60,000 population? What about a city of 55,000 people where the city is built on the basis of Federal employment in that city and there is a heavy concentration of Federal employees.

Mr. HUNT. For the same reason that they tax people from New Jersey who do not even work within the confines of the city and get anything in return.

Mr. GROSS. In other words, Big Daddy in Washington knows best.

Mr. HUNT. That is right.

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

Mr. HUNT. I yield to the gentleman.

Mr. PATTEN. What would be the cost of making this deduction? Would the present machinery permit another deduction? I am told if we have to make another deduction, we would have to go out and spend millions of dollars on new machines because they cannot make a new deduction on the present equipment.

Mr. HUNT. I have been told the same thing. I have been told they would have to change the standard stationery and include new places not only in the Internal Revenue context or tax but a new spot on that card and report to include the city wage tax.

So they will have to change the entire apparatus. The costs will be stupendous. That is why they have included a provision in relation to that in the bill. I do not have time to go through all the letters I have received from people who are objecting to this bill. They are Federal employees. They are employees of the Post Office Department and the Treasury Department. Every branch of the Federal Government that is affected can tell you about this. I wonder what the men who are the labor leaders of the unions over in Philadelphia told their employees as to what they wanted them to do?

We have asked several hundred employees of the unions enumerated here whether or not they had been told by their leaders as to whether they wanted the taxes withheld. To a man the response was negative.

I wish to read you an extract from one such letter:

> I believe that this bill, if passed, would be grossly unjust for the following reasons: First, nonresidents do not receive the full benefit of the taxes they are required to pay, and therefore should not pay the full 3 percent tax as residents do.

Here is another from an employee in Baltimore. The city of Baltimore recognizes the fact that commuting people work 8 hours a day in the city and receive only one-third of the services. So they have only to pay 1 percent in their tax. But in Philadelphia they will not recognize the fact that a person is there only 8 hours, but they do recognize that if one of their own in the Federal Government goes out of town to work, he shall receive an adjustment. This is no more fair than it would be for me to come to you and say "I want you to collect my bills."

Mr. GREEN of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, and Members of the House, I am sure that if Chairman MILLS had not been tied up in the Committee on the Trade Bill, he would be here. Let me try to put this in perspective.

The House Ways and Means Committee has approved this bill five times. It has the full support of the Treasury Department. The cost of collection is infinitesimal. It simply means adding another figure to the computers. The Senate has passed the bill. It passed it as an amendment to a House bill. Why has the committee and the House passed the bill in the past? Because all it seeks to do is to put Federal employees in exactly the same position that every civilian employee is now in who works in the city of Philadelphia.

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

Mr. BOGGS I am happy to yield, though I have only 1 minute.

Mr. HUNT. I know, but on your one statement that they cannot be unanimously wrong five times, I think there is some dispute in that area.

Mr. BOGGS. The gentleman has a right to his opinion. But, in my judgment, my colleagues, this bill is needed. It is meritorious. It costs the Federal Government nothing. And it is just to the taxpayers. It adds no additional tax burden. Again, I say, the Ways and Means Committee has considered it well and long.

Mr. GREEN of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. COWGER).

Mr. COWGER. Mr. Speaker, I strongly support H.R. 2076 which will authorize the withholding of municipal income taxes from the wages of Federal employees. I have introduced a similar bill, H.R. 4802.

Having served 4 years as mayor of one of our largest cities, I am quite familiar with the administrative burden of lumpsum tax collection to the end of a taxing period. For years, we have had in Louisville, a city occupational tax and there has always existed problems relating to collection from Federal employees. Now as a Federal employee myself, my city tax is not withheld and must be paid in a lump sum at the end of the tax year. There are some 15,000 Federal employes in my congressional district. And there is presently undue hardship on these families as city taxpayers. Many of them must borrow money at the end of the year to pay their occupational tax. All this legislation allows is for an orderly withholding of city income taxes from the salaries of those who serve the Federal Government. This bill does not impose new taxes. This bill in no way changes the tax liability of any citizen. This bill merely provides for reilef of city taxpaying Federal employees.

Mr. Speaker, I strongly support this legislation and urge my colleagues to vote for passage of H.R. 2076.

Mr. GREEN of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, I rise in support of H.R. 2076.

Let me just respond to those objections that have been raised during the discussion this afternoon. First, with respect to the cost of administration by the Federal Government, as has been pointed out, this would be very minimal. Further, we have to recognize that cities throughout the Nation do withhold Federal income taxes from their employees. We also have to recognize the Federal Government pays no property taxes to the cities. This would seem to be a small return by the Federal Government for that.

Let me just reiterate the fact that H.R. 2076 will not impose any taxes on those who, by law, do not have to pay. Whether or not an individual is liable for payment of a municipal tax must be determined by the courts. If he does not have to pay a municipal income tax by virtue of his residency or some other reason, then, of course, this bill does not affect him. If he does have to pay, then it would benefit him by virtue of the fact that the tax would be deducted on a regular basis.

Mr. GREEN of Pennsylvania. Mr. Speaker, in the time I have remaining, I want to conclude by making these comments. First of all, this measure enjoys the support of virtually every national Federal employees' union, and, just to name a few, they include the American Federal Government Employees, the National Federation of Federal Employees, the National Association of Letter Carriers, the National Postal Union, the United Federation of Postal Clerks, and many more.

The cost of this bill is negligible. It is supported by the Treasury Department.

This is not a one-way street, because the cities withhold Federal income tax for the purposes of the Federal Government.

I want to indicate, as the gentleman from Louisiana did in his remarks, this was reported unanimously by the House Ways and Means Committee five times running. Not once in any of the written statements during the hearings on this bill did any employee organization, any member concerned about this measure see fit to inform the Ways and Means Committee of their opposition. We have an opportunity today to make it more convenient for Federal employees who are faced with a local wage or income tax where they live or in the area where they work to meet the payments in installments by having the Federal agency withhold the tax. Not only will employees be assisted but financially hard-pressed local areas will be assisted.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the opponents have insisted on arguing this bill as though it were a tax bill. It is not, and the proponents should refuse to be drawn in on arguments concerning the equity or justification of any particular municipal tax.

The affirmative arguments for the bill are:

First. It is favored by the overwhelm-

ing majority of the Federal employees who are subject to these taxes. The Federal employees feel that they are entitled to the same convenient regular withholding method of paying these taxes which is enjoyed by private employees, State employees, and municipal employees. Without withholding they are subject to large lump sum payments, and penalties and interest when they fall behind in these payments. As proof of this point, the bill is heartily endorsed by the national, and I repeat national organizations representing Federal employees, including the American Federation of Government Employees, the National Association of Letter Carriers, the National Postal Clerks Union, and the National Association of Mail Handlers.

Second. The bill is favored by the Treasury Department and the Budget Bureau. The argument that the bill would saddle the Federal Government with any significant costs has been analyzed by the Treasury Department and the Budget Bureau and found not to be true. It would merely require making a machine punch on a card presently equipped for such an operation. The administration recognizes the equity of withholding these municipal taxes since it already does so for the States, some of which are smaller in population than some of the municipalities involved, and since the municipalities withhold Federal taxes for the Federal Government.

Third. The bill is favored by the American Municipal Association and the U.S. Conference of Mayors since it would obviously simplify the collection procedures and costs for the municipalities, and thus improve their revenues and help them meet the mounting costs of municipal services. It would also relieve them of the necessity of harrassing Federal employees who are delinquent by dragging them into court and imposing heavy penalties and fines on them.

Fourth. The administration of the bill will be carried out by regulations of the Federal Treasury Department and administered by the Federal agencies. The argument that it will be unfairly withheld on transient Federal employees whose principal office is not located in the municipality involved does not hold water therefore, as the Federal agencies are obviously not going to impose such unfair procedures on their own employees.

Mr. TAFT. Mr. Speaker, for a number of years now, I have been supporting this proposal to withhold city income taxes of Federal employees. It is desired both by the cities and the great majority of these employees as a convenience and a reasonable way of collecting taxes due. It is particularly needed in cities like Cincinnati, where a number of employees live out of the State involved, as well as out of the municipality.

This bill is overdue and I am glad to support it.

Mr. EILBERG. Mr. Speaker, on May 20, 1970, the House Committee on Ways and Means reported favorably H.R. 2076, to provide for the withholding of municipal income taxes from the salaries of Federal employees in certain areas of the county.

In 1952, Congress approved legislation providing for the withholding of State income taxes from the salaries of Federal employees. One of the most weighty arguments for that action was a recognition of the cooperation of the States in withholding Federal income taxes from the salaries of their employees.

Municipalities have been cooperating in the same manner relative to the city employees' salaries for many years. It is only just that Congress provide them with a similar courtesy.

The bill has been written in such a way as to provide for the least possible inconvenience to the bookkeeping system of the Federal pay network. The withholding must be a general practice in the locale.

The withholding is limited to municipalities with a population of 60,000 or more. The Federal payrolls in those areas are generally larger and computerized to a point where the additional withholding will not create a burdensome bookkeeping problem.

The Federal Government will not become involved in the policy-setting aspect of the taxes. That is a matter for the locality. This is a situation where we are simply extending a courtesy to various municipalities and providing assistance to the Federal employees in planning their tax payment.

The bill merely extends present law which applies to State income taxes to include city income taxes.

A principal objection comes from some Federal employees who are employed in a taxing municipality, but who do not reside there. On this question, it should be noted that the jurisdiction of a city to tax is a matter to be settled by an appropriate court irrespective of whether or not the Federal Government withholds the tax.

I urge that the legislation be adopted.

Mr. ASHLEY. Mr. Speaker, I rise in support of H.R. 2076, which would provide for withholding of certain compensation of Federal employees for purposes of meeting the income tax obligation imposed by certain cities on such employees.

The regular withholding of taxes by an employer from employee payrolls was initiated as a service to both citizens and Government bodies. Such a system makes it easier for a family to budget its income and, at the same time, eliminate the costly burden of collection, and provides for more efficient fiscal planning on the part of the taxing body.

Enactment of this legislation would enable Federal agencies to the extent practicable and economically justifiable to give cities the kind of cooperation now afforded States in collection of their income taxes from Federal employees.

The proposed withholding system is peculiarly important to cities because of the low rate of local income taxes which generally do not exceed 2 percent. The liability of one taxpayer is, therefore, generally so small that the filing of individual returns, tax enforcement, and collection procedures associated with higher rate State and Federal income taxes are uneconomical. Thus, fair and productive municipal income taxes must rely largely on withholding.

Because of the peculiar situation in which Federal employees find themselves, they are generally required to file individual returns which most other taxpayers are not compelled to do. Too frequently, they find themselves assessed interest and penalties for late filing. In some cases, they face embarrassment for having failed to report, and they become the victims of collection proceedings.

Under these circumstances, equity in administration, as well as revenue considerations, would seem to demand that the Federal Government be required to withhold just as other employers do. This would be fair to the locality, would be fair to other employees subject to withholding and it would be fair to Federal employees who now must pay their local income taxes quarterly or annually rather than through very small amounts withheld from their pay.

The cities have cooperated in withholding Federal income taxes for compensation paid city employees. Furthermore, it seems equitable to treat Federal employees, for the purposes of city taxes, in the same manner as private employees. I have long advocated such a policy and have introduced legislation comparable to H.R. 2076 over the last several years. Again, I urge enactment of this legislation.

Mr. HOGAN. Mr. Speaker, I would like to call to the Members' attention at this time a bill which I introduced earlier this year to permit the Architect of the Capitol to withhold Maryland and Virginia State taxes from the pay of those employees under his jurisdiction who elect to have this tax withheld.

The only reason this is not being done is because the Architect lacks the legislative authority to enter into agreements with Maryland and Virginia for this purpose. Under the authority of 5 U.S.C. 5516, the Architect is already withholding taxes for employees residing in the District of Columbia.

In 1968, then Architect of the Capitol J. George Stewart recommended the enactment of such authorizing legislation. In addition, I have been advised that the type of payroll equipment utilized by the Architect's Office would permit immediate withholding of State taxes.

Here, today, we are voting on legislation to permit withholding of city taxes for Federal employees, while we still have these certain legislative employees, for no reason at all, being denied the opportunity to have their State taxes withheld.

I urge the committee members to consider and act favorably upon legislation authorizing the Architect to enter into agreements with the States of Maryland and Virginia for withholding of State taxes.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House suspend the rules and pass the bill H.R. 2076, as amended.

The question was taken.

Mr. HUNT. 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 pro tempore. 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 145, nays 184, not voting 101, as follows:

[Roll No. 252]

YEAS—115

Adams	Garmatz	Murphy, N.Y.
Addabbo	Gaydos	Nedzi
Albert	Giaimo	Nix
Alexander	Gilbert	Obey
Anderson, Calif.	Green, Pa.	O'Neal, Ga.
	Griffiths	Patman
Annunzio	Hamilton	Perkins
Ashley	Hansen, Idaho	Philbin
Aspinall	Harrington	Pike
Ayres	Harsha	Pirnie
Barrett	Harvey	Podell
Bell, Calif.	Hathaway	Pryor, Ark.
Betts	Hébert	Pucinski
Bingham	Hechler, W. Va.	Rees
Blanton	Heckler, Mass.	Reuss
Blatnik	Helstoski	Robison
Boggs	Hicks	Rooney, N.Y.
Boland	Hogan	Rooney, Pa.
Brademas	Howard	Rosenthal
Brasco	Jacobs	Roth
Brooks	Johnson, Calif.	Roybal
Brown, Calif.	Jones, Ala.	Scheuer
Brown, Ohio	Karth	Schneebeli
Burke, Mass.	Kastenmeier	Schwengel
Burlison, Mo.	Kee	Shipley
Burton, Calif.	Keith	Sisk
Byrne, Pa.	Kluczynski	Slack
Byrnes, Wis.	Koch	Snyder
Carey	Kyros	Stanton
Cederberg	Landrum	Steiger, Wis.
Chamberlain	Long, Md.	Stokes
Clancy	Lowenstein	Stubblefield
Clark	McClure	Sullivan
Cohelan	McDade	Taft
Conable	McEwen	Teague, Calif.
Corbett	McFall	Udall
Corman	Mann	Ullman
Cowger	Matsunaga	Vanik
Donohue	Meeds	Vigorito
Dulski	Melcher	Waldie
Eckhardt	Mikva	Watts
Edwards, Calif.	Miller, Calif.	Whalen
Eilberg	Mills	Wiggins
Flood	Mink	Wolff
Flowers	Mollohan	Wylie
Foley	Morgan	Yates
Ford, Gerald R.	Morse	Yatron
Friedel	Mosher	Zablocki
Fulton, Pa.	Murphy, Ill.	

NAYS—184

Abbitt	Dowdy	Landgrebe
Abernethy	Duncan	Langen
Adair	Dwyer	Latta
Anderson, Ill.	Edmondson	Lennon
Andrews, Ala.	Edwards, Ala.	Lloyd
Andrews, N. Dak.	Eshleman	McClory
	Evans, Colo.	McCloskey
Arends	Evins, Tenn.	McCulloch
Ashbrook	Fascell	McDonald, Mich.
Beall, Md.	Feighan	
Belcher	Findley	McKneally
Bennett	Fisher	Macdonald, Mass.
Berry	Flynt	
Bevill	Foreman	Mahon
Biester	Fountain	Mailliard
Blackburn	Frelinghuysen	Marsh
Bow	Frey	Martin
Bray	Fuqua	May
Brinkley	Galifianakis	Mayne
Broyhill, N.C.	Gettys	Michel
Buchanan	Gibbons	Miller, Ohio
Burke, Fla.	Goldwater	Minish
Button	Gonzalez	Minshall
Camp	Goodling	Mize
Carter	Green, Oreg.	Mizell
Chappell	Griffin	Monagan
Clausen, Don H.	Gross	Montgomery
	Grover	Moss
Clawson, Del	Gubser	Myers
Cleveland	Gude	Natcher
Collier	Haley	Nelsen
Collins	Hammer-schmidt	Nichols
Colmer		O'Hara
Conte	Hanna	O'Konski
Coughlin	Hastings	Olsen
Crane	Hays	Passman
Culver	Henderson	Patten
Daniel, Va.	Holifield	Pettis
Daniels, N.J.	Hosmer	Pickle
Davis, Ga.	Hunt	Poage
Davis, Wis.	Hutchinson	Poff
de la Garza	Johnson, Pa.	Preyer, N.C.
Dellenback	Jonas	Price, Ill.
Denney	Jones, N.C.	Price, Tex.
Dennis	Jones, Tenn.	Purcell
Derwinski	Kazen	Quie
Devine	Kleppe	Railsback
Dickinson	Kuykendall	Reid, Ill.
Dorn	Kyl	Reid, N.Y.
Rhodes	Sebelius	Waggonner
Rivers	Sikes	Wampler
Roberts	Skubitz	White
Rodino	Smith, Calif.	Whitehurst
Rogers, Colo.	Smith, Iowa	Whitten
Rogers, Fla.	Springer	Widnall
Ruth	Steed	Williams
Sandman	Steiger, Ariz.	Wilson, Bob
Satterfield	Stratton	Wold
Saylor	Talcott	Wyatt
Schadeberg	Taylor	Wyman
Scherle	Teague, Tex.	Young
Schmitz	Thomson, Wis.	Zion
Scott	Vander Jagt	Zwach

NOT VOTING—101

Anderson, Tenn.	Ford, William D.	Powell
		Quillen
Baring	Fraser	Randall
Biaggi	Fulton, Tenn.	Rarick
Bolling	Gallagher	Reifel
Brock	Gray	Riegle
Broomfield	Hagan	Roe
Brotzman	Hall	Rostenkowski
Brown, Mich.	Halpern	Roudebush
Broyhill, Va.	Hanley	Rousselot
Burleson, Tex.	Hansen, Wash.	Ruppe
Burton, Utah	Hawkins	Ryan
Bush	Horton	St Germain
Cabell	Hull	Shriver
Caffery	Hungate	Smith, N.Y.
Casey	Ichord	Stafford
Celler	Jarman	Staggers
Chisholm	King	Stephens
Clay	Leggett	Stuckey
Conyers	Long, La.	Symington
Cramer	Lujan	Thompson, Ga.
Cunningham	Lukens	Thompson, N.J.
Daddario	McCarthy	Tiernan
Dawson	McMillan	Tunney
Delaney	MacGregor	Van Deerlin
Dent	Madden	Watkins
Diggs	Mathias	Watson
Dingell	Meskill	Weicker
Downing	Moorhead	Whalley
Edwards, La.	Morton	Wilson, Charles H.
Erlenborn	O'Neill, Mass.	
Esch	Ottinger	Winn
Fallon	Pelly	Wright
Farbstein	Pepper	Wydler
Fish	Pollock	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts and Mr. Celler for, with Mr. Thompson of New Jersey, against.

Mr. Biaggi and Mr. Hawkins for, with Mr. Gallagher against.

Mr. Ryan and Mr. Clay for, with Mr. Roe against.

Mr. Moorhead and Mr. Conyers for, with Mr. Gray against.

Mr. McCarthy and Mr. Hanley for, with Mr. Watkins against.

Mr. Staggers and Mr. Powell for, with Mr. Broyhill against.

Mr. Madden and Mrs. Chisholm for, Mr. King against.

Mr. Dent and Mr. Delaney for, with Mr. Horton against.

Mr. Dingell and Mr. Fallon for, with Mr. Winn against.

Mr. Farbstein and Mr. Rostenkowski for, with Mr. Quillen against.

Mr. Hull and Mr. Ottinger for, with Mr. Luyan against.

Until further notice:

Mr. Long of Louisiana with Mr. Bush.
Mr. Pepper with Mr. Brown of Michigan.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Rarick with Mr. Brotzman.
Mr. St Germain with Mr. Broomfield.
Mr. Hogan with Mr. Burton of Utah.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Stephens with Mr. Cunningham.
Mr. Charles H. Wilson with Mr. Erlenborn.
Mr. Wright with Mr. Esch.
Mr. Tiernan with Mr. Halpern.
Mr. Ichord with Mr. Lukens.
Mr. Anderson of Tennessee with Mr. MacGregor.
Mr. Burleson of Texas with Mr. Hall.
Mr. Caffery with Mr. Pollock.
Mr. Casey with Mr. Fish.
Mr. Leggett with Mr. Mathias.
Mr. Jarman with Mr. Pelly.
Mr. Tunney with Mr. Weicker.
Mr. Van Deerlin with Mr. Morton.
Mr. Symington with Mr. Reifel.
Mr. Hungate with Mr. Riegle.
Mr. Cabell with Mr. Roudebush.
Mr. McMillan with Mr. Watson.
Mr. Barry with Mr. Smith of New York.
Mr. Daddario with Mr. Meskill.
Mr. Downing of Virginia, with Mr. Rousselot.
Mr. William D. Ford with Mr. Ruppe.
Mr. Fraser with Mr. Diggs.
Mrs. Hansen of Washington with Mr. Shriver.
Mr. Randall with Mr. Stafford.
Mr. Stuckey with Mr. Thompson of Georgia.
Mr. Whalley with Mr. Wydler.

Mr. REID of New York changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 2076, just considered.

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

There was no objection.

PAID ADVERTISING FOR PAPAYAS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2484) to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas.

The Clerk read as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937) and as subsequently amended (7 U.S.C. 608c(6)(1)), is amended by inserting "papayas," immediately after "applicable to cherries,".

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation now before the House is not complex. It would merely add the commodity of papayas to those commodities on which the law permits marketing orders to include payment of advertising.

The papaya is a staple fruit in most tropical countries. Although there is some production in the continental United States, most of the production in our country occurs in the State of Hawaii, where a growing papaya industry is interested in expanding the mar-

kets for the uniquely delicious breakfast and dessert food.

It is the desire of the Hawaiian papaya industry in particular that marketing order authority which currently exists be amended to permit the inclusion of paid advertising as one of the functions for which the marketing order can serve.

Hearings were held by the Subcommittee on Domestic Marketing and Consumer Relations. There was no opposition expressed to the legislation. It was reported by the House Committee on Agriculture and comes before the House, to my knowledge, with no expressed opposition from any agricultural organization or other order.

I will not belabor the issue of the House. I believe the legislation has merit. It follows the pattern of other legislation approved by the House. I hope the House will give it very strong support.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, I wish to stand up and offer my words of support for this legislation, as a member of the subcommittee from which it came, and to associate myself with the remarks of the gentleman from Washington (Mr. FOLEY).

Mr. GROSS. Mr. Speaker, I rise to ask someone who is knowledgeable on this subject where papaya is grown in the United States. Is this special legislation for Hawaii?

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

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. MAY. There are 100 acres in Florida, and the rest is in Hawaii.

Mr. GROSS. One hundred acres in Florida, and all the rest in Hawaii?

Mrs. MAY. Which is the United States.

Mr. GROSS. I understand that, but I am trying to find out if this is not special legislation.

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

Mr. GROSS. I am glad to yield to the gentleman from Washington. I am looking for information.

Mr. FOLEY. I believe the gentleman will find there is some small production in Texas and in Florida. The Virgin Islands and Guam each have production of a limited character, and so does Puerto Rico. There may be other States or areas where papaya is raised, but principally it is in Hawaii.

Mr. GROSS. Let me ask the gentleman if it is not possible for the Hawaiian producers to get together and decide whether they want to advertise papaya? I do not know that I have ever eaten this product. I would not know it if I met it in the middle of the road.

Is it not possible for the Hawaiians to get together and settle this on their own without coming to the Federal Government and nicking the taxpayers for some $25,000 a year to do something they can do for themselves?

Mr. FOLEY. If the gentleman will yield further, I will say the bill does not limit the authority for marketing order at this time to Hawaii. It would be available to any State which wished to call for it. It is a national bill in that sense.

The strongest industrial producer group exists in Hawaii, but they are by no means the only group that would benefit from this bill if others wished to take part in it.

Mr. GROSS. The gentleman still did not answer my question as to why the Hawaiians and a handful of others cannot get together and resolve themselves into an association and decide whether to promote advertising and the sale of papayas and go their own way. What is wrong with that?

Mr. FOLEY. The same problem exists with regard to every marketing order that has ever been proposed, that is, if it is a voluntary contribution and if there is no way to take a vote or otherwise have some kind of a check-off, the result is some participate and others do not. I know of very few efforts in the history of modern agriculture that have succeeded on the basis that the gentleman from Iowa suggests where voluntary contributions have been made and large percentages of those in the particular area of commerce have voluntarily agreed to produce them. The gentleman is making an argument not against this bill but against every marketing order piece of legislation that has ever come on the floor of this House.

Mr. GROSS. Of course, the gentleman from Washington would not try to compare the production in this case with that in dairying or almost any other crop such as oranges or citrus fruits.

Mr. MATSUNAGA. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. MATSUNAGA. In this bill we are asking only for equal treatment with other fruits to which marketing orders have already been extended. I name them here. They include cherries, carrots, citrus fruits, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn—from Iowa, too—limes, olives, pecans, and avocados. Marketing orders have been extended to all of these commodities.

Mr. GROSS. Is the gentleman saying that corn on the cob comes only from Iowa?

Mr. MATSUNAGA. No. I said sweet corn.

Mr. GROSS. Are you saying Iowa is the only State in which it is produced?

Mr. MATSUNAGA. No. Of course not, just as the gentleman from Iowa is not intimating that papayas only come from Hawaii.

Mr. GROSS. According to the report, that is about the only place they do come from.

Mr. MATSUNAGA. Well, we in Hawaii are the greatest producers of papayas, but papayas do grow in Florida too, and Puerto Rico, American Samoa. Papayas could be grown in other areas of the United States which enjoy a warm climate. There is a great possibility of a growing industry if this bill passes.

I might say this to the gentleman from Iowa: I am somewhat disappointed because I understand that the gentleman has not had any papayas, but papayas should be partaken of by the gentleman in particular, because papaya is a great tenderizer. [Laughter.]

Mr. GROSS. Tenderizer for whom? For the Hawaiians?

Mr. MATSUNAGA. For tough meats, tough beef, and anything tough made of flesh. [Laughter.]

Mr. GROSS. If it has the capacity for making Hawaiians more liberal, as well as others who eat papayas, I do not want an introduction to it, because I have seen the results of what has happened from the consumption of papayas in certain places.

Mr. MATSUNAGA. Well, when I receive the next shipment from Hawaii, I will make sure that the gentleman has a supply, and I am confident that after the gentleman partakes of one fruit he will agree——

Mr. GROSS. That he had better get back to corn on the cob.

My only interest in this matter was to find out where papayas are grown and why, if it is in the islands of Hawaii, the Hawaiians cannot take care of themselves. I now find that they have about 100 acres of production in Florida and probably a few hundred acres elsewhere. If this is going to make all the difference in the world to the Hawaiians, this $25,000 that the great white father in Washington bestows on them, then bless your hearts and souls, and good luck.

Mr. MATSUNAGA. Thank you very much. I thank the gentleman from Iowa for his deep understanding.

Mr. Speaker, I might here add that S. 2484 is a bill similar to H.R. 11089 which I introduced, and which would permit agricultural marketing agreements providing for the paid advertising of papayas.

As my colleagues well know, the Agricultural Marketing Act now lists agricultural commodities whose marketing orders may provide for any sort of marketing promotion, including advertising. These include cherries, carrots, citrus fruits, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. This list is exclusive, and any group of fruit growers wishing to jointly promote their product must first obtain an amendment to the act.

Although this is a rather cumbersome method of proceeding, Congress has extended this authority to any commodity for which such action is generally supported. The Department of Agriculture favors the enactment of this legislation.

Hawaiian papaya producers, who produce the vast majority of American papayas, have unanimously supported this legislation. The reason for this is simple: the future growth of the papaya industry in Hawaii, which contributes substantially to the State's economy, depends on an increase in the demand for its product, which can come about only through joint, industrywide promotion.

Members who have tasted the papaya fruit know that it is a delicious and nutritious fruit, suitable for dessert or breakfast. Per capita consumption of it

in Hawaii is about 15 pounds a year, as compared to about one twenty-fifth of a pound per year for each person on the mainland. If annual per capita consumption on the mainland could be raised to only 1 pound, papaya sales could total about 200 million pounds a year, or more than eight times present production levels.

Mr. Speaker, the only cost involved in passing this bill is the cost of administering a marketing order, which the Department of Agriculture estimates at about $25,000 a year.

All that S. 2484 would do is to extend to the papaya industry a privilege that we have granted freely in the past to a large number of commodities. The Senate has already passed this bill without opposition, and the House Committee on Agriculture has approved it by an overwhelming margin. Mr. Chairman, I urge approval of S. 2484.

Mrs. MINK. Mr. Speaker, I rise in support of S. 2484, legislation to amend the Agricultural Marketing Act of 1937 to authorize marketing agreements providing for the advertising and promotion of papayas.

This legislation has been sought by, and is intended to benefit, the papaya industry of Hawaii. S. 2484, which has passed the Senate, is identical to my bill, H.R. 11200, and legislation sponsored by my colleague, the Honorable SPARK M. MATSUNAGA.

Adoption of S. 2484 is in accordance with the Department of Agriculture view, as stated in its report on this bill, that any fruit or vegetable commodity actively supporting the development of a promotion program should be given an opportunity to do so.

I have received a petition signed by members of the Hawaii Papaya Industry Association representing 80 percent of the annual production of Hawaiian papayas urging the enactment of this legislation.

Our papaya industry which is in a fairly early stage of its development has decided to seek coverage under a Federal marketing order as authorized under the act. It needs no legislation to do this, but because of the restrictions in the act legislation is needed if the industry wishes to cooperate in a product marketing promotion and advertising campaign.

Since our papaya industry wishes to expand its market in the mainland United States and elsewhere, it has requested the advertising and promotion authority which would be conferred by S. 2484.

The papaya is a delicious, nutritious, and healthful dessert and breakfast fruit. Presently the per capita consumption of fresh papayas is about 15 pounds per year in Hawaii, but on the mainland United States it is only about 0.04 pounds. This indicates a sizable potential market if new consumers can be introduced to the delights and benefits of papayas.

Hawaii, whose economy is already immensely aided by sugar and pineapple industries, believes the papaya can similarly become an important agricultural staple. Through a marketing agreement, the industry hopes to improve the quality and desirability of its product, and the advertising and promotion allowed by S. 2484 will permit the necessary effort to introduce the fruit to consumers everywhere.

The Department of Agriculture estimates the cost to the Federal Government for administering the marketing agreement at $25,000. None of this would go toward advertising costs, which would be borne by the industry itself. Within several years, we anticipate a 50-percent increase in the Hawaii papaya annual crop value. The small Federal expenditure required by this bill will help produce a vastly higher benefit to the economy of Hawaii and the rest of the United States.

This legislation is supported by the Governor and all other interested parties in Hawaii. It is noncontroversial, and I urge its unanimous adoption by my colleagues.

Mr. HOLIFIELD. Mr. Speaker, the food irradiation program is covered in two budget line items in the AEC budget—biology and medicine and isotopes development. Fiscal year 1971 base program $80,000 contract on papayas. On the papaya program, the Joint Committee added $50,000 to the fiscal year 1971 budget for isotopes development to perform a study on insect disinfestation and ripening control on papayas and an additional $50,000 for research on mutagenicity screening assays in the biology and medicine budget for basic data likely to be required by the Food and Drug Administration for papayas. It is expected that the petition will be submitted to the FDA by the end of calendar year 1971.

All data on both pasteurization and insect disinfestation have been satisfactory. Feeding studies on animals are continuing under the existing program.

We successfully eradicated the screwworm fly in Florida, a pest which caused millions of dollars in damage to cattle.

We believe that the beneficial effects of papaya radiation will develop a new fruit shipping item in addition to other fruits now produced and shipped from Hawaii to the mainland.

The SPEAKER. The question is on the motion of the gentleman from Washington that the House suspend the rules and pass the bill S. 2484.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Does the gentleman from Ohio insist upon his point of order?

Mr. HAYS. I do, Mr. Speaker.

The SPEAKER. Evidently a quorum is not present.

Mr. MATSUNAGA. 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. 253]

Addabbo	Flynt	Price, Tex.
Anderson, Tenn.	Fraser	Quillen
Ashley	Fulton, Tenn.	Randall
Baring	Gallagher	Rarick
Barrett	Garmatz	Reid, N.Y.
Beall, Md.	Giaimo	Reifel
Biaggi	Gilbert	Riegle
Blanton	Gray	Roe
Bolling	Hagan	Rosenthal
Brock	Hall	Rostenkowski
Broomfield	Halpern	Roudebush
Brotzman	Hanley	Rousselot
Broyhill, Va.	Hansen, Wash.	Ruppe
Buchanan	Hawkins	Ruth
Burleson, Tex.	Hébert	Ryan
Burton, Utah	Heckler, Mass.	St Germain
Bush	Horton	Shriver
Caffery	Hull	Smith, N.Y.
Casey	Hungate	Stafford
Celler	Ichord	Staggers
Chisholm	Jarman	Stephens
Clark	Jonas	Stokes
Clay	King	Stuckey
Conyers	Kuykendall	Symington
Corbett	Leggett	Thompson, Ga.
Cramer	Lennon	Thompson, N.J.
Cunningham	Long, La.	Tiernan
Daddario	Lujan	Tunney
Dawson	Lukens	Van Deerlin
Delaney	McCarthy	Watkins
Dennis	MacGregor	Watson
Dent	Madden	Weicker
Diggs	Mathias	Whalley
Dingell	Meskill	Whitten
Downing	Moorhead	Widnall
Edwards, Calif.	Nix	Wiggins
Edwards, La.	O'Hara	Wilson, Charles H.
Erlenborn	O'Neill, Mass.	Winn
Esch	Ottinger	Wold
Evins, Tenn.	Pelly	Wright
Fallon	Pepper	Wydler
Farbstein	Podell	
Fish	Pollock	
	Powell	

The SPEAKER. On this rollcall 302 Members have answered to their names, a quorum.

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

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17070, POSTAL REORGANIZATION

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill, H.R. 17070, to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14956. An act to extend for three years the period during which certain dyeing and tanning materials may be imported free of duty.

The message also 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. 17070) entitled "An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes."

AUTHORIZING THE SECRETARY OF INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN THE NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLO.

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1110 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1110

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6715) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1110 provides an open rule with 1 hour of general debate for consideration of H.R. 6715 authorizing the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The physical facilities of the unit consist of Narrows Dam and Reservoir about 2 miles upstream from Fort Morgan, Colo. The dam will be 146 feet high and about 22,100 feet long. Approximately 12,700 feet of auxiliary dikes will be constructed. The total controlled capacity at the top of the flood control pool will be 973,000 acre-feet. The water from the reservoir will be delivered via the South Platte River to the headworks of existing ditch systems in the river valley. The reservoir will inundate the headworks of the Fort Morgan Canal, which will necessitate a short interconnection outlet from the reservoir to the canal.

The reservoir and surrounding right-of-way for fish, wildlife, and recreation will require about 36,250 acres and will necessitate relocation of Colorado State Highway 144 and the Union Pacific Railroad.

Included in the right-of-way will be lands needed for three public-use recreation areas, a migratory waterfowl refuge, and existing Jackson Lake Dam and Reservoir, which is a privately owned, off-channel reservoir used for seasonal regulation of irrigation water. Its use for fishing and recreation is limited by late season drawdown. With this legislation the lake will be rehabilitated and stabilized for exclusive fish and wildlife and recreation use. A fish hatchery and rearing pond will also be included in the project.

On the basis of prevailing prices in January of last year, the estimated cost of the Narrows unit is $68,050,000. About one-third of this amount—$21,121,400—is allocated to the supply of irrigation water. It will be totally repaid without interest in 40 years from the sale of water and services. A committee amendment makes it possible for the Secretary to extend the repayment contract to 50 years if necessary.

Another third of the cost is allocated to flood control. This sum—$24,350,000—will be nonreimbursable in accordance with longstanding practice.

Fish and wildlife enhancement and recreation make up the remainder of the investment. These costs, slightly over $22,000,000, will be cost-shared with the State of Colorado under the formula established by the Federal Water Project Recreation Act of 1965. Under this arrangement, costs in the amount of $2,505,400 will be repaid with interest and the remainder will be nonreimbursable.

Mr. Speaker, I urge the adoption of the rule (H. Res. 1110).

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Hawaii has explained, House Resolution 1110 provides for an open rule with 1 hour of debate for consideration of the bill, H.R. 6715.

Mr. Speaker, the purpose of the bill is to authorize the construction of the Narrows unit of the Missouri River Basin project on the South Platte River.

The project was part of the original comprehensive plan for the Missouri River Basin enacted in 1944. It cannot now be constructed unless it is reauthorized as an individual project within the overall program.

The project is a multipurpose project that will provide supplemental irrigation for 166,370 acres of presently irrigated land; provide flood protection in the lower South Platte River Basin; increase outdoor recreational opportunities and enhance fish and wildlife in the area. No hydroelectric power will be generated.

The construction will include a dam and reservoir. No irrigation system will be built; existing ones are to be utilized. The estimated cost—based on January 1969 figures—is $68,050,000. All costs will be fully reimbursed within 50 years by the water users.

There are no minority views. The Department of the Interior supports the reported bill as does the Bureau of the Budget and the Department of the Army.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6715) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON).

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 the bill H.R. 6715, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from Colorado (Mr. ASPINALL) the author of the legislation.

Mr. ASPINALL. Mr. Chairman, we know that the hour is growing late, and I, for one, am not going to take too much time to explain the purposes of the legislation.

Mr. Chairman, the Narrows unit, which will be authorized by the enactment of H.R. 6715, has been an item of unfinished business in the water resource affairs of Colorado for more than 30 years. Actually this program has once been authorized for construction by the Congress as an element of the Missouri River Basin project. Advance planning studies were conducted, initial construction funds were appropriated, and construction facilities were constructed. The Korean war intervened, funds were withheld and work never proceeded on the features of the unit. Also, for a number of years, the State of Colorado did not have a clear and unequivocal policy outlook on the program and it lay dormant for some time.

During this period, the Congress passed legislation requiring in effect that all theretofore authorized units of the Missouri River Basin project be reauthorized. This legislation will fulfill that mandate. The passage of time has also seen changes in procedures and criteria for planning water projects, all of which have been introduced into the Narrows unit plan. So today we bring to the House, perhaps the most carefully planned and completely documented project

that has ever come out of the Committee on Interior and Insular Affairs.

I am, therefore, singularly pleased to be in a position to discuss this measure with the Members, to relate it to our water resource legislative program and to urge your support for the bill on its merits as a sound and timely investment in regional economic strength and the broader public interest.

Early this year, I explained to the House that our committee expected to bring out a limited program of new authorizations during the 91st Congress; the dollar volume of this program being about $150 to $175 million. We arrived at this level of activity in an effort to reduce the backlog of authorized, but unfunded projects without completely shutting down the machinery of project authorization. The Narrows unit is a cornerstone of this legislative program. It is not only the largest of the several projects we have considered in this Congress, but it is the most comprehensive in terms of meeting a wide variety of local community needs. The project being authorized by H.R. 6715, as recommended by the committee, will be fully multiple purpose in character. Its major function will be to supply a supplemental supply of irrigation water for 166,000 acres of land now inadequately served from natural streamflow and ground water. The project will have a capability of supplying 140,000 acre-feet of water annually, representing an increased water supply of about 10 inches. This quantity of water will substantially relieve the shortages which have been experienced historically in this section of Colorado, and which have limited the productive capability of the lands. Production from the land in the form of crops and livestock is our only major industry in northeastern Colorado, and our only significant source of basic wealth. When agriculture is prosperous, we have a measure of economic stability conducive to a meaningful social order. This cannot occur without an assured source of water from irrigation as we have learned from repeated periods of drought and lost production.

The next most urgent need of the South Platte River Basin is for some form of protection against recurring flood. All too often this river rises to destroy homes, utilities, businesses and transportation facilities. The Narrows unit will afford positive protection against floods caused by the river for the cities of Fort Morgan, Brush, and Sterling, as well as other communities which have developed along the river valley. Weather records indicate that nine major floods, the last being in 1965, would have been prevented by the Narrows unit. The Corps of Engineers estimates that damages averaging $1,600,000 annually will be prevented when this project goes into service.

The narrows unit will also provide an outlet for the water-based recreational demands of the nearby urban areas. One of the important features of the project is its role in the fish and wildlife enhancement programs of the State of Colorado. It will meet this function through the devedopment of a migratory waterfowl area and through a high quality fishery within the reservoir. Certainly, these aspects of balanced water resource development are increasingly important as more and more of our citizens seek wholesome and rewarding avenues of recreational activity. A measure of the significance of this project in meeting these needs may be seen in the projected visitation of over 1 million per year.

H.R. 6715 also provides the authority to convert water supplies to municipal and industrial use when the needs for such service develop to the point that existing sources are no longer adequate. Initially, it is not expected that there will be a market for municipal water, but most observers of community growth patterns agree that a demand will likely occur in the near future. The Committee on Interior and Insular Affairs has always supported the premise that human needs represent the highest priority for water resources and as a matter of policy feels that all programs should be structured to accommodate that use if and when a demand should arise.

The central feature of this program is the Narrows Reservoir. It will be a major facility about 2 miles west of the city of Fort Morgan. No irrigation canals and laterals are authorized since these systems are now in existence. The project will cost $68,050,000 to construct and this cost will be borne in the rough proportions of one-third each by irrigation, flood control, and fish and wildlife and recreation. The irrigation costs will be reimbursable on an interest-free basis as is the law and practice. This project has the capability to repay the entire irrigation investment in a period of 40 years, thus no assistance from power revenues will be required. In this regard, this is a most unusual project, in fact, the only one with this degree of financial feasibility to pass through our Committee in many years.

The flood control costs will be nonreimbursable as is the case with all Federal flood control reservoirs, and the recreation and fish and wildlife costs will be shared by the State of Colorado. Under the provisions of the bill, the State will contract to repay about $2.5 million at interest and the remaining fish and wildlife and recreation cost will be at Federal expense.

In the hearings on this measure held by our Subcommittee on Irrigation and Reclamation, it was learned that there is overwhelming support for the program at the State and local level. This is not to say that the project is unanimously endorsed. There are those who feel that the reservoir should be located at a site further upstream, and cite some added benefits that would arise from the alternate location. The subcommittee examined this matter very carefully, and while acknowledging that certain minor benefits would indeed flow from the upper site, the added cost of construction would more than offset the otherwise affirmative effects.

The water rights for the project are in order, in that the processes required by Colorado law have been compiled with and there is no reason to question the legal or physical availability of adequate water supplies for the project.

The project has been carefully analyzed for its environmental characteristics, particularly from the standpoint of its effect on water quality in the South Platte River. Like most irrigation projects involving a storage and diversion of streamflow, it is necessary to look at two water quality issues. The first is the classic issue of whether any part of the stored water needs to be released for low flow augmentation to preserve oxygen levels. The studies have shown that streambank recreation is the only purpose that would be enhanced by such releases and that the cost of providing the access and appurtenant recreation facilities would not be justified by the level of usage that would be anticipated to take place. For this reason and for the added reason that the constitution and laws of the State of Colorado do not recognize streamflow maintenance, per se, as a beneficial use of water, the project will not be operated specifically for this purpose.

The second water quality aspect of the Narrows unit is the probable effect on salinity of streamflow from the return of unused irrigation water to the stream system. The Federal Water Quality Administration found that the only salinity problems which exist in the lower South Platte River occur in the late summer and fall months when stream flow is comprised primarily of irrigation return flows. With the introduction of 140,000 acre-feet of high quality irrigation water from the Narrows Reservoir into the groundwater complex, the average salinity of return flows will be reduced at all times. This will result in the betterment of the critical late season water quality in the river. Accordingly, that agency has no objections to the project and has proposed no operational limitations.

Last, Mr. Chairman, I would emphasize that the Narrows unit is economically justified by the rigid analytical procedures that now govern water resource projects. Under executive branch procedures, the Narrows unit is not obliged to qualify at the high discount rates now being used. Despite this exemption, the Members will be reassured by the fact that the project has a ratio of 1.2 to 1 at the 4⅞-percent rate in force at the time of our hearings.

In summary, I believe this to be a project that we can all support. There is no question in my mind that the Narrows unit is essential to the well-being of northeast Colorado, an important issue for the entire State of Colorado, and an investment opportunity from which the entire Nation can expect a comfortable return. I urge all Members to give it their support.

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

Mr. ASPINALL. I am glad to yield to my friend, the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Colorado for yielding.

What has the Federal Government put into this project as of this date?

Mr. ASPINALL. The Federal Government has put in several tens of thousands

of dollars so far as the study is concerned and all of it must be repaid, of course. That part that is allocated to irrigation must be repaid under the principles and provisions of irrigation law. The State of Colorado has put in several tens of thousands of dollars also, bearing its share for the study of the project.

Mr. GROSS. How many additional acres will this put into production through irrigation?

Mr. ASPINALL. Not an acre. This involves only acreage that is already in cultivation and production.

Mr. GROSS. What will be the interest rate, based on the amendment to the bill?

Mr. ASPINALL. I cannot say exactly what it will be at this time, because it does vary. But this interest rate is the rate that is commonly used in all projects and more than likely it will be about 3¼ percent.

Mr. GROSS. As I read the amendment in the bill, it is based on the public obligation by the Treasury of 15-year noncallable Government securities. What is the present rate for such securities; does the gentleman know?

Mr. ASPINALL. I imagine it would be somewhere around 5½ percent or 5¾ percent. I cannot tell my friend exactly, but this is a subsidy and it is admitted in all water resource projects. It is not any different from any other water resource project that we have.

Mr. GROSS. How often have their been floods in this area.

Mr. ASPINALL. There have been several floods during the last 70 years. The damage has been estimated to be considerably over $1 million a year so far as the average is concerned. There have been two floods within the last 7 years.

Mr. GROSS. I had information that indicated there has been two floods in 20 years—but the gentleman says there have been two floods in 7 years?

Mr. ASPINALL. There have been two in the last 7 years.

Mr. GROSS. Will this involve flooding additional land, this expenditure of $68 million?

Mr. ASPINALL. No, it will not flood additional land, but the reservoir site will cover additional acreage, some of which is in cultivation at the present time in what would be the reservoir bed. But this will control floods in that area so that the town of Fort Morgan and other areas below Fort Morgan will not likely be damaged as they have heretofore.

Mr. GROSS. The gentleman has said that this will not bring additional land into production through irrigation.

Mr. ASPINALL. That is correct.

Mr. GROSS. Now or later?

Mr. ASPINALL. Now, later, or in the future.

Mr. GROSS. I thank the gentleman for yielding.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SAYLOR) is recognized.

Mr. SAYLOR. Mr. Chairman and members of the committee, I rise in support of this legislation. In accordance with the rules and regulations and the laws on the books at the present time with regard to reclamation, this project meets every requirement of reclamation law. There are some features of that law that I do not like, but until Congress in its wisdom changes them, the Department downtown has no choice but to report bills to the Congress and to the proper committees in accordance with the laws on the books.

Irrigation is a small part of this project. This bill will put supplemental water on land that is now under irrigation. The estimated cost of that is $21 million. The total cost of this project is $68 million, indicating that $47 million is allocated to flood control, fish and wildlife conservation, and road relocation. In addition, our committee added potential future municipal and industrial water supply.

Now, with this amendment, there is one good feature. If future municipal and industrial water is used, it will be a use of the water that will not only pay but result in the payment of interest on that portion of the project to which it might be allocated for municipal and industrial water. But I think it does point out that there is a need and a serious need for changing the reclamation laws and overhauling the reclamation laws to bring them into line with what Congress has said they would like to have included in these projects.

I would hope that in the 92d Congress, in both the House Interior Committee and the corresponding committee on the other side of the Capitol, we would see to it that we do revise our reclamation laws, particularly with regard to the question which the gentleman from Iowa just raised with regard to interest rates. We now use one figure for figuring the project, and it is a 4⅞-percent interest rate, and even then this is a good project but on the repayment features we use the old figure of 3¼ percent. I think this is one of the things that should be corrected, one of the things the committee should take up in another bill, but it should not hold up the passage of this bill.

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

Mr. SAYLOR. I yield to the chairman of the committee.

Mr. ASPINALL. The amount of money on which interest would be considered as part of repayment of this project is very small.

Mr. SAYLOR. That is correct. Most of the items in this bill are nonreimbursable. The large items that I mentioned are nonreimbursable and would not bear interest under any circumstances.

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

Mr. SAYLOR. I am happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. I think it should be pointed out also that the $68 million would be committed in the way of an authorization figure, with some $24 million in the way of flood control. One other point: Since I serve on both the Reclamation Subcommittee as well as the Flood Control Subcommittee, the one thing about this project that interests me is that it tends to expand the project purposes to take into consideration factors that are water related, and this in itself is unique and deserving of support.

Mr. SAYLOR. It is, and I think we might say just 4 years ago in this very area, we had a very devastating flood. It probably caused in 1 year almost half as much damage as is allocated here to the benefits of flood control.

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

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

Mr. GROSS. Mr. Chairman, what kind of priority does this project have? I ask that question, because some of us have badly needed flood control projects, and our projects have been held up because the appropriations have been impounded—or, in a more polite term, reserved—by the administration. I want to know or I would like to know what kind of priority this has? Will this leapfrog us? Will this project leapfrog and leave us at the hitching post again?

Mr. SAYLOR. I might say to my friend, the gentleman from Iowa, that this project is one which the chairman of the full committee early last year told the House, when we brought up our first reclamation bill, would probably be one of the projects that would be presented for consideration.

There is quite a backlog of reclamation projects, and most of the old ones do not have any flood control benefit. Most of the flood control projects in which the gentleman from Iowa is interested are from the Corps of Engineers, and they ask for separate appropriations, and that would come in the public works appropriation bill.

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

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I would like to tell my friend, the gentleman from Iowa—and I do so with the full knowledge that my constituents have been told they would have to take their place as far as the present authorizations are concerned. There would be no additional priority to them over any other of the reclamation projects.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I think that is a very fair statement, and I think that is the way it ought to be, because some of us have had moneys appropriated and they have been reserved or impounded, or call it what you will, and we have been denied the expenditure. I would dislike very much to see a project of this kind take precedence over our projects.

Let me ask the gentleman another question. This appears on page 11. The Budget Bureau was opposed to the construction of fish hatcheries in connection with this project. Are fish hatcheries in or out of the bill?

Mr. SAYLOR. The hatcheries were out of the bill when it was sent up from the Department of the Interior. After we heard the testimony of the people from the Department, it was the determination of our committee that the hatcheries should be put back in, and they are in.

Mr. GROSS. And they, too, I would hope, would take their place in the line of priorities.

Mr. SAYLOR. They would have to take their place.

I want to take this opportunity right now, since the gentleman from Colorado has mentioned that this project is in his district, to say the gentleman from Colorado (Mr. ASPINALL) represents about three-fourths of the State of Colorado, and he has many projects in his district that have been authorized. He has been one of the first people to come forth and say that projects that are authorized in bygone sessions of the Congress must be developed first. He has also been one of the first people to say that we must call upon the Department of the Interior and the Bureau of Reclamation to come before our committee and update any project that has been authorized for more than 10 years on which construction has not started.

The gentleman from Colorado, my friend (Mr. ASPINALL), has been fair with the 17 western reclamation States in all of the projects he has come forward with. There is one thing we must say. The gentleman has tried to deal with all the Western States so as to treat them as fairly as is humanly possible to do.

I believe that the Members of Congress owe the chairman a great debt of gratitude for the manner in which, since 1956, he has chaired the Committee on Interior and Insular Affairs of the House. I take this opportunity to say that.

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

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

Mr. DON H. CLAUSEN. I certainly concur in the remarks made by the gentleman from Pennsylvania.

Also, I believe the gentleman from Iowa certainly has made a point which is worthy of note. I would invite him and all the other Members of Congress who are in the so-called water resources or water conservation areas to work more closely together to convey to any administration the absolute essentiality of expanding the amount of total dollars committed to reclamation as well as to flood control projects, because these are the areas which in my judgment are the most depressed economically and disaster prone.

I would join with the gentleman in saying that the percentage of the total budget should in fact be expanded. I believe he makes an excellent point as we consider this legislation today.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to speak at this time in support of H.R. 6715, to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The Subcommittee on Irrigation and Reclamation has given this matter the most serious and searching consideration. In November 1968 we conducted 2 days of on-site inspections and field hearings on a previous bill in the 90th Congress. Earlier this year, we had 2 days of very comprehensive hearings on H.R. 6715 to bring up to date our understanding of the proposal and to become informed of the effects of increasing costs.

The project has the full and complete support of the Department of the Interior and the Bureau of the Budget as the Members can see from the committee report on the bill. The bill has been endorsed and supported by the Governor of Colorado, the Honorable John Love and by his entire administration. A wide degree of local support has been shown by all sectors of the local community. Chairman ASPINALL has reported to you fully and candidly that there are certain interests who oppose the bill on the feeling that the reservoir should be built further upstream. I endorse the Chairman's analysis that the extra benefits that would be realized at the upper site are overwhelmingly offset by cost factors that do not pertain to the adopted site.

Mr. Chairman, the Narrows unit is feasible and justified by the standards of analysis which have been devised for water resource development projects; standards, I might add, which are not required to be applied to any other field of Federal investment decisionmaking. It has been tested for economic justification and has been found to have an acceptable ratio of benefits to costs at the exorbitant discount rates which the Executive now imposes, although under administration ground rules it would not need be subject to these rates. At this point, Mr. Chairman, I will merely recap the annual benefits that will accrue to the local, regional, and national economy from this investment:

Flood control	$1,599,000
Irrigation	1,631,500
Fish and Wildlife	1,410,600
Recreation	552,200
Total	5,193,300

The financial feasibility of the Narrows unit is demonstrated by the degree to which costs required to be repaid to the United States can, indeed, be repaid in accordance with law and general practice. For example, of the total estimated construction cost of $68,050,000, about one-third, or $21,121,400, is allocated to irrigation and is reimbursable. The studies indicate and H.R. 6715 requires that this sum will be returned to the United States within a term of 40 years from revenues accruing from the sales of water and services. It is particularly interesting to note that this is the first major irrigation project to be authorized in more than 30 years that does not need financial assistance from project power revenues. This fact alone is compelling testimony to the worth of the Narrows unit.

An additional one-third of the project cost, $24,350,100, is allocated to flood control and is nonreimbursable. This allocation is pursuant to annual benefits of $1.6 million that will be realized from the operation of 550,000 acre-feet of space either exclusively or jointly for flood control.

The remainder of the project cost, except $135,000 for highway betterment, amounting to $22,443,500 is attributable to fish and wildlife and recreation. These costs will be shared by the State of Colorado in accordance with the principles set out in the Federal Water Project Recreation Act. Present estimates are that one-half of the separable costs required to be repaid with interest will aggregate about $2.5 million. The remaining cost allocated to these purposes will be borne at Federal expense.

Physically, the Narrows Unit will consist of a major dam and reservoir on the South Platte River near the city of Fort Morgan. The dam will be an earthfill structure 146 feet in height and, together with its wing dikes, will have a total embankment length of about 34,000 feet. The total controlled reservoir capacity will be 973,000 acre-feet and will occuply approximately 36,250 acres of right-of-way. It will be necessary to remove the tracks of the Union Pacific Railroad, State Highway No. 144 and some county roads. The costs of all these measures are included in the project cost of $68 million and have been charged to the purposes to which costs are allocated.

Specific fish and wildlife facilities consist of a fish hatchery and rearing ponds as a source of fish for stocking the reservoir. The plan also contemplates the acquisition and subordination to full-time recreation use of existing Jackson Lake, an existing impoundment now used primarily for seasonal regulation of irrigation water. On the basis of these facilities and the proximity of the project to the Greater Denver area, the recreation planners believe that more than 1 million visitations per year will occur.

Mr. Chairman, this is a project that deserves the support of every Member. It and emenities many times its intial cost. It is truly an investment in the economic will return in actual revenues, benefits strength of rural America and is in the best traditions of sound resources planning and development.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. ROGERS).

Mr. ROGERS of Colorado. Mr. Chairman, I rise in support of H.R. 6715, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado.

The gentleman from Colorado (Mr. ASPINALL) and his counterpart, the gentleman from Pennsylvania (Mr. SAYLOR) as well as the gentleman from California (Mr. JOHNSON) have adequately explained that this project meets all of the criteria necessary for its development.

The Platte River passes at the foot of Pikes Peak and goes to the northeast boundary of the State, where the State of Colorado meets the State of Nebraska.

There are devastating floods at times. This project will help to control those floods. We will be repaid to a certain extent. This project will be beneficial not only to the people of the State of Colorado but to the people of the entire Nation, in the control of this river.

I urge the passage of this legislation.

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

The Clerk read as follows:

H.R. 6715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Narrows unit, heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. To the extent that project water constitutes a supplemental irrigation supply, the provisions of the Act of June 16, 1938, relating to the Colorado Big Thompson project in Colorado are hereby made equally applicable to the Narrows unit.

SEC. 6. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $62,000,000 (based upon October 1965 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit and for future costs, if any, under section 2 of this Act.

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be printed in the RECORD and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 1, after "recreation," insert "potential future municipal and industrial supplies,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 7, after "Reservoir," insert "fish hatchery and rearing ponds,"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 12, strike "purpose." and insert the following: "purpose: *Provided,* That all identifiable return flows of water from any of the project purposes, features, necessary works and facilities, authorized herein shall be treated for the purpose of eliminating pollution and improving water quality, in such manner as determined by the Secretary of the Interior."

AMENDMENT OFFERED BY MR. SAYLOR TO THE COMMITTEE AMENDMENT

Mr. SAYLOR. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR to the committee amendment: Page 2, line 15, after the word "of" strike out the word "eliminating" and insert "abating".

The CHAIRMAN. The gentleman from Pennsylvania is recognized in support of his amendment.

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

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

Mr. JOHNSON of California. Mr. Chairman, we have looked over the amendment offered by the gentleman from Pennsylvania, and the author of the bill, the chairman of the committee (Mr. ASPINALL) and I have no objection to it.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 2, strike "supplemented." and insert the following: "supplemented: *Provided,* That repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay, as determined by the Secretary: *Provided further,* That the term of such contracts shall not exceed 50 years."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, lines 19 through 23, strike all of Section 5 and insert in lieu thereof the following:

"SEC. 5. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue."

The CHAIRMAN. Is there objection to the committee amendment?

Mr. GROSS. Mr. Chairman, reserving the right to object, I simply wanted to comment that I am pleased to see one bill in the House today that is not predicated upon that new and wonderful and euphemistic thing called environment.

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

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 12, strike out "$62,000,000 (based upon October 1965 prices)," and insert in lieu thereof "$68,050,000 (based upon January 1969 prices),".

The committee amendment was agreed to.

The CHAIRMAN: The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 19, insert a period after "unit" and strike out the remainder of the sentence.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. BROOKS) Chairman of the Committee of the Whole House on the State of the Union, reported that committee having had under consideration the bill (H.R. 6715) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, pursuant to House Resolution 1110, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 3547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Narrows unit, heretofore authoriezd as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. To the extent that project water constitutes a supplemental irrigation supply, the provisions of the Act of June 16, 1938, relating to the Colorado-Big Thompson project in Colorado are hereby made equally applicable to the Narrows unit.

SEC. 6. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

SEC. 7. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Strike out all after the enacting clause of S. 3547 and insert in lieu thereof the provisions of H.R. 6715, as passed, as follows:

That the Narrows unit, heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservior, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose: *Provided,* That all indentifiable return flows of water from any of the project purposes, features, necessary works and facilities, authorized herein shall be treated for the purpose of abating pollution and improving water quality, in such manner as determined by the Secretary of the Interior.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented: *Provided,* That repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay, as determined by the Secretary: *Provided further,* That the terms of such contracts shall not exceed 50 years.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 6. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6715) was laid on the table.

ADDITION TO LEGISLATIVE PROGRAM FOR TUESDAY

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

Mr. ALBERT. Mr. Speaker, I have requested this time for the purpose of announcing an addition to the program.

Mr. Speaker, we are adding to the program for tomorrow House Resolution 1062 authorizing the Speaker of the House of Representatives to appoint a special committee to investigate and report on campaign expenditures of candidates for the House of Representatives.

Mr. Speaker, this will be the first order of business. It is not intended as of this time to call up H.R. 18546, the Agricultural Act of 1970 tomorrow.

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

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

Mr. GROSS. Are there copies of this resolution available?

Mr. ALBERT. I have a copy here which I shall be glad to give to the gentleman from Iowa.

The SPEAKER. The Chair will state that it was reported last June, sometime in June.

Mr. GROSS. I beg the Speaker's pardon. I did not hear the Speaker.

The SPEAKER. The Chair will state that the resolution was reported out of the Rules Committee sometime last June.

Mr. ALBERT. It was reported June 11.

PRESIDENT'S COMMISSION ON CAMPUS UNREST CREATING UNREST

(Mr. SCHERLE asked and was given permission to address the House for 1

minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the President's Commission on Campus Unrest sometimes seems more interested in helping create that unrest than in trying to seek the causes of and solutions for it.

This approach is not sitting particularly well with members of the public as recent letters to the editor of the Washington Star will attest.

I insert several of those letters in the RECORD at this point.

[From the Washington Star, July 30, 1970]

COMMISSION ON CAMPUS UNREST

Letters to the Editor:

SIR: Current hearings before the President's Commission on Campus Unrest have yet to focus on the central point of the problem. Members of the commission have openly voiced their dissatisfaction concerning the absence of pertinent recommendations.

Typical of the wide swing around the heart of the problem was the testimony of Charles F. Palmer, president of the National Student Association: "As long as the war in Indochina continues . . . as long as there is poverty in this country . . . (etc) . . . until these things are changed, we will continue to make life uncomfortable, and at times, unlivable for the men in positions of power and influence." This piece of threatening rhetoric should not go unchallenged.

I am not here concerned with the political question as to how "positions of power" are attained, exercised, influenced and changed in our system and practice of government. But someone on the commission could have reminded Mr. Palmer that difficult international and domestic problems will still be with us long after Mr. Palmer's generation will have collected all the grades and degrees of their student careers (if our colleges and universities will remain "livable" long enough).

Even more important, however, is the realization of the equally obvious truth that it will not be the announced indefinite protraction and escalation of campus unrest that will solve our existing and succeeding great problems. Solutions can only come through intelligent ordering of priorities, careful planning of sequences and constructive cooperation of the majority of the American people within our evolving democratic structures and processes.

TO REQUIRE GREATER CONTRIBUTIONS

Even such a non-utopian progress will require ever greater contributions from our colleges and universities, but not of the kind Mr. Palmer had in mind. If we are to solve our problems more thoroughly and faster than in the past, our colleges and universities will have to equip our succeeding generations of students with increasing mental abilities for an ever more dependable analysis and provide them with improved methods and tools of research, both pure and applied. More than before will they have to inculcate into our new generations the hard discipline of scholarly detachment and persevering reflection.

Instead of replacing the spirit of inquiry, the patience of scholarship and the acquisition of knowledge, as Mr. Palmer's threat implies, students' sentiments, feelings and emotions will have to be harnessed as new motivating forces for sustained mental and ethical preparation for real life and its progressing reorientation toward the hard objectives of equality of opportunity, an ever better environment, social cohesion and secure world peace.

The real crisis on our campuses consists in that they have been subjected to escalating attempts at subverting their only intrinsic function of education and scholarship into ever noisier and increasingly intimidating staging areas for "direct action" in the alleged service of an extraneous end for which they are neither needed nor equipped.

MUST BE FREED OF INTERRUPTIONS

If our existing colleges and universities are to be preserved for continued pursuit of their primary objective, they must first be freed from recurring interruptions, shouting demonstrations, rump meetings and other forms of physical and psychological intimidation. The most urgent ned on our campuses today is for a sensible code of minimal and largely self-enforceable rules which will effectively separate, in time and place, all forms of "direaction" from schedules and areas where teaching, studying and research are being conducted, or should again be conducted, on our campuses. Our universities are in dire need of administrators that will not keep caving in until it is too late to salvage their battered institutions.

Just as colleges and universities should not interfere with student or faculty political beliefs and commitments, so students and faculty members (not to mention outsiders) have no right whatsoever to use universities as staging areas for political action—no matter how strongly felt—to the detriment of the only lasting function our universities have and for which there is no substitute.

CYRIL A. ZEBOT,
Professor of Economics,
Georgetown University.

SIR: Somehow, I have a feeling that President Nixon is going to be disappointed in his Commission on Campus Unrest. You know President Johnson's "Crime Commission" was also loaded with liberals and they blamed everybody except the criminals, even accusing the police of "rioting." Now some of the members of the new commission are hostile toward any witness who does not condemn the police and support the criminal element.

And as for the witness who pleased the commission so by saying: "People who look to the vice president for shaping their opinions have got to get out of that trap," now, just a minute—Mr. Agnew is not shaping opinions, he just happens to be voicing the sentiment of the majority. I am real glad we have somebody in Washington who has the courage to express a conservative opinion.

These young revolutionaries have a lot to learn and they should stop taking their cues from Hanoi and Havana.

When they grow up and start paying the federal government's bills, they they will have a right to be "heard." They have no right to deny to respectable students on campus their right to an education.

R. L. PRINCE.

SIR: Judging from the newspaper account of the memoranda by Chancellor Alexander Heard, the analysis of student unrest seems one-sided. Did Chancellor Heard really get a cross-section of the students? From what I have read elsewhere it just does not seem to me that he has.

NELSE WINTEN.

SIR: Now that we have listened to the comments and criticisms of Chancellor Heard, Dr. Cheek, certain supposedly objective members of the President's Commission on Campus Unrest and anyone else who cares to stand up and shout, one theme continues to be hammered at us—the students think the President doesn't listen to the young; the President is anti-black; the President refuses to make the Asian conflict disappear with a magical wave of his wand; the President is hiding under the desk in the Oval Office; the President doesn't have the slightest idea of what the score is and couldn't care less.

I get the feeling that what they want the President to do is not only listen but also come hat in hand to the negotiating table and put his signature on a list of demands as formulated by some nebulous clique of intellectuals and students sequestered on our campuses.

KENNETH J. ROP.

SIR: I was absolutely appalled at the vitriolic and irresponsible report on student unrest made to President Nixon by Alexander Heard, chancellor of Vanderbilt University. His unfounded and unfair criticism of our President and unqualified support of campus dissidents and rioters was ludicrous and will only exacerbate emotions which have subsided because Nixon kept his word and withdrew our troops from Cambodia.

Perhaps the saddest and most ironic aspect of this whole fiasco is that Heard is but another one appointed by Nixon to study the problem of campus unrest who, as part of his final report, scathingly denounced the President as being responsible for much if not most of it. Perhaps the President should have sought the counsel of those closer to home, such as FBI Director Hoover or Prof. Sidney Hook of N.Y.U., who, in an article which appeared on the same page of The Star, lay the blame for campus unrest at the right doorstep—university teachers and administrators. Prof. Hook charged both with cowardice in dealing with student protesters, and blamed the threat to academic freedom on the "poisoned premise" (supported by Chancellor Heard of Vanderbilt) that continued violence is inevitable until the solution of the major social and foreign policy problems of our society is achieved.

R. HOHL.

PERSONAL ANNOUNCEMENT

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

Mr. REID of New York. Mr. Speaker, because of the death of my mother last Monday, I was absent all week on official leave. I deeply appreciate the many kind and thoughtful messages from the Members and their generous comments in the RECORD.

Had I been here for the six votes which were taken last week, I would have voted as follows: Nay on the motion to recommit the Independent Offices-HUD appropriations conference report; yea on the railroad retirement conference report; yea on H.R. 13100 concerning training for the health professions; yea on the mental retardation facilities and community mental health construction act amendments; nay on the motion to recommit the Defense Production Act amendments; and yea on final passage of the Defense Production Act amendments. With regard to the last vote, I think it is particularly important that the President have the standby authority to impose wage and price controls that this legislation provides.

THE LATE HONORABLE JOHN KUNKEL

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

Mr. McEWEN. Mr. Speaker, it was with great sadness that I noted the death of our former colleague, the Honorable John C. Kunkel of Pennsylvania.

When I was elected to the 89th Congress, John Kunkel was already a veteran of many years of service in the House of Representatives. I valued his friendship and quickly saw that he was held in the highest of respect by Members on both sides of the aisle.

As a member of the Committee on Public Works, his advice and guidance to me and other members of that committee was always welcomed.

I know, too, Mr. Speaker, that his constituency held John Kunkel in the highest of regard, as evidenced by his many terms in office. Having spoken with his constituents as I traveled through his congressional district many times, I know firsthand that the so-called man in the street knew him as a friend.

We have all lost a friend, and I am sure that my colleagues join me in expressing the sincerest condolences to his family.

LT. GEN. THOMAS S. MOORMAN

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

Mr. FLYNT. Mr. Speaker, Lt. Gen. Thomas S. Moorman, USAF, retired July 31 after completing 41 years of distinguished military service. The formal retirement—change of command ceremonies took place on the cadet parade ground at the U.S. Air Force Academy, Colo., at 10 a.m., Friday, July 31.

The ceremony marked the conclusion of 41 years of active military service including 4 years as cadet at the U.S. Military Academy and 37 years consecutive, continuous service in the U.S. Army Air Corps, the U.S. Army Air Forces and the U.S. Air Force. He graduated from the U.S. Military Academy at West Point in 1933 and spent 1933 and 1934 as a student officer in the Air Corps at Randolph Field, Tex. He was awarded his pilot's wings in 1934 and subsequently earned the wings of senior pilot and command pilot.

During World War II, he was deeply involved in the planning and execution of the 9th Air Force participation in the D-Day invasion of Normandy and performance many other Army Air Forces functions during that period.

Subsequently, he served as commander of the 13th Air Force and following that, served a 4-year tour of duty as Vice Commander of Pacific Air Forces with headquarters at Hickam Air Force Base, Hawaii. In each of his assignments he demonstrated outstanding performance of duty, but in the judgment of many who have known him well, the high point of his career was his 5-year tour of duty as Superintendent of the U.S. Air Force Academy.

General Moorman assumed command of the U.S. Air Force Academy on July 1, 1965, and was twice extended in his assignment as Superintendent. As the sixth Superintendent of the Academy, he served in this capacity longer than any of his predecessors and half as long as the other five combined.

Growth, expansion, and development marked General Moorman's tenure as Superintendent. Under his leadership, cadet enrollment increased from 2,529 to the present strength of 4,115. A $40 million facilities expansion program was completed during this period to accommodate the increased number of cadets which Congress had authorized. The U.S. Air Force Academy within 15 years has been and is recognized as one of the outstanding educational institutions of the world.

General Moorman did far more than exercise administrative and command functions as Superintendent of the Air Force Academy. His dynamic personality was a stabilizing influence during the changing and transitional decade of the 1960's. As Superintendent he was respected and admired by the staff and faculty of the Academy, but even more he was respected, admired, and loved by the cadets. It is quite possible that General Moorman knew and had some direct personal contact with every cadet who passed through the Academy from 1965 to 1970. Certainly they well knew him, not only as Superintendent and leader, but as one who was genuinely interested in the well-being of each cadet.

Frequently in casual conversation a cadet would be heard to remark, "The other day General Moorman was talking with me and he said thus and so," or "Would you believe that when I was laid up in the hospital with a broken leg that General Moorman personally came by and asked how I was doing?"

On Monday, July 27, 1970, only 4 days before he was to retire, he dressed in fatigue uniform and hiked with the fourth class cadets from the Academy area to the training area at Jack's Valley. This made an impression upon these young, almost brandnew cadets which words cannot adequately describe.

During his 5 years at the Air Force Academy he has maintained and strengthened magnificent relations with the civilian community. In all likelihood other military commanders may have established equally good relations with the civilian community adjoining the military installation, but in my opinion none has ever excelled Tommy Moorman in this respect.

General Moorman's many awards and decorations include the Distinguished Service Medal with oak leaf cluster, the Legion of Merit with two oak leaf clusters, the Bronze Star Medal, and the Air Medal.

General Moorman has been succeeded as Superintendent of the Air Force Academy by Lt. Gen. Albert P. Clark, whose most recent assignment was commander, the Air University, Maxwell AFB. General Clark enters his new assignment as Superintendent with every qualification expected in a Superintendent of a service academy. There is every reason to expect and believe that General Clark is a wise choice as the successor to General Moorman in capacity as Superintendent of the U.S. Air Force Academy. From what I have seen of General Clark and from what I know of his background I am confident that his selection as Superintendent is a wise selection and that future events will bear this out. I congratulate him upon his new assignment and I wish for him and Mrs. Clark every success during the years which lie ahead in which he will lead the cadets, the staff, and faculty of the U.S. Air Force Academy.

To General Moorman and to his charming and lovely lady, "Miss Atha," we extend our sincere appreciation for a job well done during their 5 wonderful years as the Superintendent and first lady of the U.S. Air Force Academy. To you, Tommy and Miss Atha, while we bid you an affectionate, official farewell on the occasion of Tommy's retirement, we look forward to a continuation of the pleasant association which we have shared with you. Carry on. Good health and happiness to you and your family.

NURSING HOME INSPECTIONS—A NATIONAL FARCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

Mr. PRYOR of Arkansas. Mr. Speaker, I wish to discuss today the problem of inspection laws and enforcement of regulations in our Nation's nursing homes and homes for the aged.

It has been estimated that more than 80 percent of nursing homes under the medicare and medicaid programs are operating in violation of State standards. Federal standards are being enforced in only one-third of the country's medicare-certified homes. Nursing homes under the medicaid program are in such widespread violation that officials in that department estimate that probably no home is in full compliance, and that at least half have serious deficiencies.

Yet, all of these nursing homes continue to operate. We allow them to do so, even though public assistance in this area has increased in massive proportions during the past 10 years. We have created medicare. We have created medicaid. We have created regulations to specify the care our dollars will purchase under these programs. But we have not created a system of inspection and enforcement to assure that quality care is guaranteed.

More than 6 years ago, the Senate Subcommittee on Aging reported:

> As long as there are inadequate inspection laws and the public, states and legislatures refuse to provide adequate payments there will be substandard nursing homes.

Since that time, national expenditures in this area have risen in colossal proportions. Most of our dollars have gone not into nonprofit, socially oriented institutions, but rather into profitmaking businesses, many of which are chain corporations—many of which sell their stocks on the public market.

In 1969, $2,412 million was spent on nursing home care; 74.5 percent of this amount represented public tax dollars. Yet these massive public assistance programs have not been matched with equally massive regulations of this industry. How is it that we condone this ineptitude?

Let us first take a look at our Federal programs.

Today, Mr. Speaker, we find we have three broad definitions of the nursing

homes that are subsidized by the Federal Government and the taxpayers.

Under the medicare program, the label is "extended care facility," which provides up to 100 days of convalescent care for the acutely ill.

A second "level of care" is ostensibly provided under the medicaid program which institutionalizes the elderly in need of "skilled" nursing care.

Finally, at the bottom of our "care levels" is a program neatly termed the "intermediate care facility." The term coined to describe this facility is "more than a boardinghouse, less than a skilled nursing home." The Congress created this program to meet a real need, but it has been subverted to simply condone the violation of regulations within the medicaid program. Homes that could not meet standards—that would not provide the medical care needed for their patients—were conveniently and neatly reclassified on paper. The patients, too, were reclassified—on paper—as needing less care and the same patients stayed in the same substandard homes.

Mr. Speaker, we have created our extended care facilties, our skilled nursing homes, and our intermediate care facilities. I would say that there are, indeed, three types of nursing homes, but there are also two kinds of definitions—those of the Federal agencies and those of reality. And for the patient—definitions applied in the Halls of Congress and the Social Security Administration are unreal. More meaningful terms might be expensive, bad, and terrible.

The expensive nursing homes are the best homes—clean, with shining medical equipment and thick carpeting, institutions such as those run by some 70 chain corporations that sell stocks on the public market.

The operator of the expensive nursing home can rise up righteously when he hears nursing homes denounced as bad. He can claim that his home does, indeed, provide good medical care, that the old folks love staying there. He might even go so far as to offer the services of his private jet to ship visitors in to prove his point.

He will point out the rich carpeting, the sunny, airy rooms, the smiling patients. He is not so likely to show his financial statements, which probably would indicate how he bought his jet.

The expensive nursing home may also cut costs on food, charge exorbitant sums of drugs, hire nurses who are licensed but unfamiliar with geriatric care. Even here—amidst the luxury of carpeting, the elderly will be handled by personnel who do not understand them, who will treat them as confused babies and not human beings. Here, too, Government patients are likely to get care that is poorer than that of private patients, and charges may well be inflated simply because the Government is footing the bill.

The bad homes are the borderline homes, where the majority of the institutionalized elderly must seek shelter.

These are the homes that are good enough not to excite public outrage but inwardly are nothing better than human junkyards.

In the bad institutions costs will be cut in every way. Personnel will be pared to the very minimum necessary to meet Government regulations. And, on weekends, the personnel will probably not meet Government regulations. In the borderline nursing home the patient is the nuisance, in the way of help who are so overworked they cannot provide even minimum care to the many patients in their charge. At night and on weekends, if there is an emergency the doctor probably will not come. And patients will be drugged so that they are easier to handle and do not get in the way.

The bad nursing homes are on the brink of inhumanity. The terrible ones have long ago fallen into the pit.

These are the homes that were so profuse with violations of Federal and State law that the Government reacted by bending the law to suit them.

These homes are truly shelters for the living dead, for here indecencies are piled on top of the monotony of an empty life which draws to a close amidst horror, fear, and filth.

Such homes often have no dietician and no diets. Patients might be half-starved and left to sit in their own excrement. Medicines not administered, or administered wrong. The doctor, an anonymous shadow and unseen visitor, is actually only a mirage in a desert of despair. The atmosphere is the culture of death, not life.

It is in these homes that the Government has provided least protection, has most conveniently whitewashed its subsidies to a system of obvious neglect.

There were once Federal regulations in these facilities—but they were lower than those required for the protection of laboratory animals. And even this minimal regulation was abolished last June 10. Most animals do, indeed, get better care than human beings housed in the terrible nursing home.

These, Mr. Speaker, are the institutions our tax dollars are subsidizing.

Yes, there are some good nursing homes, but they are few. They are seldom proprietary homes—they fall into the category of the one out of 10 nursing homes that are not in the business for a profit—the category of nursing homes that the Federal Government has done least to encourage.

We rationalize. We sooth our consciences with our paper evaluations and our paper regulations. And yet, we do nothing.

What is our system of regulation on these operators?

Today, inspections in nursing homes and homes for the aged are no less than a farce. We have turned over the sickest, the most helpless, and the most vulnerable patient group in the medical care system to the most loosely controlled and least responsible faction of that system.

That system at the Federal level is a snarled conglomeration of overlapping jurisdictions, knotted regulations, and less than lame efforts at enforcement.

Many excuses have been given us, but all are only empty justifications from agencies whose function should be to protect the public—but who seem to spend more hours whitewashing and expressing regret for their own policies.

We are told that it becomes difficult to establish control in Washington over such a vast and complex field of operations. It only takes one look at the Department of Health, Education, and Welfare to discern why we have these difficulties.

We have poured more than a half billion Federal dollars per year into the medicaid nursing home program; yet we have staffed only a single office in Health, Education, and Welfare with three persons to cope with the entire program and to see that 52 States and jurisdictions enforce Federal regulations in thousands of nursing homes.

For the medicare program, there are only a handful of investigators to check out violations for the entire country.

The intermediate care facility program? At Health, Education, and Welfare few people have even heard of this program and no one—absolutely no one—is in charge.

The abortive efforts of these agencies at establishing even minimal control over State welfare departments is further enhanced by their vacillation and the lack of conviction which they have evidenced time and time again in doing so.

Why is a longstanding medicaid requirement that a nursing home patient be visited once each month by a physician almost totally ignored?

Why is it that welfare patients continue to be placed in nursing homes—then forgotten? Why is this true when over a year ago a review system was set up to require that welfare departments take a look just once a year at these patients?

Why are unqualified nurses still in charge of medicaid facilities when over a year ago regulations were issued regarding trained charge nurses?

Why has the Federal Government repeatedly issued such requirements, then backed down with little attempt to enforce them?

The answer, Mr. Speaker, is embedded deep within the system. The system of inspection and enforcement of regulations in our nursing homes is inadequate, inefficient and grossly ineffective. And yet each agency, each department, each bureaucracy, may turn to the system as a rationale for inaction.

The system means that both Federal agencies and State departments are responsible for enforcing standards.

The system means that homes must be licensed by one State agency, paid by a second and assigned residents by yet a third. Often these agencies carry on their functions unilaterally with no communication among them.

The system means that when a home is in violation of a State law it continues to operate. While one department in the State tries to close it, another department is patronizing it by providing patients.

The system means that a nursing home inspection is announced in advance—that the inspection may consist of nothing more than checking to see if the paper work is in order.

Mr. Speaker, who is to blame for the system?

State welfare departments say they are

not to blame. They allow shallow inspections because seeing what is really going on in the nursing home would only mean more work for them in having to find other facilities for patients.

They rationalize that they cannot do this, that there would be nowhere to put the patients were a just and honest enforcement of regulations put into effect.

The only answer—nursing home operators who cannot provide adequate care should not be in business.

We must stop using Federal funds to pay for services not rendered; services of poor quality; services which maximize profits and minimize good care. We must stop using Federal funds to maintain the aged in surroundings that endanger their lives and mutilate their hope.

What does happen when a nursing home operator is charged with a violation?

If theft is involved, he is simply asked to pay the money back. If service is substandard, empty warnings are delivered and homes continue to operate.

I would like to quote to you a portion of a letter I have received from a nursing home inspector:

The quality of care varies immensely from one nursing home to another. This is partly the result of the irregular and unjust enforcement of regulations. Certain nursing home operators get favored treatment. . . ."

When employed as an Inspector, I saw patients housed on porches with no heat in 40 degree weather, beds so close together you could not walk between them, patients being utilized in the kitchen and laundry facilities, plus numerous other injustices. Most nursing homes had very little qualified help, and in some minimum care nursing homes, a visit by a registered nurse was an infrequent occasion.

Enforcement of regulations was not only irregular, but, many times, non-existent. Typical procedure for infractions, such as those listed above, was a letter of reprimand to the nursing home insisting that the conditions be improved. In my sixteen months of nursing home inspections, not once was further action taken after receipt of this letter, despite the fact that they continually ignored the reprimand and made no amends. This lack of consistency in enforcement was a source of constant frustration to me.

Favoritism played a part when a nursing home was judged qualified to participate in Medicare, although it may not meet such minimum requirements as a second story fire escape.

This, Mr. Speaker, is the system.

Over a month ago I brought to the attention of the House of Representatives several cases of patient neglect taken from thousands of letters I have received on this subject. Direct violations of Federal and State standards for the facilities were involved and regulations ignored.

The following day our office received a telephone call from the Social Security Administration, asking us to turn over all our complaints that concerned medicare facilities. We offered to cooperate and submitted several questions to this department:

(1) How do you plan to investigate the complaints made in these letters? Do you plan simply to refer them to the State Health Departments or will the HEW staff actually investigate?

(2) If you investigate actual conditions in the facilities, will you give advance notice and the opportunity for operators to clean up and cover up?

(3) In short, are you asking us to cooperate in "going through motions" or do you plan instead to get an objective report of the facts as they really are on an ordinary day in these facilities?

(4) Finally, and most important, what measures do you plan to take to assure that any patients involved in these complaints who may still be in the facility need not fear reprisals by the facility operators?

We waited a reply for many weeks. When we called to ask if a reply would be forthcoming, we received this explanation:

The bureaucratic process is such that these things don't move out as quickly as we'd like.

One official told us that the extra time was needed to "polish the statement until it was gleaming."

Finally the letter from the Social Security Administration arrived, and here are some gleaming statements extracted from the reply:

Though complaints are sometimes overstated, based on erroneous hearsay, etc., our procedure for investigation of complaints produces desirable results.

We take seriously any indication that a participating facility is guilty of substandard care or improper treatment of patients.

Whether advance notice is given to a facility depends on the nature of the complaint and the surveyor's knowledge of the facility and we ordinarily prefer to rely on the surveyor's judgment on this point.

Some surveyors find it useful to make unannounced visits, but some feel advance notice is desirable to be sure of being able to talk to key personnel.

Even if the facility knows when they are coming, the surveyor is not easily misled.

Very few significant aspects of patient care can effectively be "covered up" to mislead a competent surveyor.

I wish now to quote to you passages from letters I have received from many areas and many States. They provide an interesting contrast to the Social Security Administration's tidy definitions.

TEXAS

The owner put them to bed by 6 o'clock, after a bread and milk supper. Not even a glass of water by the bed and there to stay till breakfast time. The Health Department said they investigated.

MASSACHUSETTS

I asked one of the Massachusetts' State Inspectors how a certain nursing home was allowed to run under the conditions that it was. She turned and walked away.

NEW JERSEY

Where are the inspections and inspectors who get paid by the citizens and taxpayers? I have not seen one in all these two years.

TENNESSEE

The thing I can't understand is how and why these places know weeks ahead when medicare is going to investigate and are prepared for them.

MASSACHUSETTS

Most inspectors just make a trip for their records.

PENNSYLVANIA

It is the biggest joke of the year, when they make a visit and fill in blanks of a piece of paper with answers offered by supervisor or administrator.

RHODE ISLAND

The horrors were so sickening I cannot write—when I asked a practical nurse why she did not report to the State board in Providence she said, "I would not be given any work if I told."

PENNSYLVANIA

One day . . . I arrived early. The place was all spic and span. Patients were all dressed, music playing, lots of help, beds made, etc. I thought to myself, "What's this all about?"—only to learn they were to have state inspection that day.

NEBRASKA

A man and Woman RN came and went to all rooms with their notebooks. No review of condition of patients and only lifted covers at foot of one bed for inspection.

PENNSYLVANIA

I have been employed in a home for the past eight years and have yet to see the inspector turn a patient, look at a bed, the menu or the general cleanliness of the institution.

CALIFORNIA

In one home where I was a daily visitor, I saw the quality of the "check-up"—very cosy visits between the state inspector and the sanitarium owner.

RHODE ISLAND

When the inspector comes around a Tea Party is arranged for her—that is the end of the inspection.

These excerpts demonstrate a nonchalant indifference on the part of inspectors, State officials, and HEW to the profuse numbers of violations within nursing homes today.

Who will we protect, the system or the nursing home patient?

Yes, we are condemning our aged to a system that is bureaucratic, impersonal, and totally debilitating.

In their final days, rather than rewards for helping make America what it is, we break their spirits, frustrate their dreams, and cast them aside.

Mr. Speaker, I have an admission to make today.

I have consistently pointed up problems. I have offered few, if any, solutions. I am only hoping that we see fit to create a vehicle which may, hopefully, offer us solutions. This is the least we can do.

I hope this body will join with us in the support of House Resolution 850.

Mr. Speaker, I especially welcome the interest and cooperation of the able gentleman from Florida (Mr. PEPPER) in this matter. Since the gentleman has been delayed in his district, I am pleased to offer his comments and ideas to the House.

Congressman PEPPER has been concerned with the question of medical care for the elderly for many years. In 1943, as a Member of the U.S. Senate, he served as chairman of the Subcommittee on Wartime Health and Education of the Senate Committee on Education and Labor. This committee, as you may recall, recommended the adoption of a national program of hospital and medical insurance.

In the 90th Congress, Mr. PEPPER introduced H.R. 7378 some provisions of which were enacted into law with the social security amendments of 1967. One of the provisions of this bill which was not adopted was the proposal that medicare benefits be made available to people who receive disability benefits. Congressman PEPPER still strongly supports the idea that the disabled person, who has as many, if not more, problems in meet-

ing the cost of his medical care as an older person, should receive medicare benefits directly, without having to go through a VA hospital.

Mr. PEPPER is currently considering a method of removing limits, as fixed in the Social Security Act, on the number of days for which benefits may be paid in the three categories of programs: Inpatient hospital care, nursing home care, and intermediate care facilities. These presently enforced limits do not recognize the existence of persons whose illnesses are chronic in nature. It is vital that the Federal nursing care programs be extended to provide the best possible long-term care in such cases. I might also add that hearings are now being held on Mr. PEPPER'S bill, H.R. 17763, which would add a nutrition program for the elderly to the Older Americans Act of 1965.

Because of Mr. PEPPER'S deep concern and knowledge of this problem, I find it significant that he shares my view that the Federal Government must begin to meet its full responsibilities in this area, not only by authorizing more funds, but also by strictly administering the law to insure that nursing homes and other federally supported units perform their functions properly. The Federal Government must guarantee that staffs be well trained and qualified and that the facilities be well maintained and utilized.

Congressman PEPPER feels, as I do, that the Federal Government has a primary responsibility in the area of nursing and custodial facilities. Federal efforts in this area, while involving cooperation with the States, should not be contingent on the appropriation of State funds for this purpose. Funds in this direction are part of the national commitment to provide comprehensive quality health care for the elderly and the infirm.

I would like to commend Congressman PEPPER for his belief that the Federal Government, and in particular the Congress must make the necessary improvements in the current situation and I welcome his continued support in any inquiries we must undertake and any legislation we will recommend.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I just want to say again how much all of us are indebted to the distinguished gentleman from Arkansas for the energy and imagination he has employed to expose the appalling conditions that so many of our older people are condemned to endure in some of these places that are euphemistically called "nursing homes."

He has stirred our consciences, and now we must stir ourselves to act to help these human beings, so many of whom are suffering from the kind of neglect and exploitation that is a disgrace to the land and a tragedy for themselves and their friends and families. I will have more to say about this in the near future. I assure the gentleman that many of us are determined that his efforts shall result in basic changes in those conditions.

Mr. PRYOR of Arkansas. I appreciate the remarks of my friend from New York. He, himself, has always been interested and involved in elderly care. He has done a great deal in this field. We deeply appreciate your involvement and your interest.

Mr. LOWENSTEIN. If the gentleman will yield further, one other observation occurs to me. In some of these "homes" I have been almost as distressed by the attitude of those in charge as by the conditions themselves. There is sometimes an almost cocky attitude that suggests that nothing is going to be done to force them to comply with the law, or to do anything else that might provide decent care and conditions.

This is a part of the scandal too. After all, these are our own old people, who loved us and who cared for us when we were unable to do so, who contributed enormously to the building of this Nation as long as they were able to do so, and who are entitled to live decently for the rest of their lives if anybody is. To exploit these people when they are grown defenseless against such exploitation is outrageous, and it must be stopped.

Mr. PRYOR of Arkansas. I thank the gentleman for his observations.

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

Mr. PRYOR of Arkansas. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I would like to join with my colleague in commending the gentleman for bringing such a timely subject to the attention of the Members of the House of Representatives and also to the attention of the people of this country. I had the honor of participating with the gentleman in the well at the last special order that he had pertaining to the nursing home situation in the United States. I know that the gentleman has had a resolution, I believe, that is still in the Rules Committee. I certainly hope that he will have the opportunity to see that that resolution will come out of the Rules Committee and will be brought to the floor of this House where Members will have the opportunity to participate in the debate and to vote on your resolution to create a select committee on nursing homes.

I again commend the gentleman.

Mr. PRYOR of Arkansas. I thank the gentleman from Mississippi, my good friend, for his interest and involvement as well as his commitment to this cause which is at issue today.

Mr. OBEY. Mr. Speaker, each year another 1.4 million Americans turn 65. More and more of them are maintaining their own households, according to the Census Bureau, which reports that the number of persons 65 and over who were living alone—or with others who are not related—increased from 3.2 million in 1960 to 5.2 million this year—an increase of 62 percent.

Yet the number of nursing homes has increased even faster. Their number has doubled in just 3 years—from 12,000 in 1966, to 24,000 in 1969. Three new homes were reported opening each day last year.

Bernard E. Nash, executive director of the American Association of Retired Persons, wrote in the June-July issue of Modern Maturity:

> For many elderly people, nursing homes have seemed to be frightening and melancholy places, synonymous with loneliness, boredom, separation from family patterns, and loved ones—a nightmare of not being needed.

Mr. Speaker, I wish to add my commendation to the many my colleague from Arkansas (Mr. PRYOR) has received for bringing the nursing home situation to national attention.

As Mr. Nash said in his article:

> The unpleasant facts must be faced. Stories are coming to light of neglect, or nonprofessional personnel and underpaid staffs, of inhumane disregard for even minimal health care, and of the thoughtlessness about the personal dignity of patients. These stories are painful to hear. But they must be brought into the open for the sake of the neglected patients.

Wisconsin has uncovered a number of problems that have resulted in several hearings getting underway. Many of our nursing homes are doing fine jobs and should be commended. But those that are not can be improved only by being brought under the hot light of public scrutiny.

These stories, the painful ones, obviously tell us only the neglectful side of nursing home existence. They are one-sided. But if to many the nursing home is a nightmarish prospect, the prospect of not being needed, we cannot allow neglect to make it real.

We must try to give our senior citizens some sense of security, some sense of dignity, and a good measure of care which they have a right to expect.

Mr. WOLFF. Mr. Speaker, the past week has brought another tragedy to the elderly. Twelve persons in a Baltimore nursing home have died of an apparent outbreak of food poisoning while 79 have shown symptoms of the disease.

We keep talking about improving the Nation's nursing homes, to insure better lives for the elderly placed under the care of these homes. Yet, tragedy continues to stalk the corridors of these homes.

My distinguished colleague from Arkansas (Mr. PRYOR) has been waging a courageous battle to improve the appalling conditions found in the Nation's nursing homes. His efforts have revealed how badly we have neglected the Nation's senior citizens and how much we must do to improve the homes in which we place these people.

I have spoken out on this subject before since I deeply believe we cannot tolerate procrastination in an issue which affects so many lives. Yet, concurrently, it is obvious that with each day that debate continues without subsequent action we permit the continuation of sad situations such as this massive case of food poisoning.

I would like to know how we can permit our citizens and the Federal Government to continue to support the tragedy-ridden institutions which we call nursing homes.

As you know, we spend over $2 billion each year on the Nation's nursing homes. Much of that money has done little more than to perpetuate ineffectual, un-

healthy, outmoded, and ill-equipped homes.

A full-scale investigation into the recent nursing home incident will only reveal what we already know too well. Nursing homes must be cleaned up—figuratively and literally. There is no excuse for the deaths of 12 elderly persons. And there is no excuse for congressional lag in forcing nursing home administrators and the whole network of nursing homes to make sure that our elderly receive the best possible care at all times.

Mrs. MAY. Mr. Speaker, although the State of Washington is not perfect, we have a good record insofar as nursing home inspection is concerned. Since 1951 we have had a nursing home licensing law, and the standards have been steadily improving. We have effective inspections by the State Health Department, the Department of Public Assistance—now the Department of Social and Health Services—and by the State Fire Marshal. As a result, the nursing home facilities in my district and in the entire State of Washington are above average, and I am very proud of the job they are doing.

Mr. UDALL. Mr. Speaker, once again I would like to commend the gentleman from Arkansas for his diligent efforts in behalf of forgotten Americans, the aged and infirm who inhabit the nursing homes for the elderly in this country.

Passing years have brought radical changes in our society. The extended family of yesterday hardly exists today. Our emphasis on youth, and the increased longevity of our population have combined to take our old and infirm out of the mainstream of society, banishing them to the fringes of our national consciousness and isolating them in special homes where they are out of sight and all too often out of mind.

I do not believe that the Congress can reverse the trend toward increased use of such facilities. But we can insure that the care received in our nursing homes and similar institutions is consonant with human dignity and with the needs of the almost 1 million citizens who live in them.

It is for this reason that I have joined with the gentleman from Arkansas in sponsoring H.R. 850, which would create a select committee empowered to conduct a thorough investigation of nursing home operations and recommend alternatives and improvements for the future. This committee would not conduct a witchhunt, nor is the purpose of this resolution to indict an entire industry. Rather, we need to deal with abuses which we know exist in this rapidly expanding form of enterprise, to determine how widespread such problems are, and to propose remedies for them.

Many aspects of nursing home operations cry for investigation by such a committee, if the Congress is to meet its responsibilities to promote the general welfare.

First, a large proportion of the financing for nursing homes comes directly from government sources. More than $2 billion a year in tax dollars flow into the nursing home industry, and two out of every three patients in these homes and in homes for the aged are maintained there through Federal or federally assisted programs. We have an obligation to learn what we are buying with our tax revenues.

Second, this industry has become a big business. Largely because of medicare, the number of privately run nursing homes—run for profit—increased from 13,000 to 23,000 in just 3 years from 1966 to the end of 1969—an increase of 77 percent. Nursing home stocks have been a target of speculative buying, with outrageous price to earning ratio of as much as 100 to 1. To my mind there is considerable doubt that health care should be a profit-oriented enterprise because of the obvious temptations to cut corners. At the very least, we can insure that the patient does not suffer in order to pay a bigger dividend.

Third, we need to insure that these establishments are operated under the highest safety standards. All of us remember the tragic fire last January when 32 patients died in an Ohio nursing home. It developed later that this fire was caused by poor quality carpeting which met some government standards, but not others which were also applicable. The Congress has a duty to investigate existing regulations to determine their adequacy, and to insist that they be coherent, sufficient, and adhered to. Similarly, regulations for governing the type and minimum acceptable levels of care are in some cases chaotic and in others nonexistent, and desperately need a detailed and impartial review.

The McNerney Task Force on medicaid and related programs in its recent report to HEW, has suggested additional areas where investigation is required, particularly with respect to performance standards which should be required of contractors providing nursing home and extended care services financed by medicare and medicaid. These suggestions should also be followed up by the select committee proposed by this resolution.

The cost of this proposed select committee is extremely modest—not to exceed $250,000—in comparison to the great services it could provide. We have dehumanized and exploited our elderly. They are truly a forgotten generation, suffering untold misery without an effective voice to make the public aware of their plight. This committee can provide such a voice, and help this Nation meet its just responsibilities.

Mr. GUDE. Mr. Speaker, I, too, would like to commend my colleague from Arkansas for his diligent efforts to remedy the deplorable conditions found in some of the nursing homes of this country.

We as a nation have made great strides in the medical profession towards increasing the individual life span significantly in recent years. In 1940 the life expectancy was 63 years and today, just three decades later, it has jumped to 70 years.

However, we have a corresponding obligation to the senior citizens; we have prolonged their lives, but certainly not for the purpose of subjecting them to the horrendous conditions found to exist in some of the nursing homes in America. Our obligation to our senior citizens, and especially the ones that are ill, must be to make their remaining years as comfortable as possible. They have contributed to building America, and it is only just that America's affluence should carry over to its elderly citizens. Therefore, if an individual is in need of professional care as he or she gets up in years, and must reside in an institution, we should be able to guarantee these people comfort and the needed care that they rightfully deserve.

As Congressman PRYOR has made clear, our system of inspection and enforcement of Federal and State regulations in the nursing homes and homes for the aged is grossly inadequate. As long as these inspection laws remain at the present level of enforcement there will be no change in the conditions.

I feel that each of us, as elected Representatives, have an obligation to our constituents, the young and old alike. Because the elderly are not as verbal, is no excuse for allowing their problems to go unanswered. We might begin to tackle the problem by looking into the nursing home situation in our own districts. I have consulted with the chairman, Dr. George Sharpe, of the Medical Care Coordinating Committee, Montgomery County Medical Society along with Dr. Jules I. Cahan, Dr. Kenneth Cruze, and Dr. John Saia, three representatives of the Montgomery County Medical Society. They have developed a utilization review program which deals with the medicare and Maryland's medicade patients. In addition, the Medical Care Coordinating Committee makes periodic visits to the facilities to evaluate whether the most efficient use is being made of the available facilities and services. Furthermore, the society has a committee which investigates any complaints regarding nursing homes and takes immediate steps to rectify any situation which does not meet its high standards. While there are some homes that need improvement, there are many fine ones that are a credit to Montgomery County and to those who are engaged in the nursing home profession.

So again, I commend our colleague from Arkansas for his leadership in this important aspect of our national life.

GENERAL LEAVE

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may be permitted to have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. DORN). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

GENERAL GROVES' GREAT SILVER RAID AND HOW THE AEC FINALLY HIT THE SAWDUST TRAIL AND REPENTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 15 minutes.

Mr. HOSMER. Mr. Speaker, America lost one of its authentic heroes on July 15 of this year when Gen. Leslie R. Groves passed away in Washington. General Groves—God bless his soul—was the caustic, hard-driving Army engineer who bossed the World War II project that developed the atomic bomb. His death came just 3 days before the 25th anniversary of the world's first atomic explosion.

He is rightfully credited by history with having pulled off the most difficult scientific, engineering, management, and construction feat in history. When he was handed the job of commanding the Manhattan project in September 1942, no one knew whether or not he would succeed, least of all Gen. Leslie Groves. No one knew whether an atomic bomb could be built, and they had only a few rough ideas as to how to go about it.

But the job was crucial to the United States. Success on this project was felt to be of inestimable importance, primarily because Nazi Germany was also believed to be working on an atomic bomb.

Groves succeeded through a combination of hard-nosed engineering management and some daring tactics. Typical of his approach was an episode during the early days of the project when he singlehandedly pulled off the greatest Treasury raid in American history.

Groves needed silver—lots of it—and he needed it badly. It was necessary to make coils for the huge electromagnetic separation plant for uranium isotopes he was building at the then-secret site in Oak Ridge, Tenn. He could not use copper, because it was impossible to obtain sufficient quantities during the war.

Groves believed that the key to success of the bomb project lay in developing a process to separate the valuable Uranium-235 from the more plentiful but nonfissionable U^{238}. And like the bereaved man who was asked by a funeral director if he wanted his mother-in-law embalmed, interred, or cremated and replied, "Take no chances. Do all three," Groves was not taking any chances either.

Not a man to be intimidated, even by the atom, Groves was at one time or another working on four different processes to separate the U^{235} isotope. Each process would cost millions of dollars. And as a hedge against failure, he was building some huge reactors to produce plutonium at some unheard of nonplace all the way across the continent in Washington State called Hanford.

But at the moment Groves needed silver. So one day he stormed into the office of Treasury Secretary Henry Morganthau and demanded—demanded—almost all the country's silver supply. What's more, Groves knew where it was because as a West Point cadet, he had learned that the Treasury keeps its hoard of silver ingots up near the Point.

Groves, who was never cited as an example of polite diplomacy, overwhelmed the flabbergasted Morganthau. And he got his silver—427,814,149.02 troy ounces of it to be precise.

He turned the ingots into silver coils which went into the Y–12 plant at Oak Ridge to produce U^{235} for the first atomic bomb test in New Mexico—called Trinity—and for "Fat Man," the bomb dropped at Nagasaki.

After the war when the fledgling Atomic Energy Commission signed a receipt for the Manhattan District's assets, it took possession of well over half a billion dollars worth of silver—in excess of 400 million troy ounces of it. Like Leslie Groves, the AEC quickly developed a deaf ear to Treasury's pleas for return of its silver. About all anyone ever heard of it was an occasional unfounded rumor about the AEC having a lot of radioactive silver.

Then came the great silver shortage of the last few years. The situation was so bad that we had to start taking the silver out of U.S. coinage. Treasury did everything but threaten to sue AEC Chairman Seaborg and his cohorts in order to get its silver back. Finally the AEC relented and by April of last year—1969—it sent back all but a mere 2 million ounces of the silver, the remainder being contained in six magnetic coils still being used at Oak Ridge for controlled fusion experiments aimed at putting the hydrogen atom peacefully to work making electricity.

A little short of 2,145 tons of silver secretly went back to West Point by truck after being unwound from the coils, hacked into strips 28 inches long, 3 inches wide and up to ½ inch thick, and then bailed like so much hay.

Although security was one reason for the secrecy surrounding this shipment, the principal fear was that knowledge of the Treasury's desperate need to recoup its silver might upset the international silver market.

The secrecy was not complete, unfortunately, and that is why I said a little short of 2,145 tons was returned. During early December of 1968, one truck on its way from Oak Ridge to West Point laid up in a storage lot near Newark, N.J. The drivers were required to have the weekend off or get paid double time. And while they rested, persons unknown made off with 4,870.18 ounces of this historic load. To this day the FBI never has been able to find out who it was.

The cargo was insured, but it took some time for Uncle Sam to get his money back. Since the time of the theft was unknown, and since world markets were fluctuating radically at that time, the silver's value at the moment of its theft depended on the precise time it was stolen during the 48-hour weekend.

It took about 4 months' negotiations with the insurance people to decide on a price of $1.976 an ounce and they paid the United States $9,624.76 on March 5, 1969. It is lucky for the insurance company this happened when it did. A few months earlier the price of silver had gone as high as $2.56 an ounce.

So, if you run across some hot—that is not radioactive—silver someplace, around 4,000 ounces of it, please let the FBI know.

To round out this story—after its painful experience with the AEC, the Treasury notified Seaborg that, starting July 1, 1970, the AEC would have to pay interest on the silver remaining in the six coils at Oak Ridge. That did it. They were cut up and sent back—2,003,640.18 ounces of silver—during last April and May, well in advance of the interest paying deadline.

Out of the original total of 427,814,149.02 ounces charged to General Groves, only 260,313.89 failed to get back to West Point. Most of that was lost during the smelting of ingot to coils back in the 1940's and the resmelting for return to the Treasury vaults. That is pretty good materials management over a 28-year period, and just last month AEC paid the Treasury Department $336,802.72—the value amount of the material lost, calculated at the bargain coinage price of $1.29 an ounce.

Thus, over a quarter of a century later, the books are finally closed on Gen. Leslie Groves' great Treasury raid.

"Hi-Ho, Silver."

SIERRA CLUB BULLETIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 30 minutes.

Mr. GUBSER. Mr. Speaker, on last Thursday I received the June 1970, issue of the Sierra Club Bulletin, a publication which I thoroughly enjoy and which is produced by an organization I have always supported.

I have introduced legislation to restore the tax-exempt status for contributions made to the Sierra Club. You will recall that this status was revoked by the Internal Revenue Service because of alleged efforts by the club to influence legislation.

In addition, I have consistently supported conservation legislation in which most members of the Sierra Club are vitally interested.

In light of my attitude and consistent support, I was totally shocked to notice an insert in the bulletin, entitled "Environment 1970 and the Vote." This insert was a 100-percent misrepresentation of my attitude on environmental matters.

This issue of the Sierra Club Bulletin listed the votes of every Member of the House on two rollcalls. The first was a vote on the rule on the national timber supply bill. The second was a rollcall vote on the "previous question" for the Department of Transportation appropriation bill. The Sierra Club Bulletin rated a vote against the rule on the national timber supply bill as a favorable environmental vote, and it also rated a vote against the previous question as favorable.

Both of these were purely procedural or parliamentary questions upon which the editors of the Sierra Club Bulletin and others have placed their own interpretations. I disagree with their interpretation and contend that they have misrepresented my position on the two issues involved.

Let us examine these two rollcall votes.

I was against the national timber supply bill, and was committed to vote against it. But the vote was not on the bill itself. Rather it was on a resolution which did nothing more than establish

the conditions under which the bill would be debated.

Let us read the resolution itself:

H. RES. 790

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12025) to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 4 and 5 of said amendment in the nature of a substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, was this a vote on the National Timber Supply Act? It was not, and the Sierra Club is misrepresenting the situation if it contends otherwise.

For the past 18 years, I have never voted against a rule unless I considered it unduly restrictive or defective. I believe the House should have the right to debate and consider a matter and then vote on it. To defeat a rule is to deny debate and free expression. There is no place in a democracy for "gag rules" which stifle debate and discussion.

I resent being classified as against the environment because I believe in orderly procedure.

Now let us examine the second rollcall vote.

During debate on the Department of Transportation bill, I took the floor and clearly stated my opposition to including funds for a supersonic transport. My remarks can be found at page 17309 of the May 28 CONGRESSIONAL RECORD. I would like unanimous consent, Mr. Speaker, that these remarks which include a colloquy between myself, the gentleman from Ohio (Mr. MINSHALL), the gentleman from Massachusetts (Mr. CONTE), and the gentleman from Illinois (Mr. YATES) be included at the conclusion of my remarks.

These remarks clearly stated my desire to vote against funds for an SST.

During the teller vote on this subject, I voted against the SST and in favor of the Yates amendment to delete funds for that purpose. While teller votes are not recorded, it is interesting that an ad hoc committee which observed Members voting on the Yates amendment, stated that I did vote against the SST. This was reported in the Washington Evening Star for June 1, 1970, and I quote a portion of this article:

The anti-SST gallery watchers also identified five other representatives who, they say, voted in favor of the Yates amendment, then also voted in favor of the motion to call the previous question.

Those members are Reps. Kenneth J. Gray, D–Ill.; Charles S. Gubser, R–Calif.; Rogers C. B. Morton, R–Md.; William A. Steiger, R–Wis., and John Wold, R–Wyo.

Gubser publicly explained prior to the vote that he would vote for the Yates amendment because he opposed the SST but would not oppose the previous question because he viewed it only as a parliamentary motion. Others in the category apparently felt the same way.

The record vote referred to by the Sierra Club was on the "previous question" which again is a parliamentary or procedural matter. The Sierra Club Bulletin editors had no justification for placing their own arbitrary and substantive interpretation upon a purely parliamentary question. Furthermore, had the editors read my remarks at page 17309 of the CONGRESSIONAL RECORD, it would have been obvious that they were misrepresenting my position.

Mr. Speaker, I do not wish to conclude that my voting record was intentionally distorted by the editors of the Sierra Club Bulletin, and I will not so conclude; but I must say with regret that these editors did not make a reasonable effort to fairly present my position.

I note in this published voting record that my colleague, the Honorable PAUL "PETE" MCCLOSKEY, is reported as being paired on the "previous question" vote for a position which was for the environment. This is indeed a fair statement because my colleague has been outspokenly in favor of conservation. But being paired for a certain position amounts to no more than making an expression in the RECORD of this position. This being the case, I must ask the Sierra Club why it did not, in fairness, state the position which I made during the debate on page 17309. This was also a statement of my position, and it was made in the House Chamber. Had the editors looked beyond the strictly procedural rollcall, they could not have reported me as voting in opposition to the environment. They could easily have determined that earlier in the day the gentleman from California (Mr. MCCLOSKEY), and I had both voted by tellers to delete funds for the SST.

The Sierra Club Bulletin says:

These two votes reveal better than any previous index the degree to which each congressman has committed himself to conservation.

In my case, the opposite of the truth is revealed.

Mr. Speaker, thousands of citizens in my district have been given a 100 percent false impression regarding the degree of my commitment to conservation as a result of this article. I call upon the editors of the Sierra Club Bulletin to do the honest thing, and to correct this unjustified distortion of the truth.

The remarks, found at page 17309 of the RECORD, follow:

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

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. Mr. Chairman, I take this time for the purpose of urging my colleagues in the minority who will control the motion to recommit to offer it with a specific deletion of funds for the SST. My reason for asking that is that I am personally opposed to the SST at this time because I think there are much higher priority requirements for our national resources, and I would like a chance to express myself on the record accordingly.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield at that point?

Mr. GUBSER. I am glad to yield to the gentleman from Ohio.

Mr. MINSHALL. As a member of the minority, I would like to say to my good friend from California if that possibility does present itself and the parliamentary situation enables me to present a motion to recommit with instructions to delete the SST money. I will make that motion.

There is always the possibility that I will not be recognized, because of House precedents, in defense to a more senior minority member of the appropriations committee but shall have such a motion at the Clerk's desk.

However, there are certainly parliamentary procedures and customs that might prevent me from doing that. I would merely like to say I think this program should be delayed for at least a year under present conditions.

Mr. GUBSER. I thank the gentleman from Ohio. I certainly hope he does have the opportunity he seeks.

I understood that if the motion to recommit does not specifically include this deletion, the gentleman from Illinois (Mr. YATES) will ask for a vote against the previous question so that he would then have the opportunity of offering an amendment to the motion to recommit which would delete funds for the SST.

This would be a very difficult situation, because it will be nationally interpreted—and I might add wrongfully interpreted—as a vote on the issue of the SST when in fact, it is nothing more than a vote on a strictly procedural matter.

Here is where a question of legislative philosophy enters into the problem. We hear a great deal of talk about minorities these days, but let us not forget that they are other minorities than racial. There are political and philosophical minorities as well.

The majority has the numbers, it has the chairmanship of every committee, it has a majority of every committee, and it has a decisive power to which it is entitled because the electorate has bestowed it. One of the powers and one of the checks and balances in our system which is given to the minority so that it can exert a reasonable influence on public policy is the motion to recommit. On at least two occasions within the last week we have seen another, where because of outside interpretation the motion to recommit becomes a vote on an issue instead of a procedural matter. We are about to see another such situation. The sum total of effect is that it takes away from the minority the protection and a right provided under House rules.

It transfers the minority's rightful authority and power to the majority. This is an erosion of fair parliamentary procedure and a dangerous precedent.

I cannot vote against the previous question for these reasons, but I do want to vote against the SST. I cannot adopt the dangerous practice of consistently transferring the rights of the minority over to the majority which already has the overwhelming power to legislate as it sees fit.

I sincerely hope that the minority will give us the chance to record our votes on the specific issue of the SST.

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

Mr. GUBSER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Certainly I am sure, even though I am the ranking Republican on this subcommittee, that if I offer a motion to recommit to delete the SST, the motion would be taken away from me.

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

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

Mr. YATES. Mr. Chairman, I think we might appeal to the sporting blood in the House and let the Members vote on my amendment and then let them vote on a rollcall on the motion to recommit.

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

Mr. GUBSER. I yield.

Mr. TALCOTT. I thank the gentleman for yielding and commend him for taking this special order to inform and clarify the positions often taken by certain groups of lobbyists, particularly the Sierra Club in two recent incidents.

Twice this year the Sierra Club has misrepresented the voting records of many Members of the Congress including myself. Each time the club has tried to excuse its sloppy reporting by claiming inadequate staff or the system of voting in the House of Representatives or both. All three excuses are lame and misleading.

First, a minimum of time, research, and scholarship could have produced a more accurate report of my voting record. I believe the Sierra Club relies on incompetent lobbyists in that they purposefully misrepresent positions to intimidate or embarrass certain Members of the Congress. This method or attitude should be corrected as it will not be successful in the long run.

The gentleman from California (Mr. GUBSER) has quite accurately presented and explained the parliamentary situation occurring during the consideration of the national forest management bill and the supersonic transport amendment to the appropriation bill. I will not reiterate in the interest of time. I concur with his analysis.

My views on both bills were misrepresented. My views were easily ascertainable. The Sierra Club bulletin is not an accurate representation of Members' records for or against conservation measures in general or the records of Members on these two particular issues.

In complete candor I must say that I am not opposed to all management of our national forests. Some management is probably necessary for their protection and conservation. But I opposed the national timber supply bill in the form proposed by H.R. 12025. I said so many times publically and in letters to many constituents.

Also I state that I voted and spoke against the appropriation for the SST on May 28, 1970. I gave my reasons then.

I believe the editors of the Sierra Club Bulletin ought to correct their report of June 1970. I believe they ought to employ more scholarship in their reports. Their readers are entitled to fair and accurate reports. Members of the Congress are also entitled to accurate reports. I shall look for a correction in an early issue of the Sierra Club Bulletin.

THE ROAD TO PEACE IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 60 minutes.

Mr. ROBISON. Mr. Speaker, a sense of disillusionment and frustration afflicts us all when we consider our dilemma in Vietnam. This is not, of course, the first time we have been deeply divided as a nation—nor will it probably be the last—but the ingredients for a spiritual disaster are now all around us, reflecting a failing of the American people generally to believe as they once did in the workings of their institutions.

The tragic war in Vietnam—with its other costs beyond those measurable in blood and treasure—is not the sole cause of this situation. By all odds, however, it must be judged a major contributor to our national unease; for, out of our irresolution concerning that war has arisen what John W. Gardner recently termed the "serious pathologies of dissent—together with the frightening trend toward repression."

None of us who serve in this body can be immune to all this. But, surely, we are charged with the responsibility of doing more than merely succumbing to that mood or adding to it.

Instead, as Mr. Gardner has also suggested:

> Those of us who are in the thick of action must believe we at least have a chance to work for a better future.

Mr. Speaker, it was my recent privilege, by virtue of your nomination, to have been a member of the Select Committee on United States Involvement in Southeast Asia which this House sent to that part of our vastly troubled world. I accepted that assignment with certain misgivings as to what, if anything, we could accomplish, but with the hope—a very humble hope, I assure my colleagues—that out of our mission could come some light to help guide our future path.

The select committee has now rendered its report to the House; not, I think, the best sort of report it was capable of producing, but still one deserving more attention than it has so far received and, absent the publicity given one facet thereof, probably would have received.

Let me not be misunderstood, for there has already been too much misunderstanding about the Con Son Island prison incident and the conditions there that two of our members found and described as "shocking." In now making only passing reference to that discovery, I do not mean to downgrade its importance—nor to suggest that any of us hope for anything less than the early elimination of such conditions. But I do mean to suggest that this incident, which has now been subjected to the full glare of public scrutiny, ought not to be allowed to obscure all the other matters of substance we have to report to you, Mr. Speaker, and to our colleagues.

What are those other matters?

Well, each of the 12 of us will place different interpretations on the various things we saw, and heard, in South Vietnam, in Laos, in Cambodia, and in the other parts of Southeast Asia some of us visited. There will also be differences among us as to the comparative importance of those items.

Nevertheless, I believe it can be said that there is a rough consensus among us as to certain of those items—a consensus the report, as originally submitted, does not adequately highlight. In preparing to try to do that, now, I should add that I have circularized an advance text of these remarks among my fellow committee members, thus inviting them to participate in this special order and to take exceptions, where they wish, to what I will have to say, so that this record may be as accurate as possible under the circumstances. It should be further understood that I have no intention of trying to bind those committee members who cannot, or who do not wish to, participate in this exercise so that, where such may be the case, these remarks stand as mine, alone.

With that by way of preliminary, let me begin by saying that I believe all of us were impressed by the apparent gains made under the so-called pacification program. Both metropolitan Saigon and the countryside were far more "secure" than, I think, most of us had anticipated; and, for those of us who have been to South Vietnam before, as I had not, demonstrably more so than at the time of our previous visit or visits. As is noted in our report, perhaps the best evidence of this is the manner by which committee members, themselves, traveled at will throughout the countryside—and much of the time without any sort of military escort—and, if surface appearances mean anything, to most of us the vast majority of the South Vietnamese people now seem to be leading fairly normal lives, if there is such a thing in a nation at war.

Most of us were equally impressed by at least the statistical evidence of the progress that has been made toward training and arming a regional and popular force—comparable to our National Guard—of over 500,000 individuals. This force is supplemented by a somewhat questionably named "combat-ready" people's self-defense force—that can be likened to a local militia—with a strength of over 1 million persons sharing something like 350,000 miscellaneous firearms among them. The mission of these paramilitary forces, in the training of which U.S. military personnel have assisted, is to help restore and then maintain security in the countryside.

The question of political stability has always had a special pertinency for anyone seeking to gage South Vietnam's chances of surviving on its own—a subject on which I shall have more to say in a moment. Nevertheless, the mere fact that the present government has strongly promoted this program of arming the populace bespeaks something about its own self-confidence in the future.

But, as our report indicates—and I would now encourage those who have not yet read it to do so—the pacification pro-

gram is not without its rough spots, nor by any stretch of the imagination can the progress made under its several facets be considered as permanent in nature. Nevertheless, I believe there was a consensus among us to the effect that the pacification program is working and that, if the presently favorable climate for its continued progress holds, one can look for further, substantial gains to be made under it during the next 6 months or so.

I have purposely adopted a timeframe of 6 months because I believe there was also a consensus among us to the effect that the Cambodian sanctuary operation—or "incursion," if one prefers—was a clear, if temporary, military success in terms of giving both the pacification program and its companion, the Vietnamization program, at least that much more time within which to show further progress.

Our general optimism in this regard, however, has to be tempered by the new uncertainties that have been brought into the overall picture by the spreading of the war into Cambodia, itself, now. Since there were obvious differences of opinion among us with respect to this aspect of the Cambodian operation, I do not believe it useful to try to pursue a committee consensus concerning what our policy should be toward Cambodia. It desires to be noted, however, that none of us—so far as I could ascertain—appeared willing to support direct military assistance to the Lon Nol government even if, without such assistance, it might fall to the Communists. Instead, most of us appeared to favor encouraging the kind of regional, self-help defense efforts that Representative KEITH discusses in his helpful separate views—provided, of course, no shorter route to peace for Indochina can be found by way of some form of political settlement.

However, getting back to South Vietnam, I think it can be said that, while most of us saw a successful pacification program as being essential to the government's survival, we came away from Vietnam keenly aware of the fact that such survival also depends on its people's ability to erect a viable economy and to bring order out of its presently chaotic political system.

On this dual question, I believe there was unanimity among us to the effect that South Vietnam now faces a complex economic problem which poses a greater threat to it than any military threat at the present time. This problem, with its attendant political consequences, is concentrated in Saigon. In this sense, Saigon represents one economic and political problem and the countryside quite another—something all of us might well try to bear in mind as we project the political future of a Thieu-Ky regime that seems to have decided to run the risk of pacifying the countryside first, before dealing with its internal but Saigon-oriented economic concerns.

This is a substantial political risk. Evidence of growing discontent with the Thieu-Ky government abounds, at least in Saigon, where student dissenters have stepped up their attacks on the government as being "corrupt, unjust, and dictatorial," disabled war veterans have been pushing their demands with equal vigor, and there are growing threats of labor strife. Inflationary pressures—and the political reaction thereto—require the immediate attention of both the government and the National Assembly, but there are signs of an early response. In the meantime, political opposition to President Thieu grows but, with South Vietnam's plethora of political parties, fails to coalesce around any one potential opponent.

So I would also also venture to say that, after observing all this, most of us saw no political alternative to President Thieu at the moment. Some of us did talk, in Saigon, to representatives of the several important Buddhist factions, which have spearheaded earlier "opposition" movements but now seem more politically cautious. Some of us also talked with leaders of the so-called "Third-Force" movement which argues that there should be some middle-ground choice for the people of South Vietnam between the Vietcong, on the one hand, and a government with as little popular support as Thieu-Ky enjoy, on the other. This suggestion seems to have considerable appeal to those South Vietnamese who are politically aware—a state of mind that may exist now in Saigon but is rare, except on a purely local level, in the countryside. And it is in the countryside where the support President Thieu can count on next year through his personally appointed province-chief-to-district-chief apparatus would seem to guarantee his reelection, hands down.

Of course, President Thieu needs—as we have often been told—to "broaden his political base," even if only in his own self-interest. There may be ways we could use to better encourage him to do so—though it would be my personal observation that he is far less of an "American puppet" than some people have pictured him. But, even if this should be a desirable thing for us to be promoting, one supposes the same thing could be said with regard to Thieu's potential opposition, all of which could get pretty sticky if we really mean what we are saying about turning this war—in all its aspects—back over to the South Vietnamese.

Whatever commitment we have in South Vietnam is to its people, and certainly not to the Thieu-Ky regime. However, to those who have been arguing that all we need do to restore peace to Vietnam is to "withdraw our support from Thieu and Ky," I would say it is not as simple as all that. The Thieu-Ky regime exists—even as does the war itself—and I see no practical way of withdrawing our support from that government, whatever its faults may be, unless we are prepared, simply and more or less precipitately, to withdraw from South Vietnam altogether; something I do not believe a majority of our citizens is presently willing to support.

What, then, can and should we do?

That question brings me, finally, to the Vietnamization program—under which we are trying to "de-Americanize" this conflict, in both its military and political aspects, in such a way as to make whatever government there may be in Saigon increasingly responsible for what happens next in South Vietnam. It is impossible for us to write this particular script—much as we might like to—for the one lesson we should by now have drawn from this whole, unhappy experience is that our power, that has sometimes seemed limitless to us, just does not extend that far.

Mr. Speaker, in the supplemental views I submitted to accompany the committee's printed report, I addressed myself at some length to certain of the developing problems, as I saw them, with regard to the Vietnamization program. In order that easy reference may be had thereto, I now ask unanimous consent that those supplemental views be made a part of these remarks, at the conclusion thereof.

In those views, I ventured to say that our committee—while expressing its general support for the concept of Vietnamization—had not sought a consensus as to whether or not it felt this key program could, and should, be accelerated. Instead, we contented ourselves by merely noting that: "As far as ground troops are concerned, America should continue its withdrawal program at least as fast as is now scheduled."

Perhaps it would have been impossible for us to have arrived at a more specific agreement on this very important question. However—and this is a point I wish to stress—it now appears from several of the supplemental views as submitted by individual committee members, that more than a few of us were of the opinion, on leaving Vietnam, that the rate of our withdrawal, first from participation in ground combat, and then in terms of artillery and air support, both could and should be accelerated. It was my own opinion, as set forth in my supplemental views, that we ought to aim with more precision than we have, as a matter of policy, to be out of all ground combat activities in South Vietnam before next May 1, and to phase out the balance of our direct military support activities in Vietnam by July 1, 1972—getting down by that date, I might now add, to certainly no larger a residual military presence in South Vietnam than whatever logistical and liaison personnel might be needed in the event—absent a prior political settlement—we were then still aiding South Vietnam through programs of military assistance or supporting assistance.

The main thrust of President Nixon's policy toward Vietnam would clearly seem to be running in this same direction—and the President may well have a roughly similar timeframe for withdrawal in mind though, for obvious reasons, he does not wish to commit himself publicly to it. Those reasons, one must assume, center around his felt need to keep the timing of our exit from South Vietnam flexible enough so that our remaining forces there would encounter a minimum of danger, and so that what might be called a "power-vacuum" would not be created overnight. In addition, the President quite likely sees some value in using Hanoi's uncertainty as to our precise intentions as a lever to encourage it in the direction of a political settlement.

In light of all the attendant uncertainties—and Mr. Nixon's special responsibilities as Commander in Chief of U.S. troops that were committed to actual combat by someone other than he—I do not see the President's position as being unreasonable. Indeed, it is a position with certain advantages.

However, there are certain disadvantages as well—both to the President and to the Nation. The same uncertainty that may work as a positive lever on Hanoi to move it, at last, toward meaningful negotiations, provides us with little more than negative leverage on the Thieu-Ky government—and the other, diverse and divided political elements in South Vietnam—in order to convince them, all, of the fact that we are, indeed, "going home," and that there is an urgent necessity for them to pull themselves together. They must decide, within a shorter period of time than they now seem to contemplate, what kind of political arrangements in the South are supportable on a long-term basis without substantial, continuing U.S. military assistance.

Mr. Speaker, we of this Congress have been privileged—whether we have appreciated it or not—to be participants or mere bystanders in an historic foreign-policy debate. That debate still goes on, as it should, concentrating on the very difficult questions relating to the congressional power to "declare war", and the powers and responsibilities of the President as Commander in Chief once our Armed Forces are actually committed to combat in a war, whether formally "declared" as such or not.

In this instance, this debate is complicated by the fact—no matter how some of us may deplore it—that our Armed Forces are already deeply involved in a shooting war in South Vietnam; a war that now threatens to spill over into other parts of former Indochina.

There are those among us who propose that we should mandate upon the President, as Commander in Chief of those forces, a date by which they must all be withdrawn from that conflict; letting, as it were, the "chips" thereafter fall where they may.

At the same time, there are those others among us who—with equal sincerity—share the President's concern about the possible effect of a withdrawal deadline upon the safety of our last-remaining troops in South Vietnam and see the responsibilities we rightly or wrongly have assumed for the people of South Vietnam as requiring something more of us than merely leaving the scene of combat, now that we no longer find it to our liking.

And, therein—as I see it—lies the fatal flaw in the policy we call "Vietnamization," or in a mere withdrawal from the conflict. For a policy of withdrawal, standing by itself, fails to deal with the central, political issues underlying the Vietnam conflict, almost certainly forecasts continued political and military strife in South Vietnam even after all our troops have departed therefrom, and totally fails to address itself to the developing and disturbing problems now engaging our attention in such other parts of former Indochina as Laos and Cambodia.

Mr. Speaker, these are the dimensions of our present dilemma—as best I can state them; and a most difficult and agonizing dilemma it is.

However, as I said in the beginning, we "who are in the thick of action" must believe we can do something constructive to help resolve it.

The way things have shaped up, the legislative alternatives at the moment would seem to be a mandated withdrawal deadline, as proposed in House Resolution 1000—and in the Hatfield-McGovern-Goodell-Hughes counterpart thereof in the other body—or no action at all. I say this because I do not believe that even the most ardent supporters of House Resolution 1000 believe it has a chance in this body and, despite the intensive national campaign being waged in behalf of its Senate counterpart, most objective observers now see only a slim chance for that proposal, especially since the so-called "Cooper-Church" debate.

Should this assessment prove correct, Mr. Speaker, then this Congress will end its days—like its immediate predecessors—having totally failed to address itself to our problems in Southeast Asia in a positive and constructive fashion.

I believe we must do better.

I believe we must undertake to share with the President the burden of shaping our national purpose abroad in this troubled world, and that enough time still remains in this session for us to begin to do so.

Accordingly, I have today introduced a concurrent resolution, the text of which is as follows:

H. CON. RES. 698

Whereas the United States of America heretofore undertook, wisely or not, to guarantee the right of the people of South Vietnam to "self-determination" in the face of what was considered to be externally-supported aggression; and

Whereas the people of the United States of America accordingly have made an unprecedented effort and sacrifice in support of that ambition including, despite the absence of any formal declaration of war on the part of the Congress of the United States, acceptance of a direct combat role for the armed forces of the United States of America in the aforesaid conflict for a longer period of time now than any other war in which they have ever been engaged; and

Whereas, while the people of South Vietnam have suffered grievous losses as a result of this protracted conflict, the number of American servicemen wounded in action in South Vietnam and adjoining areas already exceeds those wounded in World War I and the combat deaths of American servicemen in South Vietnam and adjoining areas will, at the present rate, also shortly exceed those sustained in World War I; and

Whereas it would seem that the people of the United States have met, many times over, whatever commitment they may have had to the people of South Vietnam; and

Whereas the Constitution of the United States expressly delegates to the President of the United States the authority to act as "Commander in Chief of the Army and Navy of the United States . . . when called into the actual service of the United States"; and

Whereas the President, acting in his capacity as Commander in Chief of such armed forces, is currently pursuing a policy of gradual withdrawal of United States armed forces from both a direct combat or combat-supporting role in the aforesaid conflict, which policy is generally referred to as a policy of "Vietnamization" and includes the physical withdrawal of United States troops from South Vietnam and adjoining areas; and

Whereas the President has reported and other observers have confirmed that United States efforts to train and equip the armed forces of South Vietnam, in order to prepare them to assume full responsibility for securing internal order in their nation and the full burden of combat in protecting it against continued, externally-supported aggression, have been proceeding satisfactorily and that progress thereunder, so far, has even been exceeding our original expectations; and

Whereas, in furtherance of such policy and in light of its progress, the President, as Commander in Chief, has already physically withdrawn over 115,000 United States troops from South Vietnam and adjoining areas and has announced plans for a further reduction of 150,000 troops therein on or before May 1, 1971; and

Whereas this policy of a gradual withdrawal of the United States military presence in South Vietnam, leading eventually to a total military withdrawal therefrom, appears to now be our official policy regarding South Vietnam even though the same has not yet been formally recognized or endorsed as such by the Congress of the United States; and

Whereas there is broad support among the American people and within their Congress for such a policy of withdrawal, and a developing consensus to the effect that the United States has now done about all it can, militarily speaking, for the people of South Vietnam and that the time is fast approaching when they should be left to their own devices and determination; and

Whereas there are wide differences of opinion within the Congress regarding both the Constitutional and practical limits of the President's powers and responsibilities as Commander in Chief, especially when considered in conjunction with the broad powers and responsibilities concerning foreign policy separately delegated under the Constitution to the Congress, including specifically its sole power "To declare War . . . (and) To raise and support Armies"; and

Whereas those differences of opinion now largely center around the question of whether or not the Congress can or should, in a situation such as that now pertaining in South Vietnam, mandate upon the President, as Commander in Chief of United States armed forces already committed to combat, a date or deadline by which they should all be removed from such combat, and

Whereas it appears unlikely that this question can be satisfactorily resolved one way or the other in the 91st Congress, now meeting in session in Washington, thus leaving open for the time being many questions concerning our Government's official policy regarding South Vietnam to which this Congress should nevertheless address itself in as positive and constructive a fashion as possible; and

Whereas a policy of "Vietnamization", standing by itself and no matter how successful, automatically raises certain questions, among which are: (a) Whether or not it is intended to be irreversible in nature; (b) Its failure to deal with the central, political issues underlying the Vietnam conflict, thus forecasting continued political and military strife in South Vietnam even after all United States troops have been withdrawn therefrom, and (c) Its failure to address itself to the developing and disturbing political and military problems now engaging our attention in such other nations of former Indochina as Laos and Cambodia; and

Whereas the President has repeatedly pledged, as did his predecessor, that "we seek

no wider war" in Southeast Asia and, furthermore, has recently reaffirmed as a matter of national policy the fact that, in his words: "A political settlement is the heart of the matter . . . (and that) is what the fighting in Indochina has been about over the past 30 years"; and

Whereas the burden of United States efforts to bring peace to South Vietnam and to Southeast Asia, generally, whether those efforts are to be successful or not, should not fall solely on the President of the United States, but rather should be a responsibility shared both by the President and the Congress of the United States; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby declares that it is the national policy to avoid any further enlargement of the present conflict in South Vietnam and to do everything possible to bring a just peace to South Vietnam and to Southeast Asia, generally, by virtue of a negotiated settlement of the political issues now dividing the people and the nations thereof; and be it further

Resolved, That the Congress hereby declares its support of any and all efforts made or to be made by the President, and encourages further efforts on his part, to achieve such a negotiated settlement, including efforts to arrange a cease-fire in South Vietnam and surrounding countries and including efforts to involve the United Nations in whatever way can best encourage an end to this war; and, pending any such form of settlement, be it further

Resolved, That the Congress hereby declares that it is the national policy to continue, on an irreversible basis, United States troop withdrawals from South Vietnam and adjoining areas, and be it further

Resolved, That it is the sense of Congress that all American servicemen in South Vietnam or adjoining areas should be withdrawn from any and all participation in ground combat activities therein on or before May 1, 1971, except insofar as it may be necessary for such troops remaining therein after such date to defend themselves or their positions; and be it further

Resolved, That it is further the sense of Congress that all other American servicemen, including those specifically engaged in combat-support activites, should be withdrawn from South Vietnam or adjoining areas on or before July 1, 1972, and be it further

Resolved, That the Congress hereby reaffirms its constitutional right and responsibility of consultation with the President on all matters mentioned within this resolution, and fully expect to be included in the decision-making process on all matters, now and henceforth, affecting grave national decisions of war and peace.

Mr. Speaker, as you can see, the resolution reestablishes—as the primary goal of our policy for Southeast Asia—the search for a negotiated settlement of the political issues now dividing the people and the nations thereof, and it then goes on to support the initiatives the President has already made in this connection and encourages such further "new initiatives" in this direction as he may deem fruitful.

Next, the resolution adopts "Vietnamization"—pending such a settlement—as a national policy, which is something Congress has not yet done, and undertakes to describe our military withdrawal from South Vietnam under that policy as being "irreversible" in nature even as various administration spokesmen have described it.

Finally, the resolution addresses itself to the totality of our intention to withdraw militarily from South Vietnam and sets forth the sense of Congress—without attempting a mandate—as to the timeframe within which that process should be completed. In so doing, it retains for the President the flexibility to maneuver that he ought to have as Commander in Chief, while at the same time giving him some needed additional leverage in order to "Vietnamize" the search for peace in Saigon even as we are now seeking to "Vietnamize" whatever may remain of the war, itself.

Mr. Speaker, I have no illusions. I offer no panacea—no "instant solution" for our problems in Southeast Asia.

I have no particular pride of authorship in the resolution. I am not wedded to its language, and it is obviously subject to improvement.

But I hope and believe I have offered a reasonable and attainable legislative suggestion that is wholly in line with our basic responsibilities in the field of foreign policy—as well as something that, prayerfully, might somehow advance that desire for peace that is common to the people of Southeast Asia and the people of the United States, alike.

I include the following supplemental views:

SUPPLEMENTAL VIEWS

(By Representative HOWARD W. ROBISON, New York, to accompany report to the House of Representatives by "the select committee on United States involvement in Southeast Asia," as filed for printing on July 6, 1970, and referred to the committee of the Whole House on the State of the Union)

Although I was one of the sponsors of the resolution creating a "Select Committee on United States Involvement in Southeast Asia," and one of those voting for that resolution as it passed the House on June 15, last, I had not sought assignment to that committee. This was largely because I had certain reservations about what such a committee could really accomplish, certain doubts about whether such a committee, when appointed, could be truly representative of the wide differences of opinion so apparent both in Congress and in the Nation relative to what our role in Southeast Asia should be, and certain fears that such a committee, like other "fact-finding" commissions before it, would not be able, despite the best of intentions, to take a fully-free, independent and objective look at our situation in South Vietnam and other pertinent parts of Southeast Asia.

However, when I was asked by the Minority Leader to serve on the committee I felt obligated to do so—and to do so to the best of my ability—while still recognizing the inherent shortcomings in any such effort.

It was a challenging assignment, and turned out to be a fascinating and personally valuable experience—an experience which much after the nature of my own military service in World War II, I would not want to have missed but would not particularly care to repeat.

Each member of the Committee, I believe, it can be said, entered upon his duties in as objective a manner as possible; being willing to work, and to work hard, at those duties, and being hopeful, as well, that despite all the ambiguities and contradictions we knew we were to encounter we might still return with something of value to report to the House, and to the Nation.

I am proud of the way our committee—and all of its members—worked at our assignment. Our Chairman, "Sonny" Montgomery, was a tireless, but fair leader; and each individual Committee member had a free hand to do or suggest, whatever he felt might be an effective means by which to advance our overall efforts. To a large extent, then, each of us charted his own course in Vietnam (and elsewhere in Southeast Asia)—sometimes singly and sometimes as a "team" member—fanning out so as to cover, in a way I believe no other such study commission has attempted, more aspects of the United States involvement in those areas than any of us had originally contemplated. We therefore have, individually and collectively, a uniquely large portfolio of notes and information that—though each of us might draw different conclusions therefrom—ought to be of considerable value to this House.

Also, by virtue of the method of operation we adopted, the information we have rests, in my judgment, on a sounder and more-objective basis for analysis than comparable information heretofore brought back by other such study commissions. This was possible because we deliberately avoided publicity which might hamper our attempts at fact-finding, and we also avoided situations whereby a stage might be set for us to find only such "facts" as someone desired us to have. On most occasions, then, our drop-ins on civilian and military personnel at American posts were just that: Drop-ins, with little or no advance notice. Similarly, we postponed the large, formal briefings such a group could inevitably expect—and also needed somewhere along the way—until after we had spent a good many hours out "in the field," so to speak, discussing matters with the subordinates of those higher-ups who would eventually brief us, and plumbing in a "one-on-one" basis for the personal opinions of diverse individuals, so that when those formal briefings came, there could be a real dialogue, rather than the usual "one-way street."

I thoroughly approved of this manner of operation, but criticism of our efforts, perhaps inevitable, has already come. One such critic has declared that we had "too many military briefings." Whether we did or not is a matter of opinion—but, in light of the fact that we are, as a Nation, deeply involved militarily in Vietnam and indirectly so in other parts of Southeast Asia, a substantial number of military briefings was unavoidable. In any event, as a glance at the listing of individual or "team" contacts made by the committee will show (which summary, I understand, will be made an appendix to this report in its final form), the military briefings were more than outnumbered by the contacts we developed on a more personal basis with a great number of individuals with dramatically divergent viewpoints.

But, however this may be, the larger problem we encountered—and the area in which I, for one, believe we are subject to valid criticism—was in attempting to convert our notes and our individual observations to suitable report form. In that connection, the report we have submitted is—I regret to say—woefully inadequate.

This is the fault of no one in particular. It lies, instead, in the decision of a majority of us—which decision I questioned—to try to put our "report" together on the return plane trip home. Our accumulated fatigue—both mental and physical—contributed to the obvious difficulties inherent in such a situation. At best, what we could have hoped to do—and what I believed we were attempting to do—was to work, again individually and as teams, at rough drafts of the various sections or titles to be included in our final report. It was my further understanding that these drafts were to be put together for us by our staff people over the weekend following our arrival back in Washington, and later taken up by us, meeting in regular committee fashion, to see if we could then put them in final—and proper—report form. Instead of

that, the so-called final "report" was filed for us on Monday afternoon, July 6th. At that time, so far as I know, few if any members of the committee other than the Chairman had seen the "report" in its entirety.

It is therefore inaccurate to state—I again regret to say—as is stated in the introduction to the report as filed, that it ". . . represents a consensus of the views of the committee."

At best, under the circumstances, the report can represent only a rough consensus of the views of some of the members of the committee.

I regret this because our failure to reach for a broader consensus among ourselves can only frustrate our desire to be of substantial service to our colleagues. Perhaps, such a consensus would have been impossible to attain in any event, but we ought at least to have tried since any report of this nature automatically loses much of its effectiveness when it is accompanied by a plethora of individual or supplemental views such as these I now feel constrained to add to it:

THE ECONOMY OF SOUTH VIETNAM

In general, I approve of the matters and conclusions as set forth in the report under this heading.

Several times, different sources advised us that, in their opinion, the urgent economic problems faced by the government of South Vietnam constituted a far greater danger to its survival than any current military threat.

This economic crisis—centered around galloping inflation—has its greatest impact in Saigon and the other urban areas of South Vietnam. In the "countryside", many day-to-day transactions are conducted by traditional methods of barter, rather than for cash, and "black-market" operations of the sort so prevalent in and around Saigon are rare.

This contrast points out an important distinction: In considering the overall problems of South Vietnam, it is quite readily apparent that Saigon is one part thereof, and the "countryside" quite another.

It is possible that our committee spent too much time examining the problems of the "countryside," and too little attempting to understand the true nature of Saigon's internal difficulties, many of which relate back to the overwhelming presence the United States has so long maintained there. Our authorities in Saigon are wisely attempting to gradually reduce that "presence," and committee members who had been to South Vietnam before commented favorably on the vastly reduced numbers of American "GI's" seen nowadays on Saigon's streets. In another section of our committee's report—on which I shall have no further comment—it is suggested that American civilian personnel (including the personnel of contractors) in South Vietnam should also be reduced. Since most of these American civilians are in and around Saigon, again, and the numbers of them are all too apparent, I heartily concur in that recommendation.

In any event, before I left for Vietnam one of our other colleagues, not named as a member of our committee but a fairly recent visitor himself to Vietnam, asked me to inquire as to whether or not it was possible that, under existing programs, the present government of South Vietnam might "win" the countryside while "losing" Saigon. It would now be my observation that this is altogether possible, given the rather apparent success of the pacification programs in the rural areas alongside the growing dissatisfactions and political unrest now capturing daily headlines in Saigon's newspapers. But I left Saigon with the definite impression that the Thieu-Ky government has decided to take a calculated risk in this connection—giving priority, wisely or no, to an acceleration of the more rurally-oriented pacification programs, while hoping in the meantime to ride out the gathering political storms centered in Saigon and the nation's lesser metropolitan areas.

I would consider this to involve a rather substantial risk—and, certainly, not one that we should discount in attempting to look at South Vietnam's immediate political future. For the fact must be stated plainly: South Vietnam's economic problems, and the social unrest caused thereby, are already severe and getting worse. Furthermore, those problems cannot help but be accentuated by the gradual American withdrawal. Strong measures need to be taken by the Thieu regime if these aggravated conditions are to be mastered, and Ambassador Bunker and his staff need to work as cooperatively as possible with that government—or its successor government—to ease the economic pains of our withdrawal. It will not be easy, and I am not particularly sanguine about South Vietnam's ability to find its way through to a state of "economic health," as our report puts it—but I am not prepared to say it cannot be done.

PACIFICATION

As a member of the select committee, I was particularly interested in this subject; I worked on this section of the report as filed and, since most of what I submitted in this regard was accepted by the other members, only a few additional comments are now needed.

I would like to preface those by saying that one of the more-productive days I spent in Vietnam was when John Paul Vann, DEPCORDS in the IV Corps (the Delta) section of South Vietnam, allowed me to accompany him on a routine inspection trip by automobile—and without military escort—from Can Tho, where we had spent the previous night, down Route 4 some 160 miles to the little city of Ca Mau, in An Xuyen Province.

Vann is an extremely interesting and knowledgeable man—regarded by some as the "Billy Mitchell" of the Vietnam war, for it was he who resigned his army commission some years ago to protest the Army's strategy of trying to fight a war of insurgency with a sledgehammer instead of a scalpel, only to return to Vietnam to take an active role in shaping the "pacification" program. As we drove down Route 4, he spoke at length of the Delta's war history. According to Vann, 2 million of the Delta's 7 million people were under VC control 2 years ago, as compared to only an estimated 167,000 now. Even a year ago, no American in his right mind would have attempted the trip we were making, even in daytime, without a heavy armed guard. Vann himself was ambushed and wounded by the VC while travelling by motor-bike down Route 4 only nine months ago. Matters have steadily improved until now—as I saw with my own eyes—most of the residents of the Delta were living quite normal lives.

This progress towards securing the countryside is all the more remarkable because of the fact that "Vietnamization"—pacification's corollary—is virtually complete in the Delta, our ground combat forces having been pulled out of action there nearly a year ago. Some 23,000 U.S. military personnel still remain in the Delta—once the heartland of the Communists' entire efforts to take over the country—but they are performing strictly a support and logistical function. With Vann, I stopped at several local units of CORDS (Office of Civil Operations and Revolutionary Development Support)—as we moved freely in and out of small cities and villages, as well as provincial capitals, along the way. I made a point of talking with as many of the military and civilian "advisers" in these units as possible on a "one-on-one" basis—out of Vann's hearing—and was impressed (as I was at numerous similar stops on subsequent days in other part of South Vietnam) with their sense of dedication to, and satisfaction with, the job they were performing. I particularly recall a young second lieutenant with whom I talked in one small district town (in Bac Lieu Province, I believe) who, when asked by me if he thought the pacification program was worthwhile and had a chance of success, replied, "Yes, Sir; very much so. We're making peace here, Sir—not war."

Perhaps we are, finally, "making peace" in South Vietnam in this fashion. Surely, this shift away from a "body-count" objective and towards the objective of trying to win the "hearts and minds" of the countryside's residents—through the several facets of the pacification program—is a far sounder policy than the "big war" strategy we once pursued, with its inherent if unspoken concept of somehow thereby winning a "military victory" in and for South Vietnam.

However, whether or not "peace through pacification" is an attainable goal or just another illusion among the many from which we have suffered throughout our tragic experiences in South Vietnam, is still largely an unanswerable question. I tend to think, now, that—given enough time, and given the full support of the South Vietnamese government as well as of its people—a peace of sorts can be brought in this fashion to the people of South Vietnam.

But it will take additional time—and will cost additional lives—and perhaps more patience on the part of the American people than a majority of us are willing to give to the difficult task of trying to put back together a little nation that we have come close to destroying in our former attempt at "saving" it.

Pacification rests on a tenuous foundation, of course, but on a sounder one than we have previously attempted; a program whose level of success will, by any system of measurement, continue to go up and down since we still face a highly-mercurial situation in Vietnam. But it is also a program that—should the presently-favorable climate for it in Vietnam somehow hold—just might succeed.

VIETNAMIZATION

But pacification is only half of our policy for disengagement from the conflict in Vietnam—the other half being "Vietnamization."

For someone who believes as I have for some time, that we have done just about all we can, militarily speaking, for the people of South Vietnam in their long struggle for self-determination—and for someone who believes, as I also have for some time, that we should now leave them to their own devices and determination, and in-depth study of our progress at "Vietnamization" of the sort we attempted could only produce mixed emotions, at best.

As the committee report suggests, that process is certainly "progressing" and it would appear that, as the report also states, ". . . all levels of our military command are planning to meet (the currently-announced) withdrawal schedules."

The committee did not seek a consensus—which might have been impossible to achieve—as to whether or not the Vietnamization process could, and should, be accelerated. Instead, it contented itself, in the report, with merely noting that: "As far as ground troops are concerned, America should continue its withdrawal program *at least as fast* as is now scheduled."

At the risk of putting words in others' mouths, I believe that several of us left Vietnam convinced that this withdrawal program, at least in the area of ground combat, could and should be accelerated. I, for one, fall into that category. There is no question in my mind but that the military situation in South Vietnam today is better for both the U.S. and the South Vietnamese than as any time since American units first entered the war in the summer of 1965. In addition, the South Vietnamese fighting units have undoubtedly gained new self-confidence as a result of their role in the Cambodian-sanctuary operation. The only

thing that would appear to prevent us from capitalizing on these facts is the new uncertainty brought into the picture by the external threat now to Cambodia, itself. Irrespective of this uncertainty, however, I believe it would be useful for purposes of encouraging the South Vietnamese people, and particularly their political community to finally pull themselves together, if we were to announce as soon as practicable further troop reductions beyond those already now scheduled to take place before next May 1st.

There is a risk in this, of course, just as there has always been with regard to our decision to withdraw from combat and turn this war over to those who alone—albeit with our logistical help—can win it. But I think we should certainly aim more precisely at being out of *all* ground combat (except insofar as remaining U.S. units might have to defend themselves) within a *year* from now; and I also think that we should aim to phase out the balance of our military support activities, except perhaps for a residual group of advisers and logistical aides, within two years from now, rather than the three or four years some of our military people projected for us.

In this connection, I was especially impressed with our Navy's procedures for turning their "in-country" mission over to the South Vietnamese navy. These procedures are described in the report under this title. Admittedly, the Navy may have faced an easier Vietnamization problem than either the Army or the Air Force, but the Navy's program is now 80 percent complete and will be fully completed by December of this year, with the exception of larger combat ships and the completion of training of SVN navy personnel to take over maintenance and operational procedures. Navy, thus, is now nearly out of the "combat business" in Vietnam, as evidence of which stands that fact that only some 20 percent of the over 225 assault craft taking part in the Mekong portion of the recent Cambodian operation were USN vessels. Surely, there is something here that both our Army and Air Force people might endeavor to copy.

There are still other ways by which the process of Vietnamization could, I think, be accelerated. One of the things I shall always remember about my ride down Route 4 to Ca Mau is seeing U.S. Army Engineer units, and personnel, working on repairing and rebuilding portions of that heavily-travelled highway in the noon-day heat and humidity while South Vietnamese natives lay in their hammocks—during their customary "siesta" time—on the front porches of their homes along that road. There are many paradoxical things about this war that future historians will puzzle over—including the fact that we were drafting young Americans to fight and die in it long before the nation we sought to help had instituted its own system of military conscription. But it is equally paradoxical for us to draft young Americans to spend a year of their lives in Vietnam working with pick, shovel and rake at building roads for the South Vietnamese—who are by no means a lazy people. I can well understand why our Engineers cannot turn heavy road-building machinery, complicated to operate, over to untrained South Vietnamese. But there is no reason why we cannot hire South Vietnamese, who need the jobs anyway, to take over the manual labor that our people—here and elsewhere in Vietnam—are doing, and thus reduce our need for continuing to send draftees to work, if not to fight, in Vietnam.

One final word about the Vietnamization process: It could well be that we have so "Americanized" the South Vietnamese Army that it cannot, at any foreseeable time, be maintained by the people of South Vietnam. The question needs to be asked: "Have we so re-made ARVN in our own Army's capable but elephantine image, with its long longistical tail and its expensive array of equipment, as to make it impossible for the South Vietnamese to carry on 'their' war, if need be, in a way compatible with Vietnamese capabilities and resources?"

The question is worth pondering, and it is one that deeply concerns the responsible senior staff officers of the Vietnamese Joint General Staff with whom I talked. They realize they simply cannot afford to continue to fight, after we have gone, in the same ways we have, even with such material and economic assistance as they hope we may still provide.

Unless, then, we are prepared to commit ourselves to a support function in South Vietnam longer than I think we are, and if disengagement on our part is intended to be something more than a simple abandonment of the responsibilities we assumed, wisely or not, for South Vietnam, some redefinition of "Vietnamization" along these lines ought to be attempted.

It would also be helpful for us to better understand the Vietnamese attitude towards this program. As best I could determine, most of them accept it as being both inevitable and irreversible. But several of them reminded me that, while the program portends the end of the war for us, it also assumes that "their" war will go on.

So, in trying to decide if "Vietnamization" has a good chance of success as "Pacification" now seems to have, we ought also to attempt some broader redefinition of what we really mean by "Vietnamization."

The most disturbing finding of all I made in Vietnam was the fact that both sides now seem to be digging in for a protracted war—and I think all will agree that the Vietnamese, both North and South, have for far too long suffered under the burden of war.

Can we call "Vietnamization" a success if, in the end, it merely prolongs that suffering?

Personally, I do not think so—and this is why I asked President Thieu, when we had our audience with him, if he did not think it was time to make some "new initiatives" towards peace. His reply was the more or less standard one to the effect that his government was ready to negotiate with the other side, on anything, at anytime, but that all such overtures thus far made have fallen on deaf ears. Since that time, Secretary of State Rogers has had his own audience with President Thieu, and President Nixon has named David K. E. Bruce to head the United States delegation at the near-comatose Paris peace talks. What all this may portend, no one can say, but one of the more-interesting discussions I had in Saigon was with Mr. Tran Van Tuyen, a local attorney, a member of the Vietnamese delegation to the 1954 Geneva Conference and later a 3-year political prisoner under the Diem regime, who told me: "If 'Vietnamization' is only a war strategy and not at the same time a peace-seeking method, it is also a myth among the many that have marked the American involvement in Vietnam, and the biggest myth of all."

CAMBODIA

The committee report comments at length on the overall Cambodian situation, but in very general terms, and refers but briefly to "the evident success of the sanctuary clearing operation"—something which I believe individual committee members have separately termed an "outstanding success."

For my part, I am perfectly willing to accept as fact the committee's conclusion that the sanctuary operation was, strictly speaking, a "success." Surely, it has bought time within which both the Pacification and Vietnamization programs can go forward and, almost equally surely, it will result in substantial savings in American lives. This latter thought was uppermost in the minds of those American boys who took part in this operation as I discussed it with them at two different locations just inside the Cambodian border. None of them, it deserves to be noted, had any doubts about the necessity and justification for the effort they were making.

I did not expect to find otherwise, but this is as good a point as any to make one other observation: Whether this war is right or wrong for the United States, and regardless of the concerns so often expressed at home these days about the motivation and moral fibre of our younger generation, this war will stand as a testament to the fortitude and courage of those young Americans who have fought in it. They have done so often against their wishes, and yet they have been willing to perform to the best of their ability whatever mean, difficult and dangerous task we assigned to them—in the face of vast uncertainties at home about their mission.

Through their sacrifices, we have learned (or should have learned) in Vietnam some lessons about revolutionary warfare and about the limitations of our own power. One can accept the Cambodian-sanctuary operation as being consistent with what we have thus learned, and one can welcome its short-term military benefits; but, at the same time, we need to understand that those benefits which may now permit us a faster rate of disengagement from Vietnam have also unintentionally created a climate in Cambodia, itself, that could lead to an even-greater involvement on our part in the tangled affairs of Southeast Asia.

The Cambodian situation, when we looked at it, was too fluid a one for immediate prescription. All of us who visited Phnom Penh came away filled with concern for Cambodia's future, and with feelings of deep sympathy for the Cambodian people. I am sure we all wanted to help them in some way—and I believe we should, to a limited extent. But, if the lessons so dearly bought for us in Vietnam are to mean anything, we must remember that we cannot go on trying to prop up government unable to defend themselves, or people unwilling to fight for their own freedoms; and we must try to keep Cambodia in proper prospective by recognizing the fact that we have nothing remotely resembling a "vital" interest in its future except insofar as keeping it out of enemy hands serves our purposes in Vietnam.

If this sounds unduly harsh, I regret it—but relief for the beleaguered Cambodians must come from some other source than direct U.S. assistance. It was to drive that point home that some of us talked with Dr. Thanat Khoman, Thailand's distinguished Foreign Minister, at Bangkok, while others of us flew to Djakarta and Singapore to pursue—as the United States must pursue—whatever possibility for restoring peace and security to Cambodia may yet come from the so-called "Djakarta Conference" of last May 16th and 17th. In neither instance could we find reason for optimism—a subject on which I understand the Hon. Hastings Keith (a member of our committee) is submitting separate views in which I express my interest.

There are numerous other matters to which I would also like to address myself, including the findings made by two members of our committee at the Con Son Island prison—which matter has since become one of unfortunate controversy. But I have sought to confine myself, in these supplementary remarks, to the main factors as I saw them that help define our current situation in Southeast Asia and, however dimly, our future there.

Since my return from this extended inspection trip, I have often been asked if anything I heard or saw during its course had caused me to change my views.

The answer—as best I can find one—is "No," though in saying that I recognize full well that most of us now only see Vietnam through more or less thick veils of preconceived ideas that tend to obscure the true facts for us.

Besides which, at the "press-conference-

in-reverse" we had with American newsmen in Saigon, one of them said a "fact-finding" commission such as ours could find in Vietnam whatever "facts" it wanted to confirm whatever it already believed.

I suspect that is true. I have tried to guard against any such tendency, and I now submit these views to my colleagues for such value as they may have to them, with the assurance that they are objective as I can make them.

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

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

Mr. SCHWENGEL. Mr. Speaker, I have listened avidly to the gentleman's dissertation. I have read every word of the report by the committee of which the gentleman was a member. I had a special interest because I led a group of independent observers two and a half years ago to Vietnam, and we came back and made a report to the President, then President Johnson, and to the Congress. We have continued our interest in this problem. We have returned and we are about ready to make our report to the President, who asked us to return and make evaluations and comparisons, which we will do.

I want to say, Mr. Speaker, that the findings of this committee largely confirm what we have found and altogether reflect the deep concern on our part, and I think we are reflecting the concerns of our people.

Here again, we have heard a very fine presentation of the problem as the distinguished gentleman from New York has seen it.

In our report we will point out once again the lack of policy in Vietnam, the lack of understanding of what is our true objective over there. To use a paraphrase from an old friend of mine that I worship in history, who once was President, Abe Lincoln, "My policy seems to be to have no policy." That seemed to serve that interest he was thinking of, but it does not serve this interest.

One of our problems in Vietnam is that we have no real policy. We can find in the record some 13 different reasons why we are there, pronouncements by the State Department, and by former Presidents, and the current President. We will make a special note of this and call for an enunciation of a policy, and we will suggest one.

We will also deal with some pluses over there, and I am sure the gentleman saw them. In the field of education, especially the first five grades, we were thrilled to find out that the average daily attendance of the boys and girls in school, who were in the age groups in grades one through five, has increased from 400,000 to 2,300,000. That is a magnificent contribution to education.

The quality of that education was not equal to what it could have been, and should be, and eventually will be. I think they are working on this question of qualification, but we seem to have fallen off in that and have not followed through sufficiently with the high school program or institutions of higher learning.

We will make a special note of the fact that we lack emphasis greatly in the field of agriculture. Out of South Vietnam's population, 70 percent are identified with farming, but there are only 406 students taking agriculture in colleges.

There is a woeful lack there.

We will report a plus where we have moved in with extension services, with some people from Iowa, and many States in the union, doing magnificent work there to help the people improve their farming techniques, and the use of fertilizers, and the improvement of procedures. The use of new varieties of rice in some instances can quadruple production. All these are pluses.

We noted with regret that the Thieu government is pulling back on this program.

We think this is unfortunate.

We noted pacification. I believe this area of pacification is the real answer to the problem over there. I was glad to hear the gentleman say this. Our feeling was that this name was unfortunate. It was not accepted by the Vietnamese. Somehow or other, we still use it. We are going to suggest a substitute title, that it is a program to bring stability, security, and progress to these people, who need this most of all.

I believe that we need to increase our involvement here in Congress, and the concerns of the gentleman from New York and the chairman of his committee, the gentleman from Mississippi (Mr. MONTGOMERY) and all the others of this team, that took them beyond the call of duty in their work there has made a magnificent contribution to a better understanding of this problem.

We cannot solve the basic problems unless we have a better understanding of them. I commend the gentleman for his insight.

I assure the gentleman I will consider very seriously the resolution to which he has referred. It has some pertinent "whereas" clauses which ought to be considered and which zero in on the problem.

Again I commend the gentleman.

Mr. ROBISON. I appreciate the complimentary remarks of the distinguished gentleman from Iowa. I know he has been deeply concerned with this whole issue and with the need to develop a clearer United States policy with respect to our future in Southeast Asia. I am sure we all look forward to the report that he and his colleagues will present to us on their separate trip to Southeast Asia.

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

Mr. ROBISON. I am delighted to yield to the distinguished gentleman from Mississippi, the leader of our select committee and one of the finest leaders I have ever known.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his very kind remarks. I might say that, as chairman of this select committee, one of the great pleasures I had was having the gentleman in the well on our committee. He is a dedicated person. He has a certain type of wit about him which makes it very easy to work with the gentleman. He has the ability to express himself.

Mr. Speaker, he has the ability to express himself in writing, and he had a lot to do with the writing of our report.

I might say that the remarks of the gentleman today were outstanding. I hope the Members who were not present here will have the opportunity to read this special order in the CONGRESSIONAL RECORD.

The gentleman pointed out that our findings at Con Son Prison, where there are the so-called "tiger cages," have perhaps overshadowed our report, and that other parts of the report were overlooked. This is certainly true.

It is rather sad that this would happen; that one part of the trip would overshadow other parts of the trip. I hope the Members, and the press, and the people of this country will look at the rest of the report, for Members such as the gentleman in the well exposed themselves day after day to the dangers of Vietnam and the other countries of Southeast Asia to try to bring back a constructive, valuable report.

I might say to the gentleman in the well, as he stated in his supplemental remarks in the report which we submitted to the Speaker and to the Members of Congress, that probably the report was submitted too quickly, and that Members of this Select Committee did not have the opportunity to look at the report before it was filed.

The gentleman is absolutely right in what he said. I take the responsibility. For some reason, Mr. Speaker, I felt that, as soon as we got back, this report should be submitted to the House of Representatives, because it would become old if one waited too long.

I am not looking for any comment from the gentleman, but I really accept the responsibility. I believe it would have been a better report if I had waited until we could have had all the Members look at the report. However, there was a driving force, and, I felt we had to submit it as soon as possible.

As the gentleman knows, and the other gentlemen know who were on the committee, we did begin work on the report as soon as we boarded the airplane. We worked on it for 2 days before we came back to the United States. But I wish we had taken the gentleman's advice and delayed the report.

Mr. ROBISON. If the gentleman will permit at this point, as I am sure he knows I intended no criticism of the distinguished chairman in making a reference to the haste with which the report was filed in my supplemental views. The circumstances surrounding our return, and the fact that this was the 4th of July weekend and, as the gentleman from Mississippi was well aware, as soon as we arrived back in Washington we were all going to go to the four corners of this Nation and he might not see us again for 3 or 4 days, and then with the interest of the news media in what we had to say, along with his inability to sit on our tentative conclusions for 3 or 4 days, that these are all circumstances that I understand full well, I tell my friend. I think, though, if we could have had different circumstances in which to take time to try for a broader consensus, we might have found it in several areas.

Mr. MONTGOMERY. I appreciate the gentleman's comments. I think probably other committee chairmen could learn

from the experience I had as a committee chairman in our work as a committee. It was really a much harder trip than I had anticipated. I think the decisions that were made, with the approval of the committee, and the proposals that I recommended to them were basically sound for the first 10 or 12 days. However, after that Mr. Speaker, you become tired and you board the airplane and come back. So, probably, I would recommend to other committee chairmen that they not be too hasty in issuing their report to the Congress, but to take perhaps a week's time before they submit it. I am glad that the gentleman brought up this special order. There is a tendency in the Congress, and in the leadership, perhaps, as well as in the people in this country to overlook the war in Vietnam, but it surely is not going to go away. We have to face this issue, and we think in our report we have given some basic information necessary to help us face up to it.

Mr. Speaker, I will move along, because I know that there are other Members who wish to comment. We can all learn something from our committee. We probably stayed longer in Southeast Asia than any other type of congressional committee.

Mr. ROBISON. We also probably worked harder than any other congressional committee that ever visited that part of the world.

Mr. MONTGOMERY. I think so. I think when you stay only 3 or 4 days in a country such as South Vietnam where we are deeply involved that that is just not enough time. You need at least 10 days in a country like South Vietnam.

I also want to mention that when we broke up into teams, this was a worthwhile experiment. Mr. Speaker, our 12 Members did not go around as one unit. We broke up into teams, and covered much of Southeast Asia. Mainly we covered South Vietnam. Then we sent one team to check on another team. I think it worked rather well, and I hope that other committees will look at what we did. This is all in our report.

I would caution such "select committees" in the future to be careful in picking staff members. Spend a lot of time on that. It is very, very important. If you do not select the proper staff people, you might become involved where you should not be involved. When you work as hard as we did the people should get the facts from the members of the committee and not from a staff member, who is seeking his own ends, and his own gain.

I am sorry the gentleman did not refer our military's problems regarding narcotics and marihuana as described in the report. The gentleman worked very hard on that. I know in the report we said that 30 percent of the American servicemen in Southeast Asia or who are in South Vietnam, at one time or another have participated in the smoking of marihuana and the use of narcotics. We spelled it out, and this is very important.

Mr. ROBISON. If the gentleman will permit, that was only an estimate, because no one has any very good figures on this. No statistical studies have been made. However, I think it is fair to say that about 30 percent of our U.S. servicemen in Vietnam have, at least, experimented with marijuana or some other drug, and that this is about as close as one could come to the probable facts.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield further, moving to Cambodia, I think it was the consensus of the committee—I would say nine or 10 of the 12 members agreed—that, certainly, we did not need to send any ground troops into Cambodia, but that military aid and financial assistance would certainly help.

In closing, I would say I have not had the proper opportunity to study the gentleman's resolution, but I have found his work to be thoroughly thought out, and I hope to have an opportunity to study and take a real hard look at the resolution that the gentleman is submitting.

Mr. Speaker, I thank the gentleman for yielding to me and I especially appreciate the gentleman taking this special order.

Mr. ROBISON. I thank you very much Chairman MONTGOMERY. It was a pleasure to have been able to participate in this effort and, as I stated earlier, no one could expect to have a finer leader than you. Further, though I do not particularly hanker for another trip to South Vietnam, if we do go, I would just as soon have you lead us again.

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

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

Mr. McCLOSKEY. Mr. Speaker, I am impelled to note that the discussion today, as the gentleman in the well says, points out a very great problem between the executive branch and the Congress of the United States, in that the Commander in Chief has control over the Armed Forces of the United States, and that we cannot impose our tactical or strategic decisions upon him. But, on the other hand, we have the major responsibility, a constitutional responsibility, to fund the standing Army of the United States, and to face our constituents every 2 years to justify that funding.

With respect to the gentleman in the well—can all our ground combat troops, in effect, be out of action by May 1, 1971, and all other troops out of Southeast Asia by July 1, 1972? I would anticipate that this rate of withdrawal differs from the President's plan of withdrawal, though it is consistent with some of the comments in the supplementary views to the committee report to the effect that withdrawal might be accelerated at a faster rate than now being conducted?

In looking back at the program that the President has followed, it seems, in the first year since he declared a policy of withdrawal in May of 1969, that he withdrew approximately one-fifth of the 549,500 troops in South Vietnam that were authorized at that time by withdrawing 115,000 from Vietnam by the month of March 1970, and indicating that he would withdraw an additional 150,000 by May of 1971. This would leave approximately 284,500 men in Vietnam by May 1 of next year.

I want to ask the gentleman in the well; if we were to withdraw all ground combat troops from Vietnam by May 1, 1971, if the gentleman could indicate, approximately, what are the numbers of men involved in addition to the 150,000 that the President has announced that he will withdraw?

Mr. ROBISON. Well, to attempt an answer to that would require deeper research, I believe, than our select committee completed during the course of our investigation.

But, it is my understanding—and I stand to be corrected on this—that, once the 150,000 additional troops which the President has proposed be brought out between now and next May 1 are out, we would have about 85 percent of all our ground combat troops out of Vietnam.

I think this is the intention behind President Nixon's promised additional withdrawal. Does the gentleman have a different interpretation?

Mr. McCLOSKEY. No. I have not tried to interpret the announcement of the President, but it seems to me that, in a checkup of our strength in Vietnam, approximately one-fifth of our troops were included in the so-called maneuver battalions, the "striking forces," and the carrying on of combat against the Vietcong and the North Vietnamese, or about a four-to-one ratio of support troops to combat troops, so I have used the figure of approximately 110,000 combat troops as opposed to 440,000 support troops. And, in the first withdrawal of the President—the 115,000 troops—there was a far greater ratio of combat to support troops. So, it seems highly possible to me that the President's plan in withdrawing most of the combat troops by May of 1971——

Mr. ROBISON. If the gentleman will yield there, there are some logical reasons behind this, of course; centered, largely, around the fact that the training of South Vietnamese to replace our servicemen in artillery support, or in air support, and these kinds of efforts, are matters that require additional training time.

You can replace a ground combat soldier much more easily, and much more quickly, than you can train helicopter pilots. I think this is part of the President's problem and our problem in trying to arrive at how many of our servicemen we can get out in a year or two from now.

Mr. McCLOSKEY. Let me ask the second question, if I may:

Based on the reports we have had from the Committee on Appropriations, and the Secretary of Defense, it was my understanding that we estimated, for the fiscal year ending June 30, 1969, that that budget included about $30 billion expended in Vietnam. The following year that ended just recently, June 30, 1970, we had an estimate of $33 billion in Vietnam, and for the present fiscal year ending June 30, 1971, the estimate has been that approximately $17 billion would be expended in Vietnam, which would give some indication that if the withdrawal of 115,000 men—with roughly 50 percent combat troops—did reduce the budget by some $7 billion, then the reduction of another 150,000 this year would produce

a further reduction of an additional $6 billion.

I am wondering, since we face the defense appropriation bill coming before us in the next 30 or 60 days, if the gentleman in the well has any indication, or estimate, as to how much this year's budget might be reduced if we were willing to accelerate the withdrawal of troops from Vietnam as the gentleman proposes during this fiscal year.

Mr. ROBISON. My resolution, I might say to the gentleman, does not address itself to numbers at the moment now. It addresses itself to bringing out, first, our ground combat troops, as I have mentioned, and then bringing out all other combat or combat-support troops by July 1, of 1972.

The fiscal year the gentleman is asking about, I take it, is the current fiscal year, the one that ends June 30 of next year. If we are only going to accelerate the withdrawal of a few more ground combat soldiers during the balance of that fiscal year, I doubt that the financial impact on the 1971 budget would be very great. But, in the ensuing fiscal year, if we could so encourage the President and if we could, in fact, accelerate the withdrawal of our other combat-support troops from Vietnam, it would seem clear to me that the effect on that fiscal year's budget would be quite substantial.

Mr. McCLOSKEY. If I might ask one or two other questions; the essence of the gentleman's conclusion, if we were to assume that the President withdraws over 265,000 men during the first 2 years and, yet, leaves 284,000 men in Vietnam as of May of 1971, if this were to be accelerated so that all of our troops would be out, in essence, in 2 years rather than what would appear to be about 4 years under the President's program, this would indicate that the missions of Vietnamization and pacification, in the gentleman's opinion, could be accomplished just as easily in 2 years as in 4 years?

In the committee's consideration of what those tasks are—for American troops in Vietnam today—there is, first, the training of the South Vietnamese, with the recognition that we have been training South Vietnamese since 1960 and that, presumably as a result of the Cambodian operation and the increased morale and experiences of the South Vietnamese, we would finish their training just as easily next year as we could in the ensuing 3 years; is that a correct assumption?

Mr. ROBISON. Is it basically a correct assumption, although I do not know if anyone has addressed himself to the long-range problem of what kind of air support the South Vietnamese might need if they are going to survive as an independent and free society.

I do not think anyone has ever expressed any intention, on behalf of the U.S. Government, to train South Vietnamese pilots, or to give the Government of South Vietnam long-range bombers such as those that we have used, let us say, in the bombing of the Ho Chi Minh Trail, or portions thereof.

Mr. McCLOSKEY. If the gentleman could comment on this—from conversations with the gentleman and other members of the committee, it is my understanding, so far as combat-infantry training and artillery training of the Vietnamese is concerned, that the Vietnamese have reached such a point of competence that we would feel it is safe to leave them to their own training programs and such combat readiness as they have thus far achieved?

Mr. ROBISON. I think so. Certainly, I think they have established a good deal more confidence in themselves by their showing of competence in the Cambodian operation.

I think we ought to dwell on this at the moment in order to encourage them now to take on more of the burden of combat, and to do it far more rapidly than they now seem to be prepared to do.

I remember one American newsman, Keyes Beech, who has been in Saigon a long time, telling us that he had been a "hawk" from the beginning, with respect to Vietnam, but that now he felt that the Vietnamization program ought to be accelerated. In his words, it was time to "get a little nasty" with the people of South Vietnam—the point being, I think, that we need to encourage them to "pull up their socks," so to speak, and to begin to "swim"—as we think now they are ready to swim on their own.

Mr. McCLOSKEY. To go to the matter of communications and logistics training—does the gentleman in the well, or anyone on the committee, have any indication of how long American troop-training capacity may have to remain in Vietnam in order to bring the South Vietnamese to a level of communication and logistical capacity to conduct the war without an American troop presence?

Mr. ROBISON. I think the gentleman is getting into an area in which I am not personally competent to respond.

Perhaps my friend, the gentleman from Idaho (Mr. HANSEN), or the chairman of our committee wishes to comment on this.

Mr. MONTGOMERY. I do not really think such a time has been set by the American forces, logistically, or for the Air Force—either one.

However, I would state to the gentleman from California that I was greatly impressed with the advances, not only that the ARVN troops had made, but also by the Air Force of South Vietnam. This was my fourth trip over there.

I think, probably, we are underestimating the time that we can bring Americans out of South Vietnam. However, I do not see any time when we can be able to bring Americans out completely. I think, probably, we will have to provide some type of logistical and technical advice for some time to come in South Vietnam.

I am probably not giving the gentleman a definite answer to his question, but I would certainly say that in less than 4 years, and somewhere between 2 and 3 years that the South Vietnamese Air Force could be capable of taking over all combat operations—and the ARVN forces in less than 2 years.

Mr. McCLOSKEY. I thank the gentleman.

Mr. Speaker, I would like to commend the distinguished chairman of the committee and also the gentleman now in the well.

I think the committee, in its report, has well justified our investment of time and funds in making this particular investigation.

I have been struck by the fact that the Congress of the United States does owe its constituency an intelligent evaluation as to how our money is being spent on defense, today, and particularly in Vietnam.

I think the report of the committee throws a good deal of light on the deliberations that we will undertake next month, and perhaps the following month, on the allocation of further moneys to Vietnam.

This brings me to the last question to the gentleman: There has been mention, in the committee report, of the need to replace our diminishing military presence with increased financial assistance in order that the South Vietnamese Government may, hopefully, handle its domestic economy and problems. I note that, in the pacification program last year, to 10,000 or more villages in South Vietnam we paid the equivalent of about $10,000, or slightly less than that, to each village which would conduct its own civilian government—which is a major injection of U.S. funds into the civilian economy of Vietnam.

I am wondering if the gentleman, or the committee in its deliberations, reached any conclusions as to when the last American troops are withdrawn, what the level of American economic assistance should be; whether it is in the $3- or $4-billion-a-year level, or just what that sum might be?

Mr. ROBISON. The gentleman is asking a series of questions that point up, I believe, one fallacy of Vietnamization as a policy, if that is the only policy we are to have. The gentleman has been asking me—What is Vietnam going to cost us in the future? How many men will we need there? How much support will we have to give South Vietnam in future years?

The main thrust of my remarks, earlier, and also the thrust of my comments with regard to Vietnamization in my supplementary views, was to the effect that Vietnamization, standing by itself, is not a very good policy unless we are prepared, as I think the gentleman would agree, to go on for years watching the people of Vietnam continue to quarrel and to fight among themselves, and unless we are also prepared to go on giving substantial military and economic assistance to the people of South Vietnam, if it is to continue to be an independent nation, so that they can continue to carry on this particular conflict.

What I think is really needed, and what the thrust of our policy should be—and our primary objective should be—is to produce a just peace through a negotiated settlement. Then the burden of our continuing assistance to South Vietnam would be, I should think, in the economic areas; in trying to help them rebuild their nation that we have come so perilously close to destroying.

Mr. McCLOSKEY. Let me ask this question. I agree with everything the

gentleman has said, both in his report and here today on the floor. But how can we expect the North Vietnamese to be willing to negotiate a just peace at the same time as we accelerate our withdrawal from that country?

Mr. ROBISON. It seems to me that there are conditions prevailing in South Vietnam, and in their divided political structure, which could be improved upon if we could only convince the people of South Vietnam that we were, indeed, prepared to go home; that we were going home by a rather certain date, much closer than they presently anticipate is to be that date; and that, out of this, would come some social and political reforms and, thus, some additional strength to South Vietnam; then, as the people from the North watched this develop, over the next year or so, it might encourage them to seek a settlement of this long-standing dispute because, otherwise, they are going to face a failure, I think, of their intention to take over in the South.

Mr. McCLOSKEY. If I understand the gentleman correctly, it is implicit in what the gentleman has said that, as the U.S. presence diminishes, and the South Vietnamese will to fight and to reach a just peace on its own part increases, as of necessity they must, as we withdraw——

Mr. ROBISON. As they get closer together politically, and economically, and give evidence that they will begin to solve their own internal problems—Yes.

Mr. McCLOSKEY. Then it might impose a greater pressure on the North Vietnamese to make reasonable concessions than if we continue to fight this war, if we place the major burden of this war on the South Vietnamese.

Mr. ROBISON. That is about it.

Mr. McCLOSKEY. Then I want to ask a final question which has been on the minds of many of us. Beyond the final withdrawal of American troops, what would be the American posture in the event the North Vietnamese are then unwilling to return, in good health, the American prisoners of war?

Mr. ROBISON. That is a very disturbing question to me, and one I long considered in preparing the language of my own resolution. Particularly, I pondered over whether or not I ought to attach proviso to the effect that we would not withdraw totally until all our prisoners of war had been safely returned to us; that is, that all of our men who are prisoners of war in the north had been returned to us.

I think, if the gentleman will permit, that this is a matter to which Congress has addressed itself at considerable length otherwise, and that the President is doing about all he can in this regard at the moment. I think we will have to find a solution to it before we come home, but to attach this to a policy of coming home would, I think, be a mistake.

Mr. McCLOSKEY. I would have to concur in that comment of the gentleman. When I first ran for the Congress about 3 years ago, I suggested that our policy should be withdrawal over a 2-year period of time, which is precisely the gentleman's proposal here today. It seems to me, however, with respect to our prisoners of war, that we cannot make as a condition of our withdrawal that the North Vietnamese return these prisoners of war, because this would be asking for a concession at the same time that the gentleman suggests there be a turning over of the resolution of Vietnam and its government and its war and its peace to its own people.

But I would like to offer for the consideration of the gentleman, and the House, the possibility that 30 days after the last American has withdrawn from Vietnam, we should make it very clear to the North Vietnamese, if our prisoners of war are not returned in good health, 30 days after withdrawal, we would then authorize the President of the United States to take such action as may be necessary, and to use such weapons as he might choose, to obtain the release of our prisoners of war.

Mr. ROBISON. I thank the gentleman.

TRIBUTE TO PRESIDENT GUSTAVO DÍAZ ORDAZ OF THE REPUBLIC OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DE LA GARZA), is recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Speaker, on December 1 of this year, Mexican President Gustavo Díaz Ordaz will surrender the reins of government to newly elected chief of state Luis Echeverría Alvarez, and thus climax 6 years of devoted service to his nation. Today, I wish to take this opportunity to honor President Díaz Ordaz and to pay tribute to the outstanding contributions which he has made to his beloved Mexico.

The stature of the Mexican nation today must surely invoke pride in the hearts of her citizens. In the last four decades, Mexico has transformed itself from a nation languishing in abject poverty to one of the most rapidly progressing of all the developing countries—and this progress has been achieved against a background of both internal peace and independence. As Mexico begins the decade of the 1970's, she stands as a model for other nations in civic cohesion, economic progress and political stability. A visitor to this beautiful land cannot but sense the spirit of immense vitality, sense of purpose, and pride which pervades the Mexican atmosphere. President Díaz Ordaz must take great satisfaction in knowing that his efforts have contributed to the dynamic Mexico of 1970.

When Gustavo Díaz Ordaz became President in 1964, he pledged to sustain Mexico's continuing revolution, and to lend his efforts to the integral development of his nation—economically, socially, politically, and culturally. In particular, he pledged to work for the furtherance of agrarian reform, social welfare, and labor development, industrialization, education, and for the concept of democracy—which he has described as "working opportunities for all, an access to education for all, health for all of the people, bread for everyone, and a peaceful atmosphere, governed by liberty and justice, for all."

In the economic sphere, the Díaz Ordaz government, guided by multiple objectives of combating inflation, encouraging a favorable trade balance, maintaining the stability of the peso, and accelerating economic development, directed its efforts toward creating within Mexico a mixed economy—a balance in all economic sectors between private and government initiative and domestic and foreign investment. Largely as a result of the economic and fiscal policies of his administration, Mexico today boasts the fastest growing economy south of the Rio Grande. GNP has reached $30 billion annually and is climbing rapidly. Mexico's overall economic growth rate of 7 percent per year has annually been among the highest in Latin America. Today, the peso remains one of the world's soundest currencies, and the presence of extensive foreign private investment attests to world confidence in the Mexican economic atmosphere.

At the same time that President Díaz Ordaz has strived to maintain Mexico's economic upsurge, he has not allowed that goal to obscure his profound concern for the living standards of the Mexican population. He has often stated that the economic progress which Mexico is experiencing is of minor importance unless the national wealth is fairly distributed throughout all sectors of the population and put to use to provide the poor with bread and shelter, social well-being, and educational opportunities. In his words:

> The prosperity of one part of Mexico cannot be healthy if based on the poverty of another.

An area of critical economic concern in Mexico is the lagging agrarian sector. When President Díaz Ordaz took office, he announced that the greatest task of his administration would be that of improving the condition of the rural peasant. He put into effect an aggressive 20-point program dedicated to increasing agricultural productivity through improved farming techniques, intensified agricultural research, irrigation projects, increased mechanization, crop diversification, and major new infrastructure projects such as construction of rural feeder roads, water supply, and crop storage systems, and electrification. Additional government assistance was provided in the form of increased social security, agricultural insurance, and farm credits. In the area of rural social services, the administration provided for the construction of many new schools and public health centers. In addition, the rate of land redistribution was accelerated—during the 6 years of President Díaz Ordaz's term, more than 16 million hectares of land were distributed to 300,000 farm families. The President also instituted an innovative program of incentives to industries to encourage their location in overcrowded farm areas, thereby creating multiple new job opportunities in Mexico's most troubled areas.

Perhaps President Díaz Ordaz' greatest contribution to Mexico rests in the spirit of the man himself—in his great love for his people and in his profound respect for democracy and personal freedom. When he accepted the presidential

nomination in 1963, he pledged that his government would "protect and guarantee all liberties but one—the liberty of doing away with other liberties." During the 6 years of his term, Gustavo Díaz Ordaz kept his promise to the Mexican people, steering a political course which did not tolerate extremism from left to right, and insuring that the fundamental decisions of government evolved from a broad spectrum of political opinions. He once likened himself to a submarine on sonar:

> When I am picking up noise from both the left and right, I know that my course is correct.

He endeavored to broaden democratic channels, enlisting popular interest and participation in political and governmental affairs, and encouraging the formation of responsible opposition parties.

At the same time, President Díaz Ordaz devoted himself to molding his people into a cohesive unit, dedicated to the development, progress, and social well-being of the nation. He spoke once of national unity in words which I believe are relevant to all men and all nations in these explosive times:

> National unity is not the struggle of the men of the left to destroy the men of the right. National unity is not the eternal battle of two antagonistic principles. National unity is the sacrifice of our petty interests, the sacrifice of our passions. It is the waiving of our individual interests to give ourselves to a higher interest: the interest of the country.

I cannot end my salute to President Díaz Ordaz without paying special tribute to the man and to his countrymen for their role in hosting the XIX Olympic Games in October 1968. The Mexican nation must take deep satisfaction and legitimate pride in the outcome of its magnificent effort—this is the first time the Games were held in a Spanish-speaking country, the first time in a Latin American nation, and the first time a host country was chosen that was not among the economically fully developed nations. Sponsorship of the Games was indeed a challenge to Mexico's economic and technical capacities, and this challenge was met with honor, ability, efficiency, and creative imagination. The supreme effort of the Mexican people in bringing this ambitious undertaking to a successful conclusion brought Mexico international respect and recognition, and greatly enhanced her prestige around the world. In fulfilling their commitment, President Díaz Ordaz and the people of Mexico made a major contribution toward the goal of international friendship, human solidarity, and world peace.

Mr. Speaker and fellow Members of the House of Representatives, I hope that in this all too brief period of time, I have given you some insight into the greatness of the man who has served as President of Mexico for the last 6 years, and the variety of his accomplishments. Gustavo Díaz Ordaz—lawyer, judge, professor, politician, and statesman, has indeed served his nation and his fellow countrymen well. Under his guidance, the Mexican nation has continued to move forward in dynamic, creative, and peaceful progress.

Mr. Speaker, and my colleagues, permit me to add a personal note about President Gustavo Díaz Ordaz. He is a devoted husband, father, and grandfather. He is indeed a true friend to those who know him; he has a very warm and charming sense of wit which adds to the eloquence of his words.

Finally, one cannot speak of the accomplishments of President Díaz Ordaz without thinking of his gracious and very charming first lady, Dona Guadalupe Borja de Díaz Ordaz, who has truly earned by her actions the title of First Lady of Mexico.

I, therefore, respectfully invite you to join me in paying our most sincere respects to President Díaz Ordaz and his lady. Our love, admiration, and respect are theirs. Because of them our admiration and respect for Mexico have grown.

We wish them well in the future and many more years of service to Mexico and to mankind. And, as we would say in south Texas, "Hasta la vista, Presidente, y no olvide: Estámos con Díaz Ordaz."

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. DORN). Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

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. An average American family will spend approximately 16.5 percent of its disposable income on food compared to 25 percent in Western Europe and 50 percent in the Soviet Union.

ALABAMA EDUCATIONAL TELEVISION NETWORK PRESSURED TO PROGRAM LEWD AND OBSCENE MATERIAL

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, efforts are being made to pressure the Alabama educational television network into enforced programing of material considered by local ETV officials to be lewd and obscene. These efforts, emanating from New York and Washington, D.C., pose a threat to the future of educational television throughout the country.

At issue here is whether local ETV officials shall retain discretionary powers in programing or whether local ETV programing should be dictated by a single, centralized source. Political spokesmen in New York and private pressure groups in the Nation's Capital seek to deny local ETV agencies their right to operate their stations without outside interference.

In this regard, I believe it pertinent to note recent charges made by Mr. Thomas B. Petry, vice president and general manager of WCNY–TV in Syracuse, N.Y., concerning what Mr. Petry terms, and I quote, "leftist, and liberal bias in cultural and public affairs programing productions by national educational television headquarters in New York City." It is Mr. Petry's contention that since NET claims to provide an alternative program service to the American public it has the responsibility to present more balance and adequate representation of middle-ground conservatism in its productions.

I believe that Mr. Petry's position casts considerable light on the issue involved in Alabama ETV officials' refusal to program what they considered to be objectionable material.

Mr. Speaker, a centralized authority in New York City or Washington, D.C. has no more right to dictate educational television programing in Birmingham, Ala. than authorities in Birmingham, Ala. have to dictate ETV programing in New York City or the Nation's Capital. Efforts to enforce programing from outside the local community would bring into the national educational television picture the kind of narrow, distorted media bias to which the Vice President has objected in the area of commercial television.

I have, therefore, written the Honorable Dean Burch, Chairman of the Federal Communications Commission urging that the Commission continue to support the principle that ultimate decisionmaking power in the field of educational television programing should remain at the local level. With unanimous consent, I include the text of my letter to Chairman Burch in the RECORD:

> CONGRESS OF THE UNITED STATES,
> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., Aug. 3, 1970.*
>
> HON. DEAN BURCH,
> *Chairman,*
> *Federal Communications Commission,*
> *Washington, D.C.*
>
> DEAR MR. CHAIRMAN: My congratulations for what I believe to be a right decision on the part of the Federal Communications Commission in their recent renewal of the Alabama Educational Television Commission's license. It has come to my attention that efforts are still being made on the part of certain individuals and organizations to persuade the Commission to reconsider its decision in an effort to pressure the Alabama Educational Television network into enforced programming of National Educational Television productions which, in the opinion of AETV officials, contain lewd and obscene material. It is my profound hope that the Commission will see fit to stand by its very proper decision in this matter.
>
> In this regard, I wish to bring to your attention recent charges made by Mr. Thomas B. Petry, Vice President and General Manager of WCNY–TV in Syracuse, New York. In a carefully considered brief, developed as the result of his own experience as a local educational television official, Mr. Petry has charged that those in control of National Educational Television network productions are guilty of a narrow leftist bias in cultural and public affairs programming. Mr. Petry has, therefore, called for increased balance in NET programming—balance which would include representation of conservative and middle-road viewpoints not now being presented.
>
> Mr. Petry points out that many individual local stations in all parts of the country are increasingly uneasy over the concentration of decision-making authority in educational television production. In brief, he makes the point that because of a New York City orientation, the existing structure of National Educational Television programming is inherently sectional rather than national.
>
> All of this is, of course, pertinent to the question of whether local educational tele-

vision authorities, not only in Alabama but throughout the country, are to be subject to the cultural and political dictates of a small, elitist group in influential positions at NET's New York City headquarters. If this were to occur, it would result, in my opinion, in the debasement and ultimate destruction of educational television as an effective force on the national scene.

It is, therefore, my hope that the Federal Communications Commission will repudiate the efforts of this elitist group to enforce its cultural and political views on local educational television and that members of the Commission will continue to support the principle that ultimate decision-making power in the field of educational TV programming should remain at the local level.

With warmest good wishes,

Sincerely,

JOHN H. BUCHANAN, Jr.
Member of Congress.

H.R. 18766—TO PROVIDE FOR A MODEL PRESCHOOL AND ELEMENTARY SCHOOL FOR THE DEAF

(Mr. CAREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CAREY. Mr. Speaker, I am today sponsoring legislation that will modify and enlarge the authority of Gallaudet College—the only college for the deaf in the world—to enable it to maintain and operate the Kendall School as a demonstration preschool and elementary school for the deaf.

As the sponsor of legislation that established the Model Secondary School for the Deaf at Gallaudet, the National Technical Institute for the Deaf at the Rochester Institute of Technology, and the Bureau of the Handicapped in the Department of Health, Education, and Welfare, I recognize the need for a greater emphasis upon education from the onset of deafness up to and including the junior high school level. The fact that Gallaudet remains the leading institution for the deaf throughout the world and the success of the model secondary school is all the more reason that those facilities should now be expanded to provide educational services to deaf preschool and elementary school children.

The interest and commitment of the Congress in and to the Kendall School and Gallaudet College goes back to 1857 when Congress approved an act to incorporate the Columbia Institution for the Deaf, Dumb, and Blind which in 1885 was renamed the Kendall School for the Deaf. Through succeeding acts and annual appropriations, Congress has continued its support of these institutions.

As an integral part of Gallaudet, the Kendall School has grown with the college and gained preeminence for its services and special projects. Many of its teachers hold academic rank on the college faculty and a close relationship exists between the two.

The board of directors of Gallaudet College requested a committee composed of nationally prominent persons to study the complete role and function of the college and all its programs. One of its recommendations was that consultants be employed to assist the college in expanding and developing the Kendall School as a demonstration center for the education of deaf preschool and elementary schoolchildren. The legislation I am introducing today would provide the framework which is necessary to operate the Kenedall School in this manner.

The Kendall School should be expanded into a preschool and elementary school facility for the following reasons:

First, the expansion of the school into a demonstration facility of this kind would represent a logical and natural progression in its development.

Second, the establishment and operation of the Model Secondary School for the Deaf—Public Law 89-694—has created new perspectives in regard to the education of the deaf.

Third, the rubella epidemic of 1963–65 and the predicted epidemic in 1972–73 are creating a need for a more appropriate learning environment.

Most professionals who are knowledgeable in this area agree that unless major efforts are made at least at the elementary level many deaf students will not be able to benefit from federally supported programs such as the Model Secondary School and the National Technical Institute for the Deaf—Public Law 8936—because it will be too late to bridge the educational gap. Emphasis, therefore, must be placed upon the establishment of a school for elementary and preschool deaf children.

A demonstration program for deaf children at the elementary level can be established with a minimum expenditure of Federal funds by utilizing the physical facilities and competent staff of the Kendall School. The full resources of Gallaudet College and the area could be utilized in the development and testing of superior elementary programs. The center would also be readily accessible to visiting educators.

The faculty of the Kendall School has acquired a great deal of knowledge and expertise over the past 10 years through pilot projects in several critical areas made possible by Federal grants and the current program at the school can be easily adapted to programs at the preschool and elementary levels. Certain of the programs piloted for the Model Secondary School indicate that similar educational approaches could be of significant benefit to students at earlier levels.

Some of the pilot programs conducted by the Kendall School with one-time project grants are:

Individualized instructional approaches such as computer-assisted instruction in mathematics and English with individual study units. This project indicated that such techniques offer great promise as mediums to which deaf students can relate and through which they can learn.

The production of media and materials to assist teachers in the development of classroom materials.

The integration of deaf students with hearing students on a classroom exchange basis in areas where the children are relatively equal in background and interest.

The introduction of optimal acoustic classroom conditions in order to assist deaf children in making consistent utilization of amplification equipment.

Summer sessions combining academic and recreational programs to prevent regression during the summer months.

An intensive hom-training project and inschool parent education for families with young deaf children.

Finally, a project providing social workers with an orientation to deafness in preparation for consultations with classroom teachers, home visits, parent education, and counseling of students has demonstrated the effectiveness of such services in the education of deaf children.

The knowledge derived from these projects and the experience of the past 10 years is presently available for adaptation to new approaches to improve the education of young deaf children. Under the legislation I am proposing the Kendall School will have the resources necessary to disseminate this present knowledge and that gained through the expansion of the school's facilities to other schools and institutions throughout the country. The availability of such information would encourage and make possible the development of similar centers in other areas.

Programs developed under this proposed expansion would offer optimal educational growth through a continuity which does not now exist. Such continuity is imperative if the educational needs of tomorrow's deaf children are to be met.

THE BUDGET DEFICIT

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, the budget deficit for fiscal year 1970 which the administration announced last week continues to be a topic of discussion both public and private.

The administration's budget totals for fiscal year 1970 show a deficit in the unified budget of $2.91 billion. Expenditures totaled $196.15 billion while receipts were $193.84 billion. Both expenditures and receipts were lower than the estimates made by the administration in February and in May.

Expenditures were down by $1.1 billion from the May projections and $1.4 billion from the February budget projections. The major change, however, came in receipts. They fell by $2.6 billion since the estimates released in May and by $5.5 billion from the estimates in February.

What these figures prove—indisputably—is that the budget deficit did not result from overspending but from a shortfall in revenues from an increasingly sluggish economy.

This simple truth is in danger of being lost in a tidal wave of propaganda about this Congress being a spendthrift Congress.

In the interest of enlightening our dialog about Federal expenditures, I am inserting in the RECORD a knowledgeable column by Messrs. Rowland Evans and Robert Novak, which appeared in this morning's Washington Post, and calling it to the attention of my colleagues:

PRESIDENT RUNS INTO A ROADBLOCK IN DRIVE TO HANG BIG-SPENDER LABEL ON THE CONGRESS

Facing a budget deficit of proportions unimaginable a few months ago, President Nixon has run into two roadblocks in his long-planned campaign to put the blame for the red-ink spending on Congress.

Roadblock No. 1: Even though the education money bill just passed by Congress exceeds Mr. Nixon's spending guidelines about as much as last year's, which Mr. Nixon vetoed, congressional Republicans are so militantly opposed to a second veto that the President will let it become law.

Roadblock No. 2: A bipartisan coalition of liberals in Congress is concocting a plot to outmaneuver President Nixon after he vetoes another appropriations bill—this one containing money for the Department of Housing and Urban Development (HUD). The plot is to rewrite the bill so that it falls within Mr. Nixon's overall spending limit by cutting space spending, thus keeping HUD money earmarked for cities at levels far above the President's.

These roadblocks imperil Mr. Nixon's strategy to use veto politics in the 1970 elections. Accordingly, the grand White House design to hang the high spending tag around the Democratic Congress is clearly in trouble.

Moreover, the Nixon administration may be suffering some substantive ill effects from its veto politics. There is private White House concern that the President and his advisers are believing their own rhetoric—that is, deluding members into thinking that Congress really is responsible for a highly inflationary budget deficit (now looming at $15 billion or higher).

That would mean ignoring the true causes of the shocking deficit—the inexorable upward creep of federal spending, the economic decline, and the end of the surtax. It would also permit a convenient postponement of possible tax increases.

According to close associates, Mr. Nixon entered the presidency curiously eager to cast his first veto against the Democratic Congress. That came on last year's education bill and was a political success—sustained by the House and sold to the public over television by the President himself. White House politicians conjured up visions of many vetoes, pinioning congressional Democrats as free spenders.

Thus, several presidential advisers have wanted the President to veto this year's education appropriations bill. Option papers sent to the oval office from the Office of Management and Budget (OMB) strongly pointed toward a veto.

But Republicans in Congress are pressing Mr. Nixon hard not to veto the measure. Rep. Albert Quie of Minnesota, a well-respected Nixon loyalist, sent the President a confidential letter strongly urging that the bill become law. If it is vetoed, Quie continued, he could not vote to sustain it.

The party leadership in Congress informed the President that there are enough Quies to assure that a Nixon Veto would be overridden, as was the recent veto of Hill-Burton hospital funds. The Hill leaders strongly recommended against a second straight reverse.

Mr. Nixon can partially offset his ducking the issue on education by his probable veto of the money bill for HUD. Rep. Gerald Ford of Michigan, the House Republican Leader, privately informed the President he has 156 votes (11 more than necessary) to sustain the veto, which he has recommended.

But vetoing one bill while signing another, even though both well exceed his limits, mutes the forces of White House rhetoric, (explaining the relatively mild presidential remarks at last week's press conference). Moreover, he has no ready defense against the liberals' plot to repass the vetoed bill with housing funds still far above presidential specifiations—but with the space program scaled down to keep the overall amount within the Nixon budget.

Thus, administration officials who were confidentially forecasting that Mr. Nixon would become the first post-war president to saddle Congress with high spending now admit that veto politics is blurred. While losing the political advantage, the administration is stuck with a largely uncontrollable budget, a huge deficit, and still more inflation.

CONGRESS TAKES STEPS TO IMPROVE HEALTH OF OUR PEOPLE AGAINST STIFF OPPOSITION, INCLUDING PRESIDENTIAL VETOES

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, the United States is the richest country in the world. We have the highest standard of living and the greatest technology in history. By all rights, we should be the healthiest of the peoples of the world, but we are not. By any index—whether infant mortality or death rate—we fall short of what anyone would desire.

I do not imagine there is any responsible individual in public life who does not appreciate this fact of life and who does not wish to see it corrected.

Yet, when Congress takes steps to improve the health of our people it is always against stiff opposition, including Presidential vetoes.

This was the topic of a recent newsletter by my good friend and colleague, the gentleman from Illinois, Congressman SID YATES. Congressman YATES is eminently qualified to discuss this subject, and I am therefore inserting his excellent newsletter into the RECORD and calling it to the attention of my colleagues.

NEWSLETTER No. 303

DEAR FRIEND: The story is told of the time Thaddeus Stevens brought a lady whose son had been court martialed and sentenced to death to see President Lincoln about a pardon. When extenuating circumstances were shown, the President said he would grant the pardon. The gratitude of the mother was beyond expression. With tears streaming down her cheeks, she kissed the President's hand, but could not speak. As she was led out and as they descended the stairs, she suddenly stopped and exclaimed: "I knew it was a copperhead lie!" Stevens was startled. "What do you mean?" he asked. "They told me he was an ugly man," she said. "Why, he's the handsomest man I've ever seen!"

Ugliness or beauty is in one's point of view, as is essentiality or dispensability. President Nixon has been criticizing the Democratic Congress for voting expenditures beyond his budget recommendations, while Democrats have blamed the Nixon administration for not budgeting money for the nation's most vital needs, like the nation's health care, for example. On July 10, 1969, President Nixon walked into the Rose Garden of the White House and said to the assembled press: "The report I have received from Secretary Finch and Dr. Egeberg (about national medical needs) indicates that the problem is much greater than I had realized. We face a massive crisis in this area and unless action is taken, both administratively and legislatively, to meet that crisis within the next two or three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout this country . . . I don't think I am overstating the case."

There is no doubt the President's appraisal was correct, but the amounts he placed in the budget to meet the crisis were woefully inadequate. More than a year has gone by since Mr. Nixon made his statement and little progress has been made. Disregarding the fact that our national shortage of physicians is 50,000 and getting worse year by year, the administration has been cutting back funds for the nation's medical schools as one means to fight inflation. More than half the medical schools are receiving Federal distress grants while others are reducing their scholastic programs. The famous Johns Hopkins Medical School faces a current deficit of $900,000. Paradoxically, while thousands of American college graduates are attending foreign medical schools, we are importing almost as many doctors every year as our medical schools turn out. Only 20 new medical schools have been created since 1960. At least 25% of nursing jobs throughout the country go unfilled. Fifteen million American children have never seen a dentist or received dental care.

The Undersecretary of the Department of Health, Education and Welfare testified before congressional committees that the Nation's hospital needs for new construction and modernization approximate $11 billion. That huge backlog was the reason why the House, with my vote, recently overrode President Nixon's veto of the Hill-Burton hospital construction bill, and that was one of the reasons, too, why I joined this week with several members of the Appropriations Committee in an effort to increase by $360 million the budget allocations for hospital construction and health care in the appropriations bill for the Department of H.E.W. "A massive crisis requires a massive attack," I said to the House. "The President's allocation is like throwing a rope 30 feet long to help a man who is drowning 50 feet away." Our amendment lost by a rather narrow margin but I believe the Senate will vote the necessary appropriations to reverse the growing deterioration in our health care programs and facilities.

This nation has the brains and resources to provide the best medical care of any nation in the world, but we are not doing it. It is true there are many demands on the budget for Federal dollars, but certainly the health of the people of our country must command a priority of the highest level. One remembers the time when actor Danny Kaye was raising money on behalf of the United Nations Children's Fund and found himself facing a bitter critic who said too much money was being spent in disrupting nature's way of ridding the world of surplus population through poverty and disease. Kaye replied: "Your logic is infallible . . . but would you put it to the test the next time your own child gets sick?"

Sincerely,

SIDNEY R. YATES,
Member of Congress.

THE McATEER REPORT

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the massive and well-documented report prepared under the direction of J. Davitt McAteer, and entitled "Coal Mine Health and Safety Act" has stimulated widespread public comment. Many of these comments were reprinted in the July 27, 1970, RECORD commencing on page 25860.

I am pleased to include with my re-

marks an excellent article by Ray Martin, with a more personalized account of Mr. McAteer himself, which appeared in the Sunday Dominion News of Morgantown, W. Va., on August 2, 1970:

McATEER—"THERE WAS MORE TO IT THAN FARMINGTON"

(By Ray Martin)

No individual or group associated with coal mining in West Virginia managed to escape recognition in a 689-page report released last weekend. Stunned silence has taken the place of the usual spate of vituperative words which were expected in the wake of such a monumental indictment.

Who is J. Davitt McAteer, the editor and chief of the study group which produced the volume called "Coal Mining Health and Safety in West Virginia?"

What led to the study and why did the young man undertake it?

James Davitt McAteer is 26 years old and a native of Fairmont. He is the son of John Marshall and Rosemary McAteer, who still live in the Marion County city.

Although his father was not a coal miner, both his maternal and paternal grandfathers spent their working lives as miners. One worked for a company which was subsequently acquired by Consolidation Coal Co., while the other was employed at the Frick Mine operated by U.S. Steel Co.

Aside from the knowledge he gained at his father's knee, John Marshall McAteer, Davitt's father, got his own insight on the problems of mining through 20 years of employment with the West Virginia Armature Co., which serves area coal mines. The elder McAteer now operates a small "general" store in Fairmont.

James Davitt McAteer goes to great length to emphasize one piont about his recently released report. "It's not Ralph Nader's report," he stressed, noting "the only thing he had to do with it was to contribute funds as did eight other people or organizations."

He said it was unfortunate that some Washington newsmen wrote their stories in a manner which created an impression that the consumer crusader "actually guided" the McAteer study.

The students listened, read the legislative proposals and then prepared their own recommendations, taking the better features from each of the respective proposals.

For Davitt McAteer, at least, the experience of the extracurricular study of the Mountain State's "black lung" legislation didn't end his interest in laws affecting mines and miners. If anything, it broadened the panorama of his horizon. He continued his search for answers to unresolved questions.

Thoughts jelled in Davitt's mind, on the basis of family experiences, in the wake of the Farmington No. 9 Mine disaster at Mannington on Nov. 20, 1968, which claimed the lives of 78 miners.

"But there was more to it than Farmington," explains the 1970 graduate of the West Virginia University College of Law.

He asked questions in the academic community and didn't get answers that satisfied his intellectual curosity.

During the campaign in 1969 which led to the State Legislature's passage of amendments to the Workmen's Compensation Act making miners eligible for disability payments if they had "black lung," McAteer and a group of WVU law students grasped for an understanding of the problem.

Professional and academic elders couldn't find the time to discuss the medical and legal aspects of coal worker's pneumoconiosis (black lung) with the students, who in the span of a year's time would be dealing with the problems as full-fledged members of the professional community themselves.

This didn't quench McAteer's thirst for knowledge. The then third-year law school student obtained copies of the bills which had been introduced in the State Legislature. He and his fellow students invited proponents of the "black lung" law as well as opponents, who were willing to participate, to a panel discussion.

On the human side of life, Davitt and Julie Domenick became mutually aware of each other prior to the Farmington disaster.

Julie, who became Mrs. James Davitt McAteer in a nuptial mass yesterday, recalled that she became engrossed in her future husband's coal studies because that was the "only way I could get to see him."

Like Davitt, both of Judie's grandfathers worked in the mines, giving her some understanding of the problems faced by coal miners.

The couple were wed yesterday in St. Ann's Church in Belle Vernon, Pa., the city where Julie was born 24 years ago.

The new Mrs. McAteer is a 1968 graduate of WVU. She has been a member of the faculty of Morgantown Junior High School for the last two school years, where she teaches English. She is also proficient in Spanish.

The daughter of Mr. and Mrs. Ralph Domenick, Julie spent most of her time in the last year, when she wasn't teaching at MJHS, assisting her future husband with various aspects of the report which was made public a week ago in Charleston and Washington.

The new bride indicated that she and her husband would be "busy" catching up on life during their honeymoon and afterward. When last seen, the new Mrs. McAteer was trying to convince her husband that he should take it easy for at least a month.

She realizes that Davitt will strive to get the recommendations contained in the report implemented as soon as possible. The new bride recalled that the traditional social amenities, like movie dates, didn't exist for the alterbound couple very often while the coal study was in progress.

Julie is especially proud of the unique engagement ring which she received from Davitt. Mounted in a traditional setting, the stone instead of a diamond is a 1½-carat piece of anthracite coal—coal being called "black diamond."

"That ring means more to me and us than a regular diamond," Julie said, as her husband-to-be vowed to replace it with a regular diamond on their 50th wedding anniversary.

Aside from a thirst for knowledge, Davitt McAteer was motivated to conduct his study of coal mining and its laws on the basis of a deeply held personal belief.

"Students who attend WVU are privileged," Davitt said. "Not everyone in every town in West Virginia has the opportunity to attend the University. Thus, those who do, have a responsibility to their fellow townspeople.

"We must use the roles or professions that we learn at the University for the benefit of the state and all its citizens," Davitt explained.

The young attorney's thinking extends far beyond coal mining. He questions, for instance, why chemical engineering students at WVU have not publicly put forth suggestions for abatement of pollution in the Charleston area.

He recognizes that there are differences in the various sections of the Mountain State. Areas, such as Morgantown, are more diversified economically than some of the southern communities in West Virginia. For that reason, Davitt explained, a student attending WVU from the Beckley area has a "greater responsibility" to his community than one from the University City.

The young man who had just completed one of the most exhaustive studies of coal mining ever undertaken suggested that consideration be given to the establishment of satellite schools of mining to serve those areas of the state dependent upon the industry for their economic life.

Davitt expressed concern about the basic attitudes of a large majority of his contemporaries at WVU.

One group, which he called the "frat brats," is concerned with personal economic advancement. Another group, he said, seeks quick and easy answers to hard problems.

In making the observation, Davitt noted that he was faced with large doses of apathy as he sought to enlist students to help him conduct his study.

As chief of the study group and editor of its report, Davitt is inclined to take a somewhat charitable view of some of the individuals and agencies who were criticized.

"Possibly some people didn't known problems existed, but they can no longer deny their existence," Davitt said, explaining that he was willing to be "patient" while the affected persons read his 689-page report.

He hopes that those named in the report won't "just pick it apart," but will recognize "there's a problem and work towards its resolution."

The WVU graduate hopes that the general public will continue to have an interest in the problems of coal miners and the coal industry.

"We cannot afford to wait for another Farmington to generate interest," Davitt declared.

He pointed out that the problems of West Virginia's coal fields can't be solved in New York or some other distant place. Students, he said, should have a direct interest in solving these problems.

"Instead of talking fraternity talk or planning revolutions, students at WVU should concern themselves with helping the people in the communities from which they came," Davitt said.

He explained that motivation for this type of service was one of the roles of teachers at the University.

At the moment, Davitt hasn't quiet decided what he'll do job-wise when he returns from his honeymoon. He is considering possible positions in Morgantown, Charleston and the nation's capital.

He shuns detailed comment about the job he didn't get as mineral resources assessor with Tax Commissioner Charles Haden's staff in Charleston. Reportedly, Gov. Arch A. Moore vetoed the job appointment after reading an advance copy of the McAteer report, which was critical of the State Department of Mines as well as the state's current tax policies with regard to coal lands.

While he doesn't say it, Davitt probably thinks the governor was politically astute when he denied him the opportunity to work for the tax commissioner. Hiring a critic would be tantamount to agreeing that his criticisms were correct and it would be insulting to those individuals and state agencies who were criticized.

Davitt has hopes that other students at WVU will have the initiative and motivation to launch similar studies which could lead to the resolution of other problems facing West Virginia.

The study wasn't easy to do. It had its frightening moments, too. The study group received threats of "consequences" if the members continued their work.

The Federal Bureau of Investigation never did give the students any information about the occupant of the car "with the strange license tag" which had been followed to Pennsylvania, after one of the threats.

In securing the funds for the study, Davitt McAteer prepared a 10-page prospectus of the study's goals. It touched most of the points contained in the final study. The factor which probably provided the major motivation for the study are these words relative to the school from which Davitt graduated this year:

"The West Virginia University College of Law has in the past neglected to provide its share of information and suggestions on the topic. The Index to the West Virginia

University 'Law Review' lists only one article on the subject. While the College of Law produces the vast majority of the members of the West Virginia Bar, it has failed to play the necessary role in the encouragement of original research and studies relating to the laws dealing with the health and safety of the coal miners. The basic tenet that the College of Law should play a leading role is supported by the fact that the state of West Virginia produces 25 percent of the United States' coal output.

"Although one of the nation's leading authorities on the subject of Coal, Oil and Gas Law, Prof. Robert J. Donley, teaches at the College of Law, his emphasis has not been directed to the safety field.

"Hopefully, this project will create a new emphasis and stimulate greater interest in the College of Law so that it will assume its expected role as a leader in the area of mining law," Davitt said in his prospectus.

When he returns from his honeymoon, Davitt will conclude the current phase of activity relative to "Coal Mining Health and Safety in West Virginia." He faces a minor economic nightmare: If all the copies of the report are sold, the printing and production bill will be paid with a few dollars to spare. If not, the chief author will have to pay the University printers from future earnings.

Davitt and his new bride, Julie, looked at the potential problem philosophically though.

"We'll meet that problem just as we have all the others since March of 1969. We'll work it out somehow," the couple said as they made final preparations for yesterday's trip down the aisle of St. Ann's Church and the beginning of a new life and new challenges.

CONFERENCE REPORT ON H.R. 17070, THE POSTAL REORGANIZATION ACT

Mr. DULSKI submitted the following conference report on the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1363)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Postal Reorganization Act".

UNITED STATES POSTAL SERVICE

SEC. 2. Title 39, United States Code, is revised and reenacted, and the sections thereof may be cited as "39 U.S.C. § ", as follows:

"TITLE 39—POSTAL SERVICE

"PART I—GENERAL

"Chapter 1.—POSTAL POLICY AND DEFINITIONS

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

"(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

"(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

"(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

"(e) In determining all policies for postal services the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

"(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

"(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

"§ 102. Definitions

"As used in this title—

"(1) 'Postal Service' means the United States Postal Service established by section 201 of this title;

"(2) 'Board of Governors,' and 'Board', unless the context otherwise requires, mean the Board of Governors established under section 202 of this title; and

"(3) 'Governors' means the 9 members of the Board of Governors appointed by the President, by and with the advice and consent of the Senate, under section 202(a) of this title.

"Chapter 2.—ORGANIZATION

"§ 201. United States Postal Service

"There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

"§ 202. Board of Governors

"(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of $10,000 a year plus $300 a day for not more than 30 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 30 days.

"(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

"(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

"§ 203. Postmaster General; Deputy Postmaster General

"The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

"§ 204. Assistant Postmasters General; General Counsel; Judicial Officer

"There shall be within the Postal Service a General Counsel, such number of Assistant Postmasters General as the Board shall consider appropriate, and a Judicial Officer. The General Counsel, the Assistant Postmasters General, and the Judicial Officer shall be appointed by, and serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements

of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General.

"§ 205. Procedures of the Board of Governors

"(a) The Board shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

"(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

"(c) The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except—

"(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

"(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

"(3) as otherwise provided in this title.

"(d) No officer or employee of the United States may serve concurrently as a Governor. A Governor may hold any other office or employment not inconsistent or in conflict with his duties, responsibilities, and powers as an officer of the Government of the United States in the Postal Service.

"§ 206. Advisory Council

"(a) There shall be a Postal Service Advisory Council, of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of major mail users, and (3) 3 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(b) The Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

"(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

"§ 207. Seal

"The seal of the Postal Service shall be filed by the Board in the Office of the Secretary of State, judicially noticed, affixed to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service.

"§ 208. Reservation of powers

"Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made by the Postal Service under any power conferred by this title.

"Chapter 4.—GENERAL AUTHORITY

"Sec.
"401. General powers of the Postal Service.
"402. Delegation of authority.
"403. General duties.
"404. Specific powers.
"405. Printing of illustrations of United States postage stamps.
"406. Postal services at Armed Forces installations.
"407. International postal arrangements.
"408. International money-order exchanges.
"409. Suits by and against the Postal Service.
"410. Application of other laws.
"411. Cooperation with other Government agencies.
"412. Nondisclosure of lists of names and addresses.

"§ 401. General powers of the Postal Service

"The Postal Service shall have the following general powers:

"(1) to sue and be sued in its official name;

"(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

"(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

"(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

"(5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;

"(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2002 of this title;

"(7) to accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business;

"(8) to settle and compromise claims by or against it;

"(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

"(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

"§ 402. Delegation of authority

"Except for those powers, duties or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to the Postmaster General or committees shall be consistent with other provisions of this title, shall not relieve the Board of full responsibility for the carrying out of its duties and functions, and shall be revocable by the Governors in their exclusive judgment.

"§ 403. General duties

"(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 406 and 411 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. The Postal Service shall serve as nearly as practicable the entire population of the United States.

"(b) It shall be the responsibility of the Postal Service—

"(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

"(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

"(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

"(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

"§ 404. Specific powers

"Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

"(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

"(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

"(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

"(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

"(5) to provide philatelic services;

"(6) to provide, establish, change, or abolish special nonpostal or similar services;

"(7) to investigate postal offenses and civil matters relating to the Postal Service;

"(8) to offer and pay rewards for information and services in connection with violations of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; and

"(9) to authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service.

"§ 405. Printing of illustrations of United States postage stamps

"(a) When requested by the Postal Service, the Public Printer shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

"§ 406. Postal services at Armed Forces installations

"(a) The Postal Service may establish branch post offices at camps, posts, bases, or

stations of the Armed Forces and at defense or other strategic installations.

"(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

"§ 407. International postal arrangements

"(a) The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Postal Service construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

"(b) The Postal Service shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.

"§ 408. International money-order exchanges

"The Postal Service may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

"§ 409. Suits by and against the Postal Service

"(a) Except as provided in section 3628 of this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

"(b) Unless otherwise provided in this title, the provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

"(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

"(d) The Department of Justice shall furnish, under section 411 of this title, the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

"§ 410. Application of other laws

"(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

"(b) The following provisions shall apply to the Postal Service:

"(1) section 552 (public information), section 3333 and chapters 71 (employee policies) and 73 (suitability, security, and conduct of employees), and section 5532 (dual pay) of title 5, except that no regulation issued under such chapters or sections shall apply to the Postal Service unless expressly made applicable;

"(2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;

"(3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);

"(4) the following provisions of title 40:

"(A) sections 258a–258e (relating to condemnation proceedings);

"(B) sections 270a–270e (known as the Miller Act, relating to performance bonds);

"(C) sections 276a–276a–7 (known as the Davis-Bacon Act, relating to prevailing wages);

"(D) section 276c (relating to wage payments of certain contractors);

"(E) chapter 5 (the Contract Work Hours Standards Act); and

"(F) chapter 15 (the Government Losses in Shipment Act);

"(5) the following provisions of title 41:

"(A) sections 35–45 (known as the Walsh-Healey Act, relating to wages and hours); and

"(B) chapter 6 (the Service Contract Act of 1965); and

"(6) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964).

"(c) Subsection (b)(1) of this section shall not require the disclosure of—

"(1) the name or address, past or present, of any postal patron;

"(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

"(3) information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of this title or minutes of, or notes kept during, negotiating sessions conducted under such chapter;

"(4) information prepared for use in connection with proceedings under chapter 36 of this title;

"(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

"(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

"(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.

"(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under paragraph (1) of this subsection.

"(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

"§ 411. Cooperation with other Government agencies

"Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them. The furnishing of property and services under this section shall be under such terms and conditions, including reimbursability, as the Postal Service and the head of the agency concerned shall deem appropriate.

"§ 412. Nondisclosure of lists of names and addresses

"Except as specifically provided by law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

"Chapter 6.—PRIVATE CARRIAGE OF LETTERS

"Sec.
"601. Letters carried out of the mail.
"602. Foreign letters out of the mails.
"603. Searches authorized.
"604. Seizing and detaining letters.
"605. Searching vessels for letters.
"606. Disposition of seized mail.

"§ 601. Letters carried out of the mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

"§ 602. Foreign letters out of the mails

"(a) Except as provided in section 601 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 603. Searches authorized

"The Postal Service may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reason to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle; or

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

"§ 604. Seizing and detaining letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Postal Service or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

"§ 605. Searching vessels for letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Postal Service to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 606. Disposition of seized mail

"Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

"PART II—PERSONNEL

"Chapter 10.—EMPLOYMENT WITHIN THE POSTAL SERVICE

"§ 1001. Appointment and status

"(a) Except as otherwise provided in this title, the Postal Service shall appoint all officers and employees of the Postal Service.

"(b) Officers and employees of the Postal Service (other than those individuals appointed under sections 202, 204, and 1001(c) of this title) shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures, in accordance with this title, to assure its officers and employees meaningful opportunities for promotions and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing.

"(c) The Postal Service may hire individuals as executives under employment contracts for periods not in excess of 5 years. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any such individual without prejudice to his contract rights.

"(d) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board or of the Postal Rate Commission) and as an officer or employee of any other department, agency, or establishment of the Government of the United States.

"(e) The Postal Service shall have the right, consistent with section 1003 and chapter 12 of this title and applicable laws, regulations, and collective-bargaining agreements—

"(1) to direct officers and employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign, and retain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

"(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted;

"(6) to prescribe a uniform dress to be worn by letter carriers and other designated employees; and

"(7) to take whatever actions may be necessary to carry out its mission in emergency situations.

"§ 1002. Political recommendations

"(a) Except as provided in subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except a Governor or member of the Postal Rate Commission) shall be made without regard to any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

"(4) any other individual or organization.

"(b) Except as provided in subsection (e) of this section, a person or organization referred to in clause (1), (2), (3), or (4) of subsection (a) of this section is prohibited from making or transmitting to the Postal Service, or to any other officer or employee of the Government of the United States, any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the Government of the United States, subject to subsection (e) of this section—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such written recommendation or statement received by him, appropriately marked as in violation of this section, to the person or organization making or transmitting the same.

"(c) A person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation is prohibited from requesting or soliciting any such recommendation or statement from any person or organization except a statement of the type referred to in subsection (e)(2) of this section.

"(d) Each employment form of the Postal Service used in connection with any such appointment, promotion, assignment, transfer, or designation shall contain appropriate language in boldface type informing all persons concerned of the provisions of this section. During the time any such appointment, promotion, assignment, transfer, or designation is under consideration, appropriate notice of the provisions of this section printed in boldface type shall be posted in the post office concerned.

"(e) The Postal Service or any authorized officer or employee of the Government of the United States may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the Postal Service or such authorized officer or employee, any statement with respect to a person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, if—

"(1) the statement is furnished pursuant to a request or requirement of the Postal Service and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person;

"(2) the statement relates solely to the character and residence of such person;

"(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether such person meets the loyalty, suitability, and character requirements for employment with the Government of the United States; or

"(4) the statement is furnished by a former employer of such person pursuant to a request of the Postal Service, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.

"(f) The Postal Service shall take any action it determines necessary and proper, including but not limited to suspension, removal from office, or disqualification from the Postal Service, to enforce the provisions of this section.

"(g) The provisions of this section shall not affect the right of an officer or employee of the Postal Service to petition Congress as authorized by section 7102 of title 5.

"§ 1003. Employment policy

"(a) Except as provided under chapters 2 and 12 of this title or other provision of law, the Postal Service shall classify and fix the compensation and benefits of all officers and employees in the Postal Service. It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. No officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule under section 5312 of title 5.

"(b) The Postal Service shall follow an employment policy designed, without compromising the policy of section 101(a) of this title, to extend opportunity to the disadvantaged and the handicapped.

"§ 1004. Supervisory and other managerial organizations

"(a) It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of quali-

fied and capable supervisory and other managerial personnel; to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and other managerial personnel; to establish and maintain continuously a program for all such personnel that reflects the essential importance of a well-trained and well-motivated force to improve the effectiveness of postal operations; and to promote the leadership status of such personnel with respect to rank-and-file employees, recognizing that the role of such personnel in primary level management is particularly vital to the process of converting general postal policies into successful postal operations.

"(b) The Postal Service shall provide a program for consultation with recognized organizations of supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12 of this title. Upon presentation of evidence satisfactory to the Postal Service that a supervisory organization represents a majority of supervisors, or that a managerial organization (other than an organization representing supervisors) represents a substantial percentage of managerial employees, such organization or organizations shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory and other managerial employees.

"§ 1005. Applicability of laws relating to Federal employees

"(a)(1) Except as otherwise provided in this subsection, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with—

"(A) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or

"(B) procedures established by the Postal Service and approved by the Civil Service Commission.

"(2) The provisions of title 5 relating to a preference eligible (as that term is defined under section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the same conditions as if the applicant, officer, or employee were subject to the competitive service under such title. The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.

"(3) The provisions of this subsection shall not apply to those individuals appointed under sections 202, 204, and 1001(c) of this title.

"(b) Section 5941 of title 5 shall apply to the Postal Service. For purposes of such section, the pay of officers and employees of the Postal Service shall be considered to be fixed by statute, and the basic pay of an employee shall be the pay (but not any allowance or benefit) of that officer or employee established in accordance with the provisions of this title.

"(c) Officers and employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries.

"(d) Officers and employees of the Postal Service (other than the Governors) shall be covered by chapter 83 of title 5 relating to civil service retirement. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in such chapter. The Postal Service, upon request of the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Commission the costs reasonably related to the administration of Fund activities for officers and employees of the Postal Service.

"(e) Sick and annual leave, and compensatory time of officers and employees of the Postal Service, whether accrued prior to or after commencement of operations of the Postal Service, shall be obligations of the Postal Service under the provisions of this chapter.

"(f) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

"§ 1006. Right of transfer

"Officers and employees in the postal career service of the Postal Service shall be eligible for promotion or transfer to any other position in the Postal Service or the executive branch of the Government of the United States for which they are qualified. The authority given by this section shall be used to provide a maximum degree of career promotion opportunities for officers and employees and to insure continued improvement of postal services.

"§ 1007. Seniority for employees in rural service

"Subject to agreements made under chapter 12 of this title, the seniority of an employee of the Postal Service occupying a position whose regular duty involves the collection and delivery of mail on a rural route shall be preserved. Seniority for such employee shall commence on the first day of his service in such a position, or, in the event such an employee transfers to another such position, on the day he enters duty in the other position. Upon initial assignment, such an employee shall be assigned to the least desirable route and shall attain assignment to more desirable routes by seniority. Promotions and assignments for such an employee in such position shall be based on seniority and ability. If ability be sufficient seniority shall govern.

"§ 1008. Temporary employees or carriers

"(a) A person temporarily employed to deliver mail is deemed an employee of the Postal Service and is subject to the provisions of chapter 83 of title 18 to the same extent as other employees of the Postal Service.

"(b) Any person, when engaged in carrying mail under contract with the Postal Service, or employed by the Postal Service, is deemed a carrier or person entrusted with the mail and having custody thereof, within the meaning of sections 1701, 1708, and 2114 of title 18.

"§ 1009. Personnel not to receive fees

"An officer or employee of the Postal Service may not receive any fee or perquisite from a patron of the Postal Service on account of the duties performed by virtue of his appointment, except as authorized by law.

"§ 1010. Administration of oaths related to postal inspection matters.

"Officers and employees of the Postal Service performing duties related to the inspection of postal matters may administer oaths required or authorized by law or regulation with respect to any matter coming before them in the performance of their official duties.

"§ 1011. Oath of office

"Before entering upon their duties and before receiving any salary, all officers and employees of the Postal Service shall take and subscribe the following oath or affirmation:

"'I, ————, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.'

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States, or any officer or employee of the Postal Service designated by the Board may administer and certify the oath or affirmation.

"CHAPTER 12.—EMPLOYEE-MANAGEMENT AGREEMENTS

"Sec.
"1201. Definition.
"1202. Bargaining units.
"1203. Recognition of labor organizations.
"1204. Elections.
"1205. Deductions of dues.
"1206. Collective-bargaining agreements.
"1207. Labor disputes.
"1208. Suits
"1209. Applicability of Federal labor laws.

"§ 1201. Definition

"As used in this chapter, 'guards' means—

"(1) maintenance guards who, on the effective date of this chapter, are in key position KP-5 under the provisions of former section 3514 of title 39; and

"(2) security guards, who may be employed in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises.

"§ 1202. Bargaining units

"The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service. The National Labor Relations Board shall not include in any bargaining unit—

"(1) any management official or supervisor;

"(2) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

"(3) both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or

"(4) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"§ 1203. Recognition of labor organizations

"(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

"(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the former Post Office

Department shall continue to be recognized by the Postal Service until altered or amended pursuant to law.

"(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

"(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

"(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(d) A petition filed under subsection (c) (1) of this section shall be accompanied by a statement signed by at least 30 percent of the employees in the appropriate unit stating that they desire that an election be conducted for either of the purposes set forth in such subsection.

"(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

"§ 1204. Elections

"(a) All elections authorized under this chapter shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union'.

"(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the 2 choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

"(c) No election shall be held in any bargaining unit within which, in the preceding 12-month period, a valid election has been held.

"§ 1205. Deductions of dues

"(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective-bargaining agreements has consultation rights under section 1004 of this title, the Postal Service shall deduct the regular and periodic dues of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

"(b) Any agreement in effect immediately prior to the date of enactment of the Postal Reorganization Act between the Post Office Department and any organization of postal employees which provides for deduction by the Department of the regular and periodic dues of the organization from the pay of its members, shall continue in full force and effect and the obligation for such deductions shall be assumed by the Postal Service. No such deduction shall be made from the pay of any employee except on his written assignment, which shall be irrevocable for a period of not more than one year.

"§ 1206. Collective-bargaining agreements

"(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 of this title shall be effective for not less than 2 years.

"(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

"(c) The Postal Service and bargaining representatives recognized under section 1203 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"§ 1207. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, if no agreement has been reached by that time.

"(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel consisting of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select 1 person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall issue after due investigation a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names is submitted.

"(c) (1) If no agreement is reached within 90 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. If the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.

"§ 1208. Suits

"(a) The courts of the United States shall have jurisdiction with respect to actions brought by the National Labor Relations Board under this chapter to the same extent that they have jurisdiction with respect to actions under title 29.

"(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

"(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

"(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"§ 1209. Applicability of Federal labor laws

"(a) Employee-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 of title 29.

"(b) The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 1203 of this title, and to

such organizations' officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29. In addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Postal Service, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"(c) Each employee of the Postal Service shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

"PART III—MODERNIZATION AND FISCAL ADMINISTRATION

"Chapter 20.—FINANCE

"§ 2001. Definitions

"As used in this chapter—

"(1) 'Fund' means the Postal Service Fund established by section 2003 of this chapter; and

"(2) 'obligations', when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

"§ 2002. Capital of the Postal Service

"(a) The initial capital of the Postal Service shall consist of the equity, as reflected in the budget of the President, of the Government of the United States in the former Post Office Department. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Postal Service subject to the approval of the Comptroller General, in accordance with the following guidelines:

"(1) Assets shall be valued on the basis of original cost less depreciation, to the extent that such value can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

"(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the Government of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

"(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

"(c) The Postal Service, and the Administrator of General Services where properties under the jurisdiction of the Administrator are involved, with the approval of the Director of the Office of Management and Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain under the jurisdiction of any other department, agency, or establishment of the Government of the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

"(1) the mail equipment shops located in Washington, District of Columbia;

"(2) all machinery, equipment, and appurtenances of the former Post Office Department;

"(3) all real property whose ownership was acquired by the Postmaster General under former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date, is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

"(4) all real property 55 percent or more of which is occupied by or under control of the former Post Office Department immediately prior to the effective date of this section;

"(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

"(6) all other property and assets of the former Post Office Department.

"(d) After the commencement of operations of the Postal Service, the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments, agencies, or independent establishments of the Government of the United States, with or without reimbursement, any property of that department, agency, or independent establishment and the Postal Service, respectively, when the public interest would be served by such transfer.

"§ 2003. The Postal Service Fund

"(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal-year limitation to carry out the purposes, functions, and powers authorized by this title.

"(b) There shall be deposited in the Fund, subject to withdrawal by check by the Postal Service—

"(1) revenues from postal and nonpostal services rendered by the Postal Service;

"(2) amounts received from obligations issued by the Postal Service;

"(3) amounts appropriated for the use of the Postal Service;

"(4) interest which may be earned on investments of the Fund;

"(5) any other receipts of the Postal Service; and

"(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

"(c) If the Postal Service determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

"(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

"(e) The Fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions under this title and, subject to the provisions of section 3604(b) of this title, all of the expenses of the Postal Rate Commission. Neither the Fund nor any of the funds credited to it shall be subject to apportionment under the provisions of section 665 of title 31.

"§ 2004. Transitional appropriations

"Such sums as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with chapter 36 of this title are hereby authorized to be appropriated to the Fund with regard to fiscal-year limitation.

"§ 2005. Obligations

"(a) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

"(b) The Postal Service may pledge the assets of the Postal Service and pledge and use its revenues and receipts for the payment of the principal of or interest on such obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it deems necessary or desirable. The Postal Service is authorized to enter into binding covenants with the holders of such obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Postal Service deems necessary or desirable to enhance the marketability of such obligations.

"(c) Obligations issued by the Postal Service under this section—

"(1) shall be in such forms and denominations;

"(2) shall be sold at such times and in such amounts;

"(3) shall mature at such time or times;

"(4) shall be sold at such prices;

"(5) shall bear such rates of interest;

"(6) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

"(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(8) shall be subject to such other terms and conditions;

as the Postal Service determines.

"(d) Obligations issued by the Postal Service under this section shall—

"(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(2) contain a recital that they are issued under this section, and such recital shall be

conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section:

"(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

"(5) not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, except as provided in section 2006(c) of this title.

"§ 2006. Relationship between the Treasury and the Postal Service

"(a) At least 15 days before selling any issue of obligations under section 2005 of this title, the Postal Service shall advise the Secretary of the Treasury of the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Postal Service may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

"(b) Subject to the conditions of subsection (a) of this section, the Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

"(c) Notwithstanding section 2005(d)(5) of this title, obligations issued by the Postal Service shall be obligations of the Government of the United States, and payment of principal and interest thereon shall be fully guaranteed by the Government of the United States, such guaranty being expressed on the face thereof, if and to the extent that—

"(1) the Postal Service requests the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest thereon; and

"(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

"§ 2007. Public debt character of the obligations of the Postal Service

"For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

"§ 2008. Audit and expenditures

"(a) The accounts and operations of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

"(b) The Postal Service shall maintain an adequate internal audit of the financial transactions of the Postal Service.

"(c) Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

"(d) Nothing in this section shall be construed as denying to the Postal Service the power to obtain audits of the accounts of the Postal Service and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

"(e) At least once each year beginning with the fiscal year commencing after June 30, 1971, the Postal Service shall obtain a certification from an independent, certified public accounting firm of the accuracy of any financial statements of the Postal Service used in determining and establishing postal rates.

"§ 2009. Annual budget

"The Postal Service shall cause to be prepared annually a budget program which shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

"§ 2010. Restrictions on agreements

"The Postal Service shall promote modern and efficient operations and should refrain from expending any funds, engaging in any practice, or entering into any agreement or contract, other than an agreement or contract under chapter 12 of this title, which restricts the use of new equipment or device which may reduce the cost or improve the quality of postal services, except where such restriction is necessary to insure safe and healthful employment conditions.

"Chapter 22.—CONVICT LABOR

"Sec.

"2201. No postal equipment or supplies manufactured by convict labor.

"§ 2201. No postal equipment or supplies manufactured by convict labor

"Except as provided in chapter 307 of title 18, the Postal Service may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

"Chapter 24.—APPROPRIATIONS AND ANNUAL REPORT

"Sec.

"2401. Appropriations.

"2402. Annual report.

"§ 2401. Appropriations

"(a) There are appropriated to the Postal Service all revenues received by the Postal Service.

"(b)(1) As reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, there are authorized to be appropriated to the Postal Service the following amounts:

"(A) for each of the fiscal years 1972 through 1979, an amount equal to 10 percent of the sum appropriated to the former Post Office Department by Act of Congress for its use in fiscal year 1971;

"(B) for fiscal year 1980, an amount equal to 9 percent of such sum for fiscal year 1971;

"(C) for fiscal year 1981, an amount equal to 8 percent of such sum for fiscal year 1971;

"(D) for fiscal year 1982, an amount equal to 7 percent of such sum for fiscal year 1971;

"(E) for fiscal year 1983, an amount equal to 6 percent for such sum for fiscal year 1971;

"(F) for fiscal year 1984, an amount equal to 5 percent of such sum for fiscal year 1971; and

"(G) except as provided in paragraph (2) of this subsection, for each fiscal year thereafter an amount equal to 5 percent of such sum for fiscal year 1971.

"(2) After fiscal year 1984, the Postal Service may reduce the percentage figure in paragraph (1)(G) of this subsection, including a reduction to 0, if the Postal Service finds that the amounts determined under such paragraph are no longer required to operate the Postal Service in accordance with the policies of this title.

"(3) The Postal Service, in requesting amounts to be appropriated under this subsection, shall present to the appropriate committees of the Congress a comprehensive statement of its compliance with the public service cost policy established under section 101(b) of this title.

"(c) There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403–3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act.

"§ 2402. Annual report

"The Postmaster General shall render an annual report to the Board concerning the operations of the Postal Service under this title. Upon approval thereof, or after making such changes as it considers appropriate, the Board shall transmit such report to the President and the Congress.

"Chapter 26.—DEBTS AND COLLECTION

"Sec.

"2601. Collection and adjustment of debts.

"2602. Transportation of international mail by air carriers of the United States

"2603. Settlement of claims for damages caused by the Postal Service.

"2604. Delivery of stolen money to owner.

"2605. Suits to recover wrongful or fraudulent payments.

"§ 2601. Collection and adjustments of debts

"(a) The Postal Service—

"(1) shall collect debts due the Postal Service;

"(2) shall collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service;

"(3) may adjust, pay, or credit the account of a postmaster or of an enlisted person of an Armed Force performing postal duties, for any loss of Postal Service funds, papers, postage, or other stamped stock or accountable paper; and

"(4) may prescribe penalties for failure to render accounts.

The Postal Service may refer any matter, which is uncollectable through administrative action, to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

"(b) In all cases of disability or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, the Postal Service shall determine whether the interests of the Postal Service probably require the exercise of its powers over the same. Upon the determination, the Postal Service on such terms as it deems just and expedient, may—

"(1) remove the disability; or

"(2) compromise, release, or discharge the claim for such sum of money and damages.

"§ 2602. Transportation of international mail by air carriers of the United States

"(a) The Postal Service may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

"(1) the Postal Service puts into effect rates of compensation to be charged another country for transportation; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Postal Service has proceeded under authority of subsection (a) of this section, it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

"(c) The Postal Service, may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by the Postal Service to be due from another country to an air carrier for the transportation of its mails when—

"(1) collections are to be made by the United States for the account of air carriers; and

"(2) the Postal Service determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the appropriation from which the advance is made shall be reimbursed by the collections made by the United States.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within 12 months after payment or advance has been made, the United States may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Postal Service shall adopt such accounting procedures as may be necessary to conform to and carry out the purposes of this section.

"§ 2603. Settlement of claims for damages caused by the Postal Service

"When the Postal Service finds a claim for damage to persons or property resulting from the operation of the Postal Service to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, it may adjust and settle the claim.

"§ 2604. Delivery of stolen money to owner

"When the Postal Service is satisfied that money or property in the possession of the Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

"§ 2605. Suits to recover wrongful or fraudulent payments

"The Postal Service shall request the Attorney General to bring a suit to recover with interest any payment made from moneys of, or credit granted by, the Postal Service as a result of—

"(1) mistake;

"(2) fraudulent representations;

"(3) collusion; or

"(4) misconduct of an officer or employee of the Postal Service.

"PART IV—MAIL MATTER

"Chapter 30.—NONMAILABLE MATTER

"§ 3001. Nonmailable matter

"(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717 or 1718 of title 8 is nonmailable.

"(b) Except as provided in subsection (c) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service shall direct.

"(c) (1) Matter which—

"(A) exceeds the size and weight limits prescribed for the particular class of mail; or

"(B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

"(2) Matter made nonmailable by this subsection which reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender.

"(d) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.'; or

"(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

"(e) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

"§ 3002. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, or any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter and shall not be carried or delivered by mail.

"(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehicle master key' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or any exact duplicate of such keys) designed to operate 2 or more motor vehicle ignition, door, or trunk locks of different combinations.

"§ 3003. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Postal Service that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal services of the United States, an activity in violation of sections 1302, 1341, and 1342 of title 18, it may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

"(b) The Postal Service may issue an order directing that mail, covered by subsection (a) of this section, be forwarded to a dead letter office as fictitious matter, or be returned to the sender when—

"(1) the party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Postal Service determines that the mail is addressed to a fictitious, false, or assumed name, title, or address.

"§ 3004. Delivery of mail to persons not residents of the place of address

"Whenever the Postal Service determines that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, the Postal Service may deliver the mail only upon identification of the person so addressed.

"§ 3005. False representations; lotteries

"(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is en-

gaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

"(1) directs the postmaster of the post office at which mail arrives, addressed to such a person or to his representative, to return such mail to the sender appropriately marked as in violation of this section, if the person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey the mail before the postmaster returns the mail to the sender; and

"(2) forbids the payment by a postmaster to the person or his representative of any money order or postal note drawn to the order of either and provides for the return to the remitter of the sum named in the money order or postal note.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postal Service may ascertain the existence of the agency in any other legal way satisfactory to it.

"(c) As used in this section and section 3006 of this title, the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

"§ 3006. Unlawful matter

"Upon evidence satisfactory to the Postal Service that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile thing or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such a thing may be obtained, the Postal Service may—

"(1) direct any postmaster at an office at which mail arrives, addressed to such a person or to his representative, to return the mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster to such a person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitter of the sum named in the money order.

"§ 3007. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 3005 and 3006 of this title, the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Postal Service and upon a showing of probable cause to believe either section is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide in the order that the detained mail be open to examination by the defendant and such mail be delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court hereunder does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of newspapers and other periodical publications entitled to a periodical publication rate or to mail addressed to the agents of those publishers.

"§ 3008. Prohibitions of pandering advertisements

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postal Service to refrain from further mailings of such materials to designated addresses thereof.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole decretion to be of the character described in subsection (a) of this section, the Postal Service shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressee.

"(c) The order of the Postal Service shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addresses, effective on the thirtieth calendar day after receipt of the order. The order shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Postal Service believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Postal Service within 15 days after the date of such service. If the Postal Service, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punishable by the court as contempt thereof.

"(f) Receipt of mail matter 30 days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Postal Service shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5, relating to administrative procedure, and chapter 7, relating to judicial review, of title 5, shall not apply to any provisions of this section.

"(i) For purposes of this section—

"(1) mail matter, directed to a specific address covered in the order of the Postal Service, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postal Service's order; and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"§ 3009. Mailing of unordered merchandise

"(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 45(a)(1) of title 15.

"(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender. All such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

"(c) No mailer of any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, shall mail to any recipient of such merchandise a bill for such merchandise or any dunning communications.

"For the purposes of this section, 'unordered merchandise' means merchandise mailed without the prior expressed request or consent of the recipient.

"§ 3010. Mailing of sexually oriented advertisements

"Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postal Service may prescribe.

"(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of 19 years and who resides with him or is under his care, custody, or supervision, may file with the Postal Service a statement, in such form and manner as the Postal Service may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Postal Service shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than 30 days.

"(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Postal Service pursuant to this section.

"(d) 'Sexually oriented advertisement' means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"§ 3011. Judicial enforcement

"(a) Whenever the Postal Service believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3010 of this title, it may request the Attorney General to commence a

civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, the court may issue an order including one or more of the following provisions as the court deems just under the circumstances:

"(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; or

"(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3010 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3010 of this title.

"(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3010 has been delivered by mail according to the direction thereon.

"(e) Nothing in this section or in section 3010 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3006, 3007, or 3008 of this title.

"Chapter 32.—PENALTY AND FRANKED MAIL

"§ 3201. Definitions

"As used in this chapter—

"(1) 'penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

"(2) 'penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail;

"(3) 'frank' means the autographic or facsmile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

"(4) 'franked mail' means mail which is transmitted in the mail under a frank; and

"(5) 'Members of Congress' includes Senators.

Representatives, Delegates, and Resident Commissioners.

"§ 3202. Penalty mail

"(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the Government of the United States other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49e–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341–343 and 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage.

"§ 3203. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under clauses (1)(E), (2), and (3) of section 3202(a) of this title.

"§ 3204. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 3205. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government of the United States, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Service.

"§ 3206. Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title.

"(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clauses (1)(F) and (4) of section 3202(a) of this title.

"(c) The Library of Congress shall transfer to the Postal Service as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (5) of section 3202(a) of this title.

"§ 3207. Limit of weight of penalty mail; postage on overweight matter

"(a) Penalty mail is restricted to articles

not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

"(1) stamped paper and supplies sold or used by the Postal Service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over 4 pounds in weight;

"(2) not in excess of the weight and size prescribed for mail matter; and

"(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

"§ 3208. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express, whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

"§ 3209. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

"§ 3210. Official correspondence of Vice President and Members of Congress

"The Vice President, Members, and Members-elect of Congress, Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, and Sergeant at Arms of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, or Sergeant at Arms of the House of Representatives, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 3211. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 3212. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 3213. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the thirtieth day of June following the expiration of their terms of office, as franked mail by Members of Congress.

"§ 3214. Mailing privilege of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 3215. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 3216. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, including registry fees if registration is required, and postage on correspondence sent by the surviving spouse of a Member under section 3218 of this title, shall be paid by a lump-sum appropriation to the legislative branch for the purpose, and then paid to the Postal Service as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 3217. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

"§ 3218. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed 180 days after his death, as franked mail, correspondence relating to the death of the Member.

"Chapter 34.—ARMED FORCES AND FREE POSTAGE

"Sec.

"§ 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations

"(a) Letter mail or sound-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty, as defined in section 101 (4) and (22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A) of this paragraph; or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D) (i) of this paragraph; and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States or between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, the following categories of mail matter:

"(1) (A) letter mail or sound-recorded communications having the character of personal correspondence; and

"(B) parcels not exceeding 5 pounds in weight and 60 inches in length and girth combined:

which are mailed at or addressed to any such Armed Forces post office;

"(2) publications (entitled to a periodical publication rate, published once each week or more frequently, and featuring principally current news of interest to members of the Armed Forces and the general public) which are mailed at or addressed to any such Armed Forces post office (A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

"(3) parcels exceeding 5 pounds but not

exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than scheduled United States air carriers.

"(c) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a) of this section.

"(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rates or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

"(e) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

"§ 3402. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone

"(a) For the purpose of section 3401 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the Armed Forces of the United States and of friendly foreign nations, shall be considered to be an Armed Forces post office established in an overseas area.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under section 3401 of this title.

"§ 3403. Matter for blind and other handicapped persons

"(a) The matter described in subsection (b) of this section (other than matter mailed under section 3404 of this title) may be mailed free of postage, if—

"(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment and who are certified by competent authority as unable to read normal reading material in accordance with the provisions of sections 135a and 135b of title 2;

"(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

"(3) the matter may be opened by the Postal Service for inspection; and

"(4) the matter contains no advertising.

"(b) The free mailing privilege provided by subsection (a) of this section is extended to—

"(1) reading matter and musical scores;

"(2) sound reproductions;

"(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

"(4) reproducers or parts thereof, for sound reproductions; and

"(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

"§ 3404. Unsealed letters sent by blind or physically handicapped persons

"Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 3403(a)(1) of this title in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

"§ 3405. Markings

"All matter relating to blind or other handicapped persons mailed under section 3403 or 3404 of this title, shall bear the words 'Free Matter for the Blind or Handicapped', or words to that effect specified by the Postal Service, in the upper right-hand corner of the address area.

"CHAPTER 36.—POSTAL RATES, CLASSES, AND SERVICES

"SUBCHAPTER I—POSTAL RATE COMMISSION

"SUBCHAPTER I—POSTAL RATE COMMISSION

"§ 3601. Establishment

"There is established, as an independent establishment of the executive branch of the Government of the United States, the Postal Rate Commission composed of 5 Commissioners appointed by the President, not more than 3 of whom may be adherents of the same political party. One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President. The Commissioners shall be chosen on the basis of their professional qualifications and may be removed only in accordance with section 7521 of title 5.

"§ 3602. Terms of office

"The Commissioners of the Postal Rate Commission shall serve for terms of 6 years except that—

"(1) the terms of the Commissioners first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following the appointment of the first of them; and

"(2) any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"§ 3603. Rules; regulations; procedures

"The Postal Rate Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Postal Service.

"§ 3604. Administration

"(a) The Chairman of the Postal Rate Commission shall have the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the officers and employees of the Commission. All final acts of the Commissioners shall be by a vote of an absolute majority thereof.

"(b) The Commission may obtain such facilities and supplies, and appoint and fix the compensation of such officers and employees, as may be necessary to permit the Commission to carry out its functions. The officers and employees so appointed (1) shall be paid at rates of compensation, and shall be entitled to programs offering employee benefits, established under chapter 10 or 12 of this title, as appropriate, and (2) shall be responsible solely to the Commissioners.

"(c)(1) The Commission shall periodically prepare and submit to the Postal Service a budget of the Commission's expenses, including but not limited to expenses for facilities, supplies, compensation, and employee benefits. The budget shall be considered approved—

"(A) as submitted if the Governors fail to act in accordance with clause (B) of this paragraph; or

"(B) as adjusted if the Governors holding office, by unanimous written decision, adjust the total amount of money requested in the budget.

Clause (B) shall not be construed to authorize the Governors to adjust any item included within the budget.

"(2) Expenses incurred under any budget approved under paragraph (1) of this subsection shall be paid out of the Postal Service Fund established under section 2003 of this title.

"(d) The provisions of section 410 and chapter 10 of this title shall apply to the Commission, as appropriate.

"SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

"§ 3621. Authority to fix rates and classes

"Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of this chapter. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States. Postal rates and fees shall provide sufficient revenues so that the total estimated income

and appropriations to the Postal Service will equal as nearly as practicable total estimated costs of the Postal Service. For purposes of this section, 'total estimated costs' shall include (without limitation) operating expenses, depreciation on capital facilities and equipment, debt service (including interest, amortization of debt discount and expense, and provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges), and a reasonable provision for contingencies.

"§ 3622. Rates and fees

"(a) From time to time the Postal Services shall request the Postal Rate Commission to submit a recommended decision on changes in a rate or rates of postage or in a fee or fees for postal services if the Postal Service determines that such changes would be in the public interest and in accordance with the policies of this title. The Postal Service may submit such suggestions for rate adjustments as it deems suitable.

"(b) Upon receiving a request, the Commission shall make a recommended decision on the request for changes in rates or fees in each class of mail or type of service in accordance with the policies of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable schedule;

"(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient including but not limited to the collection, mode of transportation, and priority of delivery;

"(3) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to that class or type plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

"(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(6) the degree of preparation of mail for delivery into the postal system performed by the matter and its effect upon reducing costs to the Postal Service;

"(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services; and

"(8) such other factors as the Commission deems appropriate.

"§ 3623. Mail classification

"(a) Within 2 years after the effective date of this subchapter, the Postal Service shall request the Postal Rate Commission to make a recommended decision on establishing a mail classification schedule in accordance with the provisions of this section.

"(b) Following the establishment of the mail classification schedule requested under subsection (a) of this section, the Postal Service may from time to time request that the Commission submit, or the Commission may submit to the Postal Service on its own initiative, a recommended decision on changes in the mail classification schedule.

"(c) The Commission shall make a recommended decision on establishing or changing the schedule in accordance with the policies of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable classification system for all mail;

"(2) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

"(3) the importance of providing classifications with extremely high degrees of reliability and speed of delivery;

"(4) the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery;

"(5) the desirability of special classifications from the point of view of both the user and of the Postal Service; and

"(6) such other factors as the Commission may deem appropriate.

"(d) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.

"§ 36.24 Recommended decisions of Commission

"(a) The Postal Rate Commission shall promptly consider a request made under section 3622 or 3623 of this title, except that the Commission shall not recommend a decision until the opportunity for a hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public.

"(b) In order to conduct its proceedings with utmost expedition consistent with procedural fairness to the parties, the Commission may (without limitation) adopt rules which provide for—

"(1) the advance submission of written direct testimony;

"(2) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(3) discovery both from the Postal Service and the parties to the proceedings;

"(4) limitation of testimony; and

"(5) the conduct of the entire proceedings off the record with the consent of the parties.

"(c) The Commission shall transmit its recommended decision in a rate, fee, or classification matter to the Governors. The recommended decision shall include a statement specifically responsive to the criteria established under section 3622 or 3623, as the case may be.

"§ 3625. Action of the Governors

"(a) Upon receiving a recommended decision from the Postal Rate Commission, the Governors may approve, allow under protest, reject, or modify that decision in accordance with the provisions of this section.

"(b) The Governors may approve the recommended decision and order the decision placed in effect.

"(c) The Governors may, under protest, allow a recommended decision of the Commission to take effect and (1) seek judicial review thereof under section 3628 of this title, or (2) return the recommended decision to the Commission for reconsideration and a further recommended decision, which shall be acted upon under this section and subject to review in accordance with section 3628 of this title.

"(d) The Governors may reject the recommended decision of the Commission and the Postal Service may resubmit its request to the Commission for reconsideration. Upon resubmission, the request shall be reconsidered, and a further recommended decision of the Commission shall be acted upon under this section and subject to review in accordance with section 3268 of this title. However, with the unanimous written concurrence of all of the Governors then holding office, the Governors may modify any such further recommended decision of the Commission under this subsection if the Governors expressly find that (1) such modification is in accord with the record and the policies of this chapter, and (2) the rates recommended by the Commission are not adequate to provide sufficient total revenues so that total estimated income and appropriations will equal as nearly as practicable estimated total costs.

"(e) The decision of the Governors to approve, allow under protest, reject, or modify a recommended decision of the Commission shall be in writing and shall include an estimate of anticipated revenue and a statement of explanation and justification. The decision, the record of the Commission's hearings, and the Commission's recommended decision shall be made generally available at the time the decision is issued and shall be printed and made available for sale by the Public Printer within 10 days following the day the decision is issued.

"(f) The Board shall determine the date on which the new rates, fees, the mail classification schedule, and changes in such schedule under this subchapter shall become effective.

"§ 3626. Reduced rates

"If the rates of postage for any class of mail or kind of mailer under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this subchapter, are, on the effective date of the first rate decision under this subchapter affecting that class or kind, less than the rates established by such decision, a separate rate schedule shall be adopted for that class or kind effective each time rates are established or changed under this subchapter, with annual increases as nearly equal as practicable, so that—

"(1) the revenues received from rates for mail under former section 4358, 4452 (b) and (c), and 4554 (b) and (c) shall not, on and after the first day of the tenth year following the effective date of the first rate decision applicable to that class or kind, exceed the direct and indirect postal costs attributable to mail of such class or kind (excluding all other costs of the Postal Service); and

"(2) the rates for mail under sections 4359, 4421, 4422, 4452(a), and 4554(a) shall be equal, on and after the first day of the fifth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subsection had not been enacted.

No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates.

"§ 3627. Adjusting free and reduced rates

"If Congress fails to appropriate an amount authorized under section 2401(c) of this title for any class of mail sent at a free or reduced rate under section 3217, 3403–3405, or 3626 of this title, or under the Federal Voting Assistance Act of 1955, the rate for that class may be adjusted in accordance with the provisions of this subchapter so that the increased revenues received from the users of such class will equal the amount for that class that the Congress was to appropriate.

"§ 3628. Appellate review

"A decision of the Governors to approve, allow under protest, or modify the recommended decision of the Postal Rate Commission may be appealed to any court of appeals of the United States, within 15 days after its publication by the Public Printer, by an aggrieved party who appeared in the proceedings under section 3624(a) of this title. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission and the Governors. The court may affirm the decision

or order that the entire matter be returned for further consideration, but the court may not modify the decision. The court shall make the matter a preferred cause and shall expedite judgment in every way. The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Commission or Governors under this chapter except as provided in this section.

"SUBCHAPTER III—TEMPORARY RATES AND CLASSES

"§ 3641. Temporary changes in rates and classes

"(a) If the Postal Rate Commission does not transmit to the Governors within 90 days after the Postal Service has submitted, or within 30 days after the Postal Service has resubmitted, to the Commission a request for a recommended decision on a change in rates of postage or in fees for postal services, or on a change in the mail classification schedule (after such schedule is established under section 3623 of this title), the Postal Service, upon 10 days' notice in the Federal Register, may place into effect temporary changes in rates of postage, in fees for postal service, or in the mail classification schedule it considers appropriate to carry out the provisions of this title. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Governors.

"(b) If, under section 3628 of this title, a court orders a matter returned to the Commission for further consideration, the Postal Service, with the consent of the Commission, may place into effect temporary changes in rates of postage, in fees for postal services, or in the mail classification schedule.

"(c) A rate of postage for a class of mail or a fee for a postal service under a temporary change under this section may not exceed the lesser of (1) the rate or fee requested for such class or service, or (2) a rate or fee which is more than one-third greater than the permanent rate or fee in effect for that class or service at the time a permanent change in the rate or fee of such class or service is requested under section 3622 of this title.

"SUBCHAPTER IV—POSTAL SERVICES AND COMPLAINTS

"§ 3661. Postal services

"(a) The Postal Service shall develop and promote adequate and efficient postal services.

"(b) When the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis, it shall submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Rate Commission requesting an advisory opinion on the change.

"(c) The Commission shall not issue its opinion on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public. The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his judgment the opinion conforms to the policies established under this title.

"§ 3662. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Postal Rate Commission in such form and in such manner as it may prescribe. The Commission may in its discretion hold hearings on such complaint. If the Commission, in a matter covered by subchapter II of this chapter, determines the complaint to be justified, it shall, after proceedings in conformity with section 3624 of this title, issue a recommended decision which shall be acted upon in accordance with the provisions of section 3625 of this title and subject to review in accordance with the provisions of section 3628 of this title. If a matter not covered by subchapter II of this chapter is involved, and the Commission after hearing finds the complaint to be justified, it shall render a public report thereon to the Postal Service which shall take such action as it deems appropriate.

"SUBCHAPTER V—GENERAL

"§ 3681. Reimbursement

"No mailer may be reimbursed for any amount paid under any rate or fee which, after such payment, is determined to have been unlawful after proceedings in accordance with the provisions of section 3628 of this title, or is superseded by a lower rate or fee established under subchapter II of this chapter.

"§ 3682. Size and weight limits

"(a) Except as provided in subsection (b) of this section—

"(1) the maximum weight of mail other than letter mail is 40 pounds; and

"(2) the maximum size is—

"(A) 78 inches in girth and length combined before July 1, 1971; and

"(B) 84 inches in girth and length combined on and after July 1, 1971.

"(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

"(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determined by the Postal Service;

"(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(3) would have been entitled to be mailed under former section 4554 of this title;

"(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; or

"(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

"(c) The Postal Service may establish size and weight limitations for letter mail in the same manner as prescribed for changes in classification under subchapter II of this chapter.

"§ 3683. Uniform rates for books; films; other materials

"Notwithstanding any other provision of this title, the rates of postage established for mail matter enumerated in former section 4554 of this title shall be uniform for such mail of the same weight, and shall not vary with the distance transported.

"§ 3684. Limitations

"Except as provided in section 3627 of this title, no provision of this chapter shall be construed to give authority to the Governors to make any change in any provision of section 3682 or 3683 or chapter 30, 32, or 34 of this title, or of the Federal Voting Assistance Act of 1955.

"§ 3685. Filing of information relating to periodical publications

"(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year, information in such form and detail and at such time as the Postal Service may require with respect to—

"(1) the identity of the editor, managing editor, publishers, and owners;

"(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

"(3) the identity of known bondholders, mortgagees, and other security holders;

"(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

"(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.

The Postal Service shall not require the names of persons owning less than 1 percent of the total amount of stocks, bonds, mortgages, or other securities.

"(b) Each publication having such mail privileges shall furnish to the Postal Service information in such form and detail, and at such times, as the Postal Service requires to determine whether the publication continues to qualify for such privileges.

"(c) The Postal Service shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

"PART V—TRANSPORTATION OF MAIL

"Chapter 50.—GENERAL

"§5001. Provisions for carrying mail

"The Postal Service shall provide for the transportation of mail in accordance with the policies established under section 101 (e) and (f) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Postal Service may make arrangements on a temporary basis for the transportation of mail when, as determined by the Postal Service, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Postal Service is promptly able to secure transportation services under other provisions of this title.

"§ 5002. Transportation of mail of adjoining countries through the United States

"The Postal Service, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

"§ 5003. Establishment of post roads

"The following are post roads:

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter-carrier routes established for the collection and delivery of mail.

"§ 5004. Discontinuance of service on post roads

"The Postal Service may discontinue service on a post road or part thereof when, in its opinion, the public interest so requires.

"§ 5005. Mail transportation

"(a) The Postal Service may obtain mail transportation service—

"(1) from common carriers by rail and motor vehicle or persons as provided in chapter 52 of this title;

"(2) from air carriers as provided in chapter 54 of this title;

"(3) from water carriers as provided in chapter 56 of this title; and

"(4) by contract from any person (as defined in section 5201(7) of this title) or carrier for surface and water transportation under such terms and conditions as it deems appropriate, subject to the provisions of this section.

"(b)(1) Contracts for the transportation of mail procured under subsection (a)(4) of this section shall be for periods not in excess of 4 years (or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years) and shall be entered into only after advertising a sufficient time previously for proposals. The Postal Service, with the consent of the holder of any such contract, may adjust the compensation allowed under that contract for increased or decreased costs resulting from changed conditions occurring during the term of the contract.

"(2) A contract under subsection (a)(4) of this section may be renewed at the existing rate by mutual agreement between the holder and the Postal Service.

"(3) Any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, and in post offices on the post roads involved, as determined by the Postal Service, at least 15 days prior to the effective date of the contract.

"(c) The Postal Service, in determining whether to obtain transportation of mail by carrier or person under subsection (a)(1) of this section by contract under subsection (a)(4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode

"§ 5006. Lien on compensation of contractor

"(a) A person who—

"(1) performs service for a contractor or subcontractor in the transportation of mail;

"(2) files his contract for service with the Postal Service; and

"(3) files satisfactory evidence of performance with the Postal Service;

shall have a lien on money due the contractor or subcontractor for the service.

"(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

"§ 5007. Free transportation of postal employees

"Each person or carrier engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons on duty in charge of the mails or when traveling to and from such duty.

"Chapter 52.—TRANSPORTATION OF MAIL BY SURFACE CARRIER

Sec.

"§ 5201. Definitions

"For purposes of this chapter—

"(1) 'Commission' means the Interstate Commerce Commission;

"(2) 'carrier' and 'regulated surface carrier' mean a railroad, a freight forwarder, a motor carrier, or an express company;

"(3) 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier;

"(4) 'freight forwarder' means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Commission;

"(5) 'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission;

"(6) 'express company' means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49;

"(7) 'person' includes any person other than a carrier holding a certificate of public convenience and necessity issued by the Commission; and

"(8) 'mail' includes equipment and supplies of the Postal Service.

"§ 5202. Applicability

"This chapter applies to mail transportation performed by any person or carrier or carrier combination regardless of the mode of transportation actually used to provide the service.

"§ 5203. Authorization of service by carrier

"(a) The Postal Service may establish mail routes and authorize mail transportation service thereon.

"(b) A carrier shall transport mail offered for transportation by the Postal Service in the mannner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

"(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

"(d) A carrier shall transport with due speed such mail as the Postal Service directs under this section.

"(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, to provide service for the Postal Service at a rate which is less than compensatory cost, or to provide service at a detriment to the carrier or its other customers.

"(f) Any order or determination of the Postal Service providing for the transportation of mail by a motor carrier shall be filed with the Commission. If the Commission finds, within 90 days after the filing, that the order or determination will be detrimental to the motor carrier or its other customers, or that such carrier does not operate equipment suitable for the transportation of mail, the order or determination shall be terminated.

"(g) An order or determination of the Postal Service under this section shall be consistent with the orders of the Commission under sections 5207 and 5208 of this title.

"§ 5204. Changes in service; placement of equipment

"(a) The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate of compensation fixed under this chapter. It may reduce or discontinue service with pro rata reductions in compensation and indemnity for the loss of reasonable investment in equipment used exclusively for mail.

"(b) A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

"§ 5205. Evidence of service

"A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

"§ 5206. Fines and deductions

"(a) The Postal Service may fine any carrier an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this chapter.

"(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 5203 of this title.

"(c) The Board may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 5203 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding twice the compensation applying to such service. Such deductions shall not be made prior to the expiration of 60 days following service upon the carrier by the Board of notice of intention to assess a fine or make a deduction and of the basis therefor.

"§ 5207. Interstate Commerce Commission to fix rates

"(a) The Commission shall determine and fix the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Commission may make just and reasonable classifications of carriers and, where just and equitable, fix general rates applicable to carriers in the same classification.

"(c) In determining and fixing fair and reasonable rates or compensation under this section, the Commission shall consider the relation between the Government and carri-

ers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

"(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Commission fixes the rates or compensation under subsection (a) of this section.

"§ 5208. Procedures

"(a) At any time after 6 months from the entry of an order stating the Commission's determination under section 5207 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates of compensation for services covered by the application. At the conclusion of the hearing the Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 5207(d), 5209, 5210, and 5212 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Postal Service may file with the Commission a comprehensive plan stating—

"(1) its requirements for the transportation of mail by carrier;

"(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

"(3) the service, both terminal and en route, which carriers are to render;

"(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

"(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Commission.

"(d) When a comprehensive plan is filed, the Commission shall give notice of not less than 30 days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Commission, but not later than 30 days after the expiration date fixed by the Commission in the notice, and the Commission shall proceed with the hearing.

"§ 5209. Special rates

"Upon petition by the Postal Service, the Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

"§ 5210. Intermodal transportation

"The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates of compensation not exceeding those allowable for similar service by the designated form of transportation.

"§ 5211. Statistical studies

"The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

"§ 5212. Special contracts

"The Postal Service may enter into special contracts with any carrier or person, without advertising, for bids and for periods not in excess of 4 years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Commission. The fact that the Commission has not prescribed rates or compensation for the carrier involved, under section 5207 of this title, shall not preclude execution of a contract under this section. Such contracts may be negotiated only after reasonable notice has been posted in advance in post offices on the post roads to be served, and other carriers or persons have been given an opportunity to offer to negotiate for the transportation of mail.

"§ 5213. Carrier operations; receipts; expenditures

"The Postal Service shall request any carrier transporting mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

"§5214. Agreements with passenger common carriers by motor vehicle

"The Postal Service may enter into contracts under such terms and conditions as it shall prescribe without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers, or by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

"§ 5215. Star route certification

"(a) Any person who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this section (or successor in interest to any such person), shall, upon application to the Commission for the territory within which such contractor operated on or before the effective date of this section be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Commission without the Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

"(b) Applications of persons who were not contractors on the effective date of this section shall be decided in accordance with applicable Commission procedure.

"(c) For purposes of this section, the term 'person' has the same meaning given that term under section 1 of title 1.

"Chapter 54.—TRANSPORTATION OF MAIL BY AIR

"§ 5401. Authorization

"(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

"(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for such transportation.

"§ 5402. Contracts for transportation of mail by air

"(a) The Postal Service may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which the carrier is authorized by the Civil Aeronautics Board to engage in the transportation of mail. Such contracts shall be for the transportation of at least 750 pounds of mail per flight, and no more than 10 percent of the domestic mail transported under any such contract or 5 percent, based on weight, of the international mail transported under any such contract shall consist of letter mail. Any such contract shall be filed with the Civil Aeronautics Board not later than 90 days before its effective date. Unless the Civil Aeronautics Board shall determine otherwise (under criteria prescribed by section 1302 of title 49) not later than 10 days prior to the effective date of the contract, such contract shall become effective.

"(b) When the Postal Service deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail, it may contract with any air carrier in such manner and under such terms and conditions as it may deem appropriate for the transportation of any class or classes of mail. The transportation of mail under contracts entered into under this subsection is not, except for sections 1371(k) and 1386(b) of title 49, air transportation within the provisions of sections 1301–1542 of title 49. The Postal Service shall cancel such contract, in whole or in respect to certain points as the certificate shall require, upon the issuance by the Civil Aeronautics Board of an authorizaton under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

"(c) If the Postal Service determines that service by certificated air carriers or combination of air carriers between any pair or pairs of points is not adequate for its purposes, it may contract for a period of not more than 4 years, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air taxi operator or combination thereof for such air transportation service. Contracts made under this subsection may be renewed at the existing rate by mutual agreemcnt between the holder and the Postal Service. The Postal Service, with the consent of the air taxi operator, may adjust the compensation under such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term. The Postal Service shall cancel such a contract when the Civil Aeronautics Board authorizes an additional certificated carrier or carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules adequate for its purposes.

"§ 5403. Fines

"The Postal Service may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to mail; and

"(2) other delinquencies in the transportation of the mail.

"Chapter 56.—TRANSPORTATION OF MAIL BY VESSEL

"§ 5601. Sea post service

"The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

"§ 5602. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

"§ 5603. Transportation of mail by vessel as freight or express

"The Postal Service may require that mail be transported by freight or express when—

"(1) there is no competition on a water route and the rate or compensation asked is excessive; or

"(2) no proposal is received.

A common carrier by water that fails or re-

fuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 5604. Fines on ocean carriers

"The Postal Service may impose or remit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mails; and

"(2) other delinquencies in the transportation of mail.

"§ 5605. Contracts for transportation of mail by vessel

"The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods of not in excess of 4 years."

CONTINUATION OF EXISTING RATES AND FEES

SEC. 3. The classes of mail, the rates of postage, and fees for postal services prescribed by law or regulation made or adopted prior to the effective date of subchapter II of chapter 36 of title 39, United States Code, as enacted by section 2 of this Act, shall be in effect according to the terms of such law or regulation until changed in accordance with such subchapter.

TRANSITIONAL PROVISIONS

SEC. 4. (a) There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.

(b) Postal revenues and fees collected on and after the effective date of this section shall be considered assets of the Postal Service.

SAVINGS PROVISIONS

SEC. 5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act; or

(B) in the exercise of duties, powers, or functions which are transferred under this Act;

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction; and

(2) which are in effect at the time the United States Postal Service commences operations, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), the functions of which are transferred by this Act; but such proceedings shall be continued before the Postal Service. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act), by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2) of this subsection—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which any provision of this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Postal Service; or

(B) any function of such department, agency, or officer is transferred to the Postal Service;

such suit shall be continued by the Postal Service.

(d) The amendment of any statute by this Act shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

(e) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act, shall remain in force as rules or regulations of the Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

(g) Notwithstanding section 202 of title 39, United States Code, as enacted by section 2 of this Act, Governors of the Board of Governors of the Postal Service may be paid $300 a day for not more than 60 days of meetings in each of the first 2 years following the effective date of such section 202.

TECHNICAL AMENDMENTS

SEC. 6. (a) Section 225(f) of the Act of December 16, 1967 (81 Stat. 643; 2 U.S.C. 356), is amended—

(1) by striking out the word "and" at the end of paragraph (C);

(2) by striking out the period at the end of paragraph (D) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (D) a new paragraph (E) as follows:

"(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39, United States Code.".

(b) Subsection (d)(1) of section 19 of title 3, United States Code, is amended by striking out "Postmaster General,".

(c) Title 5, United States Code, is amended as follows:

(1) Section 101 is amended by striking out—

"The Post Office Department.".

(2) Section 104(1) is amended by inserting after "executive branch" the following: "(other than the United States Postal Service or the Postal Rate Commission)".

(3) Section 2104 is amended—

(A) by inserting the subsection designation "(a)" before the word "For";

(B) by inserting after "except" the following: "as otherwise provided by this section or"; and

(C) by inserting at the end thereof the following new subsection:

"(b) Except as otherwise provided by law, an officer of the United States Postal Service or of the Postal Rate Commission is deemed not an officer for purposes of this title.".

(4) Section 2105 is amended by adding at the end thereof the following new subsection:

"(e) Except as otherwise provided by law, an employee of the United States Postal Service or of the Postal Rate Commission is deemed not an employee for purposes of this title.".

(5) Section 3104(a)(5) is repealed.

(6) Section 3304a(a) is amended by striking out ", in the postal field service,".

(7)(A) Section 3327 is repealed.

(B) The analysis of subchapter I of chapter 33 is amended by striking out item 3327.

(8) Section 4301(1)(ii) is repealed.

(9) Section 5102(c)(1) is repealed.

(10) Section 5303(a)(2) is repealed.

(11) The first sentence of section 5304 is amended by striking out "the provisions of part III of title 39 relating to employees in the postal field service,".

(12) Clause (5) of section 5312 is repealed.

(13) Section 5314 is amended—

(A) by striking out clause (3); and

(B) by inserting at the end thereof the following:

"(55) Chairman, Postal Rate Commission.".

(14) Section 5315 is amended—

(A) by striking out clauses (21) and (45); and

(B) by inserting at the end thereof the following:

"(93) Members, Postal Rate Commission (4).".

(15) Clauses (37), (60), and (123) of section 5316 are repealed.

(16) Section 5541(2)(vi) is repealed.

(17) Section 6301(2)(ii) is amended by striking out the first comma thereof and the phrase "except an hourly employee in the postal field service,".

(18) Section 6323 is amended—

(A) by striking out of subsections (a) and (c) the phrase "(a substitute employee in the postal field service)" wherever it appears; and

(B) by striking out subsections (b) and (d).

(19) Section 7101 is amended by striking out "postal service" and inserting in lieu thereof "United States Postal Service".

(20) Section 8344 is amended by adding at the end thereof the following new subsection:

"(c) This section does not apply to an individual appointed to serve as a Governor of the Board of Governors of the United States Postal Service.".

(d) Paragraph seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24 seventh), is amended by inserting after "nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority" the words "or by the United States Postal Service".

(e) Section 602(c) of the Act of August 7, 1956 (70 Stat. 1113), as amended (12 U.S.C. 1701d–3(c)), is further amended by striking out "section 306 of the Penalty Mail Act of 1948 (39 U.S.C. 321)n" and inserting in lieu thereof "section 3204 of title 39, United States Code".

(f) Section 301(a) of the Housing Act of 1948 (63 Stat. 431), as amended (12 U.S.C. 1701e(a)), is further amended by striking out "39 United States Code 321n" and inserting in lieu thereof "39 United States Code 3204".

(g) Section 8(b) of the Small Business Act, as amended by section 107 of the Act of October 11, 1967 (81 Stat. 269; 15 U.S.C. 637 (b)(15)), is further amended by striking out "section 1154 of title 39, United States Code" which appears in paragraph 15 and inserting in lieu thereof "section 3204 of title 39, United States Code".

(h) Section 2(f) of the Act of May 28, 1963 (77 Stat. 50; 16 U.S.C. 4601–1(f)), is amended by striking out "section 4154, title 39, United States Code", and inserting in lieu thereof "section 3204 of title 39, United States Code".

(i) Section 8 of title 17, United States Code, is amended—

(1) by striking out "Postmaster General" and inserting in lieu thereof "United States Postal Service"; and

(2) by striking out "section 2506 of title 39" and inserting in lieu thereof "section 405 of title 39".

(j) Title 18, United States Code, is amended as follows:

(1) The analysis of chapter 1 is amended by inserting in item 12, before "Postal" the words "United States".

(2) Section 12 is amended to read as follows:

"§ 12. United States Postal Service defined

"As used in this title, the term 'Postal Service' means the United States Postal Service established under title 39, and every officer and employee of that Service, whether he has taken the oath of office.".

(3) Section 440 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(4) Section 441 is amended by striking out "Post Office Department or the".

(5) The first 2 paragraphs of section 500 are amended to read as follows:

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department or Postal Service, or by any officer or employee thereof; or

"Whoever forges or counterfeits the signature of any officer or employee of the Postal Service, upon or to any money order, postal note, or blank therefor provided or issued by or under the direction of the Post Office Department or the Postal Service, or post office department or corporation of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or".

(6) The last 3 paragraphs of section 501 thereof are amended to read as follows:

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, or by the Postal Service, without the special authority and direction of the Department or Postal Service; or

"Whoever after such postage stamp, stamped envelope or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department or the Postal Service, to receive it—

"Shall be fined not more than $500 or imprisoned not more than five years, or both.".

(7) Sections 612 and 876 are amended by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service".

(8) Section 877 is amended by striking out the phrase "Post Office Department of the United States" wherever it appears and inserting in lieu thereof "Postal Service".

(9) Section 1114 is amended by striking out "postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" and inserting in lieu thereof "officer or employee of the Postal Service".

(10) Section 1303 is amended by striking out "a postmaster or other person employed in" and inserting in lieu thereof "an officer or employee of".

(11) Section 1341 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(12) Section 1342 is amended by striking out "Post Office Department of the United States" and inserting in lieu thereof "Postal Service".

(13) Section 1463 is amended by striking out "Postmaster General" in section 1463 and inserting in lieu thereof "Postal Service".

(14) Section 1696(c) is amended by striking out "section 500 of title 39" and inserting in lieu thereof "section 601 of title 39".

(15) Section 1699 is amended by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service".

(16)(A) Subsection (a) of section 1703 is amended to read as follows:

"(a) Whoever, being a Postal Service officer or employee, unlawfully secrets, destroys, detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal Service, shall be fined not more than $500 or imprisoned not more than five years, or both.".

(B) Subsection (b) of section 1703 is amended by striking out the phrase "postmaster or Postal Service employee" wherever it appears and inserting in lieu thereof "Postal Service officer or employee".

(17) Section 1704 is amended by inserting "or the Postal Service" after the words "Post Office Department" wherever they appear.

(18) Section 1707 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(19)(A) Section 1709 is amended to read as follows:

"§ 1709. Theft of mail matter by officer or employee

"Whoever, being a Postal Service officer or employee, embezzles any letter, postal card, package, bag, or mail, or any article or thing contained therein entrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or of the Postal Service; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $2,000 or imprisoned not more than five years, or both.".

(B) The analysis of chapter 83 is amended by striking out—

"1709. Theft of mail matter by postmaster or employee."

and inserting in lieu thereof—

"1709. Theft of mail matter by officer or employee.".

(20) Section 1710 is amended by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee".

(21) Section 1711 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster" wherever it appears in the second paragraph and inserting in lieu thereof "Postal Service officer or employee"; and

(D) by striking out "Postmaster General" wherever appearing in section 1711, and inserting in lieu thereof "Postal Service".

(22) Section 1712 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster or employee" in the second paragraph and inserting in lieu thereof "Postal Service officer or employee"; and

(D) by striking out "postmaster or other person" in the second paragraph and inserting in lieu thereof "officer or employee".

(23) Section 1713 is amended by striking out "a postmaster or other person employed in any branch of the Postal Service" and inserting in lieu thereof "an officer or employee of the Postal Service".

(24) Section 1715 is amended—

(A) by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service"; and

(B) by striking out "postmaster, letter carrier, or other person in" and inserting in lieu thereof "officer or employee of".

(25)(A) The second, third, and fourth paragraphs of section 1716 are amended to read as follows:

"The Postal Service may permit the transmission in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force dangerous or injurious to life, health, or property.

"The Postal Service is authorized and directed to permit the transmission in the mails, under regulations to be prescribed by it, of live scorpions which are to be used for purposes of medical research or for the manufacture of antivenom. Such regulations shall include such provisions with respect to the packaging of such live scorpions for transmission in the mails as the Postal Service deems necessary or desirable for the protection of Postal Service personnel and of the public generally and for ease of handling by such personnel and by any individual connected with such research or manufacture. Nothing contained in this paragraph shall be construed to authorize the transmission in the mails of live scorpions by means of aircraft engaged in the carriage of passengers for compensation or hire.

"The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians under such rules and regulations as it shall prescribe.".

(B) Section 1716 is amended—

(i) by striking out "Postmaster General" wherever else appearing therein and inserting in lieu thereof "Postal Service";

(ii) by striking out "letter carrier" in the first paragraph and inserting in lieu thereof "officer or employee of the Postal Service"; and

(iii) by striking out "postmaster, letter carrier, or other person in the postal service" in the seventh paragraph and inserting in lieu thereof "officer or employee of the Postal Service".

(26) Section 1716A is amended by striking out "section 4010" and inserting in lieu thereof "section 3002".

(27) Section 1717(b) is amended by striking out "of the United States".

(28) Section 1718 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(29) Section 1721 is amended—

(A) by striking out "postmaster or postal service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster or other person" and inserting in lieu thereof "officer or employee"; and

(D) by striking out "the postmaster or any employee of a post office or station or branch thereof" and inserting in lieu thereof "any such officer or employee".

(30) Section 1722 is amended by striking out "any postmaster or to the Post Office Department or any officer of the Postal Service" and inserting in lieu thereof "the Postal Service or to any officer or employee of the Postal Service".

(31) Section 1723 is amended by striking out "the Postmaster General" and inserting in lieu thereof "a duly authorized officer of the Postal Service".

(32) Section 1724 is amended to read as follows:

"§ 1724. Postage on mail delivered by foreign vessels

"Except as otherwise provided by treaty or convention the Postal Service may require the transportation by any steamship of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postal Service or its representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance, until the collector or other officer of the port is informed by the Postal Service or its representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postal Service".

(33) Section 1725 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service.".

(34) Section 1729 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(35) Section 1730 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(36) (A) Section 1733 is amended to read as follows:

"§ 1733. Mailing periodical publications without prepayment of postage

"Whoever, except as permitted by law, knowingly mails any periodical publication without the prepayment of postage, or, being an officer or employee of the Postal Service, knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined not more than $1,000, or imprisoned not more than one year, or both.".

(B) The analysis of chapter 83 is amended by striking out—

"1733. Affidavits relating to second-class mail."

and inserting in lieu thereof—

"1733. Mailing periodical publications without prepayment of postage.".

(37) (A) Chapter 83 is further amended by adding at the end thereof the following new sections:

"§ 1735. Sexually oriented advertisements

"(a) Whoever—

"(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3010 of title 39, or willfully violates any regulations of the Board of Governors issued under such section; or

"(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 3010 of title 39, uses a mailing list maintained by the Board of Governors under such section;

shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"(b) For the purposes of this section, the term 'sexually oriented advertisement' shall have the same meaning as given it in section 3010(d) of title 39.

"§ 1736. Restrictive use of information

"(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3010 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"(b) The fact of the performance of any act by an individual in compliance with any provision of section 3010 of title 39, or regulations issued thereunder, shall not be the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"§ 1737. Manufacturer of sexually related mail matter

"(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3008 or 3010 of title 39, in violation of any regulation of the Postal Service issued under such section, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"(b) As used in this section, the term 'sexually related mail matter' means any matter which is within the scope of section 3008(a) or 3010(d) of title 39.".

(B) The table of contents of such chapter is amended by adding at the end thereof the following new items:

"1735. Sexually oriented advertisements.
"1736. Restrictive use of information.
"1737. Manufacturer of sexually related mail matter.".

(38) (A) Section 3061 is amended—

(i) by striking out the section heading and inserting in lieu thereof the following:

"§ 3061. Powers of postal personnel";

(ii) by striking out of subsection (a) the words "postal inspectors may, to the extent authorized by the Postmaster General—" and inserting in lieu thereof "officers and employees of the Postal Service performing duties related to the inspection of postal matters may, to the extent authorized by the Board of Governors—"; and

(iii) by striking out of subsection (b) the words "postal service" and inserting in lieu thereof "Postal Service, including property of the Postal Service,".

(B) The analysis of chapter 203 is amended by striking out—

"3061. Powers of postal inspectors."

and inserting in lieu thereof—

"3061. Powers of postal personnel.".

(k) Section 1(d) of the Act of June 8, 1938 (52 Stat. 631), as amended (56 Stat. 250; 22 U.S.C. 611(d)), is further amended by striking out "file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended", and inserting in lieu thereof, "file with the United States Postal Service information in compliance with section 3611 of title 39, United States Code".

(l) (1) The sixth subdivision of section 7 of the Act of July 31, 1894 (28 Stat 206; 31 USC 72 Fifth), and the second proviso of section 10 of the Act of August 24, 1912 (37 Stat. 559; 31 USC 72 Fifth) are repealed.

(2) Section 1 of the Act of March 6, 1946 (60 Stat 31), as amended (31 USC 129), is further amended by inserting after "Postmaster General," the following: "the United States Postal Service,".

(3) Section 1302 of the Act of July 27, 1956, as amended (31 USC 724a), is further amended by adding the following sentence thereto: "Notwithstanding the other provisions of this section, judgments against the United States arising out of activities of the United States Postal Service shall be paid by the Postal Service out of any funds available to it.".

(4) Section 1 of the Act of September 30, 1890 (26 Stat. 511; 31 U.S.C. 1028) is hereby repealed.

(m) (1) Section 411(f) of the Public Buildings Acts of 1949, as amended (68 Stat. 520; 40 U.S.C. 356(f)), is further amended by striking out in the third proviso "section 205 of the Post Office Department Property Act of 1954" and inserting in lieu thereof "section 2003 of title 39, United States Code".

(2) Item (15) of section 602(d) of the Act of June 30, 1949 (63 Stat. 401), as amended (40 U.S.C. 474(15)) is further amended to read as follows:

"(15) The United States Postal Service;".

(3) Section 16 of the Act of September 9, 1959 (73 Stat. 483; 40 U.S.C. 615) is amended to read as follows:

"SEC. 16. Nothing in this Act shall be construed to limit or repeal—

"(1) existing authorizations for the leasing of buildings by and for the General Services Administration; or

"(2) the authority conferred by law on the United States Postal Service.".

(4) The third proviso of section 3 of the Act of August 10, 1939 (50 Stat. 479), as amended (40 U.S.C. 723), is further amended by striking out "insofar as such loss, destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended (U.S.C. 1934 edition, title 39, sec. 49)", and inserting in lieu thereof the following: "insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees".

(5) Section 3a of the Government Losses in Shipment Act as added by section 2 of the Act of August 10, 1939 (53 Stat. 1358; 40 U.S.C. 724), is amended (A) by striking out the colon immediately preceding the proviso and inserting a period in lieu thereof; and (B) by striking out the proviso.

(n) Section 602(1) of the Act of August 20, 1964 (78 Stat. 529; 42 U.S.C. 2942(1)), is amended by striking out "section 4154 of title 39, United States Code" and inserting in lieu thereof "section 3204 of title 39, United States Code".

(o) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered

a reference to the United States Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

(p) Whenever reference is made in any provision of law (other than this Act or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

(q) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section, that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein.

STUDY OF PRIVATE CARRIAGE OF MAIL

SEC. 7. The Congress finds that advances in communications technology, data processing, and the needs of mail users require a complete study and thorough reevaluation of the restrictions on the private carriage of letters and packets contained in chapter 6 of title 39, United States Code (as enacted by section 2 of this Act), and sections 1694–1696 of title 18, United States Code, and the regulations established and administered under these laws. The Board of Governors of the United States Postal Service shall submit to the President and the Congress within 2 years after the effective date of this section a report and recommendation for the modernization of these provisions of law, and such regulations and administrative practices.

TRANSFER OF POST OFFICE DEPARTMENT PERSONNEL

SEC. 8. Officers and employees of the Post Office Department shall become officers and employees of the United States Postal Service on the effective date of this section. The provisions of this section shall not apply to persons occupying the positions of Postmaster General, Deputy Postmaster General, Assistant Postmasters General, General Counsel, or Judicial Officer. This section shall not be construed, however, to prohibit the appointment of such persons to positions in the Postal Service.

COMPENSATION OF EMPLOYEES

SEC. 9. (a) The Postmaster General, under regulations made by him, shall increase the rates of basic pay or compensation of employees in the Post Office Department so that such rates will equal, as nearly as practicable, 108 percent of the rates of basic pay or compensation in effect immediately prior to the date of enactment of this Act. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970.

(b) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Government of the United States.

(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment.

(e) No rate of basic pay or compensation, in excess of the rate of basic pay for GS–18 of the General Schedule in section 5332 of title 5, United States Code, shall be paid by reason of the enactment of this section.

LABOR AGREEMENTS

SEC. 10. (a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations which as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than 30 days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster General to a labor organization. Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 12 of title 39, United States Code.

(b) Any agreement negotiated under this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

(c) An agreement made under this section shall become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made under this section notwithstanding the provisions of any law other than title 39.

(d) If the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a fact-finding panel will be established in accordance with the terms of section 1207(b) of title 39, United States Code, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 1207(c) of such title.

(e) Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

(f) For the purposes of this section, references to title 39 and sections of title 39 are references to title 39, United States Code, as enacted by section 2 of this Act.

SEPARABILITY AND LEGISLATIVE CONSTRUCTION

SEC. 11. (a) If a part of title 39, United States Code, as enacted by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act is held to be invalid, the remainder of the Act shall not be affected thereby.

(b) An inference of a legislative construction is not to be drawn by reason of a chapter in title 39, United States Code, as enacted by section 2 of this Act, in which a section is placed nor by reason of the caption or catchline.

TRANSITIONAL EXPENSES

SEC. 12. Expenses of the United States Postal Service and the Postal Rate Commission, established under section 2 of this Act, from the date of enactment of this Act until the date of commencement of operations of the Postal Service and the Commission, shall be deemed to be necessary expenses of the administration of the Post Office Department as now constituted.

APPOINTMENT OF POSTMASTERS AND OTHER EMPLOYEES ON MERIT BASIS

SEC. 13. (a) Between the date of enactment of this Act and the date on which the Board of Governors of the United States Postal Service determines that section 1001 of title 39, United States Code (as enacted by section 2 of this Act), is effective, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service by one of the three following methods which shall be applied in the following order of precedence:

(1) by selection of a qualified employee serving at the post office where the vacancy occurs, including an acting postmaster who was serving on January 1, 1969, who shall acquire a competitive status upon being appointed postmaster;

(2) if no qualified employee serving at the post office where the vacancy occurs is available for, and willing to accept, appointment by the method described in subparagraph (1), by selection of a qualified employee serving in the postal field service; or

(3) if no qualified employee is available for, and willing to accept, appointment by the methods described in subparagraph (1) or (2), by competitive examination in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service.

Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

(b)(1) In the selection, appointment, and promotion of employees of the Post Office Department between the date of enactment of this Act and the date on which the Board of Governors of the Postal Service determines that former section 3311 of title 39, United States Code, is no longer effective, no political test or qualification shall be per-

mitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Post Office Department who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment.

INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

SEC. 14. (a) The Congress finds—

(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

(b) On the basis of such findings, the Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

EFFECTIVE DATES

SEC. 15. (a) Except as provided in subsection (b) of this section, this section and sections 9 through 13 of this Act, and sections 202, 203, 205 (b) and (c), 206, and 401(2), and subchapter I of chapter 36 of title 39, United States Code, as enacted by section 2 of this Act, shall become effective on the date of enactment of this Act. Except as otherwise provided in this Act, the other provisions of this Act shall become effective within 1 year after the enactment of this Act on the date or dates established therefor by the Board of Governors and published by it in the Federal Register. References to the Postal Service in any provision of this Act (other than a provision referred to in the first sentence of this subsection) which becomes effective before the Postal Service commences operations shall be held and considered to refer to the Post Office Department until the Postal Service commences operations.

(b) Sections 3010 and 3011 of title 39, United States Code, as enacted by section 2 of this Act, and sections 1735, 1736, and 1737 of title 18, United States Code, as enacted by section 6(j) of this Act, shall become effective on the first day of the sixth month which begins after the date of enactment of this Act.

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
DOMINICK V. DANIELS,
ROBERT J. CORBETT,
GLENN CUNNINGHAM,
EDWARD J. DERWINSKI,
Managers on the Part of the House.

GALE W. MCGEE,
JENNINGS RANDOLPH,
HIRAM L. FONG,
J. CALEB BOGGS,
Managers on the Part of the Senate

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

TITLE

The House bill was titled "Postal Reorganization and Salary Adjustment Act of 1970". The Senate amendment provided for the title to be "Postal Reorganization Act". The conference substitute adopts the Senate provision.

POSTAL POLICY

The House bill provided as a matter of policy that pay of postal employees was to be comparable to pay levels in major industries in the private sector. The Senate amendment contained a similar provision but made no reference to major industries, and the conference substitute conforms to the Senate amendment.

BOARD OF GOVERNORS

The House bill provided for an 11-member Commission on Postal Costs and Revenues to direct the policy of the Postal Service. The Commission was to consist of 9 Commissioners appointed by the President, the Postmaster General, and the Deputy Postmaster General. The Senate amendment provided for a 15-member Board of Governors to direct the exercise of all powers of the Postal Service. The Board was to consist of 9 Governors appointed by the President, the Postmaster General, the Deputy Postmaster General, and 4 non-voting Members of Congress. The conference substitute adopts the Senate provision with an amendment eliminating Members of Congress from membership on the Board.

The Senate amendment contained a provision not in the House bill providing for the President to designate one of the 9 Presidentially-appointed Governors as Chairman. The conference substitute adopts the Senate provision with an amendment providing for the Governors to designate one of the members of the Board as Chairman.

MEETINGS OF BOARD OF GOVERNORS

The House bill contained a provision not in the Senate amendment limiting to 30 the number of meetings for which the Governors could be paid each year. The conference substitute adopts the House provision with an amendment providing that the Governors may be paid for not more than 30 days of meetings per year, except that during each of the first two years they may be paid for up to 60 days of meetings.

ASSISTANT POSTMASTERS GENERAL

The House bill contained a provision providing for the Postmaster General to appoint such number of Assistant Postmasters General as he considered appropriate. The Senate amendment contained a provision providing for the Board of Governors to appoint such number of Assistant Postmasters General as it considered appropriate. The conference substitute adopts the House provision with an amendment providing for the Board of Governors to determine the number of such Assistant Postmasters General.

DUTIES OF ASSISTANT POSTMASTERS GENERAL

The Senate amendment contained a provision not in the House bill providing for the Board of Governors to prescribe the duties of the Assistant Postmasters General. The conference substitute adopts the Senate provision.

ADVISORY COUNCIL

The House bill contained a provision with respect to the Advisory Council which required the inclusion, as members of the Council, of 4 mailers of moderate amounts of personal first-class mail. The Senate amendment contained no comparable provision with respect to membership on the Advisory Council and the conference substitute contains no such provision.

The House bill contained a provision providing for the Council to advise and consult with respect to postal rates and services and compensation of employees. The provision in the Senate amendment provided for consultation on all aspects of postal operation. The conference substitute conforms to the Senate provision.

FREEDOM OF INFORMATION

The Senate amendment contained a provision not in the House bill which continued the application, with certain exceptions, of the public information requirements of chapter 5 of title 5 of the United States Code. The conference substitute adopts the Senate provision.

DAVIS-BACON ACT

The House bill contained a provision applying the Davis-Bacon Act to Postal Service lease agreements for space in excess of 5,000 square feet. The Senate amendment contained a similar provision but applied the Davis-Bacon Act to agreements for space in excess of 6,500 square feet. The conference substitute adopts the Senate provision.

CONTRACT EMPLOYEES

The House bill contained a provision permitting the Postal Service to hire executives on long term employment contracts when necessary. The Senate amendment contained a similar provision but permitted such contracts with executive officers and employees. The conference substitute adopts the House provision with an amendment limiting the term of any such contract to five years.

RIGHT OF TRANSFER

The House bill contained a provision providing that employees of the Post Office Department on the effective date of the new Postal Service would be eligible to transfer to any position within the United States Government which was open and for which they were qualified. The Senate amendment contained a provision providing for promotion or transfer of any such employee of the Post Office Department or any employee of the Postal Service to any other position in the Postal Service or in the Executive Branch of the United States Government. The conference substitute adopts the Senate provision.

POLITICAL RECOMMENDATIONS

The House bill contained provisions requiring that each appointment, promotion, assignment, transfer, or designation to a position in the Postal Service be made, subject to certain limited exceptions, without regard to any statement or recommendation, written or oral, by any Member of Congress, state or local elected official, political party official, or any other individual or organization. Both the solicitation and the submission of any such statement or recommendation were prohibited. Any person applying, or under consideration, for a position who solicited such a statement or recommendation would automatically be disqualified. The exceptions related to requests by authorized Federal officials for suitability and security clearances and for evaluations of ability and performance from supervisors in the Postal Service or former employers. The Senate amendment provided that political recommendations, tests, or qualifications for appointment in the Postal Service should not be taken into account in making such appointments and that the Postal Service could permanently disqualify anyone who violated the provision. The conference substitute adopts the House provisions with amendments permitting disqualification and authorizing the solicitation and furnishing of statements relating only to character and residence.

AREA WAGE

The House bill contained a provision providing that comparability of compensation and benefits with private industries could be on an area wage basis. No comparable provision was contained in the Senate amendment and none is contained in the conference substitute.

COLLECTIVE BARGAINING UNITS

The House bill provided that in each case the appropriate unit in the Postal Service for collective bargaining would be determined by the National Labor Labor Relations Board and that such unit would receive exclusive recognition. The House bill further provided that, during the period of transition between date of enactment of the Postal Reorganization Act and commencement of the Postal Service, bargaining would be conducted by the Postmaster General and those labor organizations which, on the effective date of such Act, held national exclusive recognition. The Senate amendment provided that (1) the National Labor Relations Board should decide in each case the national unit in the Postal Service for collective bargaining, (2) each such national unit would be a national craft unit, and (3) each such appropriate unit would receive national exclusive recognition. The Senate amendment contained a further provision for bargaining during the transitional period which excluded any reference to national exclusive recognition. The conference substitute adopts the House provisions.

It is the intent of the conference committee that these provisions of the conference substitute leave to the National Labor Relations Board the judgment as to what will be the appropriate units for collective bargaining in the Postal Service on the basis of the same criteria applied by the Board in determining appropriate bargaining units in the private sector. The conference substitute deems it desirable to leave the determination of appropriate bargaining units entirely in the judgment of the National Labor Relations Board rather than to predetermine such matters in any way.

RIGHT TO WORK

The conference substitute contains the provision in the House bill which guaranteed each employee of the Postal Service the right to form, join, and assist a labor organization or to refrain from any such activity.

ADDITIONAL FEES AND PERQUISITES

The Senate amendment contained a provision not in the House bill which prohibited any Postal Service employee from receiving any fee or perquisite from a postal patron in connection with his official duties. The conference substitute contains the Senate provision.

SUPERVISORY AND OTHER MANAGERIAL PERSONNEL

The House bill contained provisions (1) providing for suitable differentials in the pay of supervisors in relation to the pay of employees they supervise, (2) providing for the recognition of an organization of supervisors representing the majority of supervisors, and other managerial organizations with memberships including a substantial percentage of managerial employees other than supervisors, and granting such organizations the right to participate directly in consultation with the Postal Service on matters affecting the pay, benefits, and employment conditions of such employees, and (3) establishing the policy that the Postal Service would provide pay, working conditions, and career opportunities that would assure attraction and retention of qualified supervisory personnel. The Senate amendment contained a general provision permitting organizations of officers and employees not subject to collective bargaining agreements with memberships constituting a substantial percentage of personnel in their occupations or positions to participate directly in the planning and development of policies affecting their pay, benefits, and other related programs. The conference substitute adopts the House provisions with an amendment providing that such organizations of supervisors and of other managerial employees shall have the right to participate directly in the planning and development of policies with respect to their pay, benefits, and other related programs.

Nothing contained in the House bill or the Senate amendment provided for, and nothing in the conference substitute permits, or is intended to permit, the establishment of a collective bargaining system for any personnel who are not within a collective bargaining unit. Neither the provisions relating to supervisory and other managerial organizations nor any other provision in the conference substitute establish any such collective bargaining system or grants any such organization or personnel the right to dictate policy or veto any decision reached by the Postal Service.

TRANSPORTATION OF MAIL GENERALLY

The House bill contained a provision permitting the Postal Service, in addition to its special contracting authority with respect to surface, air, and water carriers, to make contracts, without advertising under certain conditions, for the transportation of mail for periods not in excess of 4 years. The Senate amendment contained a similar provision and, in addition (1) authorized contracts for periods up to 6 years upon a determination by the Board of Governors of special conditions, and (2) required that renewal of such contracts without advertising be at the existing rates. The conference substitute conforms to the Senate provision.

Also, the Senate amendment contained a provision not in the House bill permitting, by mutual agreement, the adjustment of compensation on such contracts for increased or decreased costs due to changed conditions. The conference substitute adopts the Senate provision.

SPECIAL CONTRACTS

The House bill contained a provision permitting the Postal Service to enter into special 4-year contracts with surface carriers without advertising for bids. The Senate amendment contained a similar provision with certain additional limitations but required in the case of contracts without advertising that reasonable advance notice be posted in order to afford interested carriers and persons an opportunity to negotiate. The conference substitute adopts the House provision with an amendment including the Senate requirement with respect to reasonable advance notice.

FINES AND DEDUCTIONS

The House bill contained a provision (1) permitting the Postal Service to make deductions from the compensation of a carrier for failure to perform transportation service where failure was due to the fault of the carrier, and (2) limiting the deduction to a sum not exceeding three times the compensation applying to such service. The Senate amendment contained an identical provision, except that the amount of the deduction was limited to twice the applicable compensation. The conference substitute conforms to the Senate provision.

AIR TRANSPORTATION

The Senate amendment contained a provision not in the House bill which permitted the Board of Governors to contract for the carriage of mail, without advertising for bids, with certified air carriers under contracts which required by their terms carriage of at least 1,000 pounds of mail per flight, no more than 10 percent of which by weight, in the case of domestic mail, and 5 percent in the case of international mail, could be letter mail. The conference substitute adopts the Senate provision with an amendment reducing the 1,000 pound requirement to 750 pounds and continuing the same percentage limitations.

The House bill contained a provision permitting the Postal Service to enter into special contracts for the transportation of mail by air between points between which the Civil Aeronautics Board has not authorized an air carrier to engage in the transportation of persons, property, or mail. The Senate amendment contained a provision permitting such contracts between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail. The conference substitute adopts the Senate provision.

In addition, the Senate amendment contained a provision not in the House bill for the negotiation of contracts for air taxi service. The conference substitute adopts the Senate provision.

POSTAL RATE COMMISSION

The House bill contained a provision establishing a Postal Rate Board as an independent agency not part of the Postal Service. The Senate amendment contained a provision establishing an independent Postal Rate Commission within the Postal Service.

The conference substitute adopts the House provision with amendments changing the name to Postal Rate Commission, requiring that the expenses of the Commission be paid from the Postal Service Fund, and permitting the Governors, by unanimous written decision, to modify the total amount of the Commission's budget.

MEMBERS OF POSTAL RATE COMMISSION

The House bill provided for 3 Commissioners to be appointed by the President for 6 year terms. The Senate amendment provided for 5 Presidential appointees and required Senate confirmation. The Conference substitute provides for 5 Presidential appointees and does not require Senate confirmation.

SALARY OF POSTAL RATE COMMISSION MEMBERS

The House bill provided for compensation of the members of the Postal Rate Commission at the rate established for level IV of the

Executive Schedule and compensated the Chairman an additional $500. The Senate amendment contained a similar provision but provided compensation for the Chairman at the rate established for level III of the Executive Schedule. The conference substitute conforms to the Senate provision.

POSTAL RATE COMMISSION PERSONNEL

The House bill provided that the Chairman of the Postal Rate Commission could appoint an Executive Director and such other additional personnel as may be necessary to carry out the functions of the Commission. The Senate amendment provided that the Commission could appoint such officers and employees as may be necessary to carry out the functions of the Commission. The conference substitute conforms to the Senate provision.

GENERAL APPROPRIATIONS

The Senate amendment contained a provision not in the House bill appropriating all revenues of the Postal Service to the Postal Service Fund for the use of the Postal Service. The conference substitute adopts the Senate provision.

REVENUE FOREGONE APPROPRIATION

The House bill contained a provision (1) authorizing the appropriation of a sum equal to the difference between revenue received on free and reduced rate matter and the revenue which would have been earned were such matter not entitled to be mailed free or at reduced rates, and (2) requiring that such free and reduced rates be adjusted to make up any revenue deficiency which occurs as a result of insufficient appropriations. The Senate amendment contained a similar provision but made no provision for adjustment of such rates in the case of insufficient appropriations.

The conference substitute adopts the Senate provision with an amendment permitting, but not requiring, the adjustment of rates on free and reduced rate matter if Congress fails to appropriate the amount of revenue foregone on such free and reduced rate matter.

PUBLIC SERVICE APPROPRIATIONS

The House bill provided for appropriations for public service on a declining basis (starting at 10 percent of the total cost of postal service for the fiscal year 1972) beginning with the effective date of the Postal Reorganization Act and ending December 31, 1977. The Senate amendment contained a provision authorizing annual appropriations on a continuing basis in amounts equal to 10 percent of total cost for any year or 10 percent of total cost for the fiscal year 1971, whichever is less. The conference substitute adopts the Senate provision with an amendment authorizing an appropriation (1) each fiscal year through 1979 in an amount equal to 10 percent of total cost for the fiscal year 1971, (2) for the next 5 fiscal years following fiscal year 1979 on a 1 percent per year declining basis, and (3) thereafter appropriations may be continued at 5 percent, modified, or eliminated by the Postal Service.

FREE AND REDUCED RATE MAIL

The House bill contained a provision providing that certain mail matter entitled under existing law to be mailed free or at reduced rates continue at such rates until changed by law. The Senate amendment contained no similar provision with respect to such mail matter which is entitled under existing law to be mailed at reduced rates. The conference substitute adopts the House provision with an amendment permitting the adjustment of rates on mail matter entitled to free or reduced rates to the extent Congress fails to appropriate sums equal to revenue foregone on such matter.

In addition, the Senate amendment contained provisions not in the House bill which would allow nonprofit preferred rate mailers 10 years and certain other mailers 5 years to adjust, under annual increases as nearly equal as practicable, to any new rates established by the Governors. The conference substitute adopts the Senate provisions with an amendment which provides that revenues from rates on nonprofit preferred rate mailings shall not, after 10 years, exceed postal costs for such mail excluding any portion of overhead or institutional costs.

The House bill contained a provision requiring the Postal Service to submit biannual reports to the Congress with recommendations for necessary changes in free and reduced rate mail and rates for such mail. No comparable provision was contained in the Senate amendment and none is contained in the conference substitute.

INITIATING POSTAL RATE COMMISSION RECOMMENDATIONS

The House bill provided for the Postal Service to propose to the Postal Rate Commission changes in rates and classifications of mail. The Senate amendment provided (1) for the Board of Governors to request the Postal Rate Commission to recommend changes in rates and classifications of mail, and (2) after the initial change in classifications of mail, also for the Postal Rate Commission to recommend changes in classifications on its own initiative. The conference substitute adopts the Senate provision.

RATE COMMISSION RECOMMENDATIONS

The House bill contained a provision permitting the Board of Governors to adopt, reject, or modify recommendations of the Postal Rate Commission with respect to proposed changes in rates or classifications.

Under the Senate amendment, the Governors were required to act on the recommended decision of the Postal Rate Commission by (1) adopting such decision, (2) allowing such decision under protest, (3) rejecting such decision, or (4) modifying a subsequent decision by unanimous vote following rejection of a prior decision and resubmission of a request for a recommended decision.

The conference substitute conforms to the Senate provision.

JUDICIAL REVIEW

The House bill provided that the final decision of the Postal Service on rate and classification changes would be subject to judicial review by United States Courts of Appeals on questions of law and procedure. The Senate amendment provided that such decisions would be subject to judicial review by the United States Courts of Appeals for the District of Columbia Circuit on questions of law, procedure, and substantiality of the evidence. The conference substitute adopts the Senate provision with an amendment providing for review in any appropriate United States Court of Appeals.

CONGRESSIONAL VETO

The House bill provided that a decision on rates or classification was to become final following termination of judicial review unless, within a certain time, either House of Congress by a majority vote disapproved of such decision. No comparable provision was contained in the Senate amendment and none is contained in the conference substitute.

CHANGES IN POSTAL SERVICE

The House bill provided that the Governors would make the final decision with respect to changes in postal service. The Senate amendment provided that the determination of the Postal Rate Commission on changes in postal service would be binding for a period of two years. The conference substitute adopts the House provision with an amendment providing that the Postal Service should make the final decision.

STANDARDS FOR RATE DETERMINATIONS

The House bill provided that revenues from rates and fees, plus revenue foregone appropriations for free and reduced rate mail matter, should be sufficient to cover full costs by January 1978. The Senate amendment provided that revenue from rates and fees, plus annual appropriations for public service, debt service, and revenue foregone should cover full costs. The conference substitute adopts the Senate provision with an amendment eliminating consideration of debt service.

The House bill contained provisions requiring that (1) rates be established in such a manner so as to apportion the costs of all postal operations on a fair and equitable basis, and (2) rates for each class of postal service cover the demonstrably related cost of such service. The Senate amendment also contained the requirement that postal rates be established in such a manner so as to apportion the costs of all postal operations on a fair and equitable basis, and provided several additional standards to be considered in making rate determinations. The conference substitute adopts the Senate provision with an amendment which incorporates the standard that each class of mail or type of mail service should bear the direct and indirect postal costs attributable to that class or type plus that portion of other costs of the postal service reasonably assignable to such class or type.

The provision in the conference substitute with respect to costs attributable to a class of mail or type of service establishes a floor for each class of mail equal to costs which consist of those costs, both direct and indirect, that vary over the short term in response to changes in volume of a particular class or, even though fixed rather than variable, are the consequence of providing the specific service involved. In addition, the conference substitute provides for a judgmental assignment of some part of the remaining costs.

STANDARDS FOR MAIL CLASSIFICATION

The Senate amendment contained provisions not in the House bill which set forth several factors to be considered in making changes in mail classification. The conference substitute conforms to the Senate provisions.

UNIFORM RATES FOR BOOKS AND RELATED MATERIAL

The Senate amendment contained a provision not in the House bill which required that rates of postage on books, films, printed music, printed test materials, sound recordings, playscripts and manuscripts, printed educational reference charts, and looseleaf pages of medical information be uniform for parcels of the same weight and not be based on zones or otherwise vary with the destination of the parcel. The conference substitute adopts the Senate provision.

AGREEMENTS RESTRICTING USE OF EQUIPMENT

The House bill contained a provision not in the Senate amendment which directed the Postal Service to refrain from expending any funds, engaging in any practice, or entering into any agreement or contract which restricts the use of new equipment or devices. The conference substitute adopts the House provision with an amendment which provides that the Postal Service should so refrain but which exempts collective bargaining agreements from the terms of the provision.

NONMAILABLE MATTER

The House bill contained a provision permitting the Postal Service to dispose of nonmailable matter. The Senate amendment contained a similar provision permitting the Board of Governors to dispose of nonmailable matter except that it permitted certain

oversized or perishable nonmailable matter to be delivered to the addressee if he furnished the name and address of the mailer. The conference substitute adopts the Senate provision.

UNORDERED MERCHANDISE

The Senate amendment contained a provision not in the House bill providing that mailing of unordered merchandise, with certain exceptions, constitutes an unfair method of competition and an unfair trade practice in violation of the Federal Trade Commission Act and may be treated as a gift by the recipient. The conference substitute adopts the Senate provision.

SEALED MAIL

The Senate amendment contained a provision not in the House bill providing for the Postal Service to maintain one or more classes of mail for the transmission of letters sealed against inspection and further providing that when such letters are not deliverable in accordance with the address, or in accordance with instructions of the addressee, they will not be opened except under authority of a search warrant, the instructions of the addressee, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be dellevered. The conference substitute adopts the Senate provision.

COLLECTION AND ADJUSTMENT OF DEBTS

The Senate amendment contained a provision not in the House bill which permitted the Board of Governors to adjust, pay, or credit the account of a postmaster or of an enlisted person of the armed forces performing postal duties for any loss of Postal Service funds, papers, postage, or other stamp stock or accountable paper. The conference substitute adopts the Senate provision.

The Senate amendment contained a provision not in the House bill requiring the Board of Governors to request the Attorney General to bring a suit to recover with interest certain payments improperly made from monies of, or certain credit improperly granted by, the Postal Service. The conference substitute adopts the Senate provision.

GOVERNORS EXCLUDED FROM CIVIL SERVICE RETIREMENT

The Senate amendment contained a provision not in the House bill providing that the Civil Service Retirement Act does not apply to an individual appointed to serve as a Governor of the Board of Governors of the Postal Service. The conference substitute adopts the Senate provision.

SALARY INCREASE OF 8 PERCENT

The House bill and the Senate amendment contained identical provisions directing the Postmaster General to increase by 8 percent the salary rates of employees of the Post Office Department, effective retroactively to the beginning of the first pay period commencing on or after April 16, 1970. It is the intent of the conference committee that the 8 percent increase will be effective, under regulations issued by the Postmaster General, by adjustment of the pay and compensation schedules in effect immediately before enactment of the Postal Reorganization Act as they apply to employees of the Post Office Department.

PAY CEILING

The Senate amendment contained a provision not in the House bill providing that the 8 percent salary increase for postal personnel (required by both the House bill and the Senate amendment) should not increase the salary rate of any officer or employee to a salary rate in excess of the rate for level V of the Executive Schedule. The conference substitute adopts the Senate provision with an amendment which provides that no salary rate of an officer or employee shall be increased, by reason of such 8 percent increase, to a rate in excess of the rate for grade GS 18 of the General Schedule.

MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

The Senate amendment contained a provision not in the House bill permitting postal patrons to advise the Postal Service that they do not wish to receive sexually oriented advertisements, and requiring any person who mails such advertisements to place on the envelope his name, address, and such mark or notice as the Board of Governors may prescribe. The conference substitute adopts the Senate provision.

SUPPLEMENTAL LEGISLATION

The House bill contained a provision indicating the intent of Congress that further legislation be enacted giving additional guidance to the Postal Service concerning the division of costs among the several classes of mail. The Senate amendment contained no comparable provision and the conference substitute contains none.

CONTINUANCE OF EXISTING RATES

The Senate amendment contained a provision not in the House bill providing that classes of mail, rates, and fees as in effect immediately prior to the effective date of the authority of the Postal Service to fix such classes, rates, and fees shall remain in effect until changed in accordance with such authority. The conference substitute adopts the Senate provision.

TRANSITIONAL PROVISIONS

The Senate amendment contained a provision not in the House bill specifically transferring to the Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and abolishing the Post Office Department and the office of Postmaster General of the Post Office Department. The conference substitute adopts the Senate provision.

SAVINGS PROVISIONS

The House bill and the Senate amendment contained similar provisions maintaining the force and effect of outstanding orders, rules, and regulations until specifically repealed, amended, or revised by the Postal Service. In addition, the Senate amendment contained provisions protecting certain proceedings and other legal matters commenced prior to the effective date of the Postal Reorganization Act. The conference substitute adopts the Senate provision.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS UDALL,
DOMINICK V. DANIELS,
ROBERT J. CORBETT,
GLENN CUNNINGHAM,
EDWARD J. DERWINSKI,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RYAN (at the request of Mr. ADDABBO), for the week of August 3, 1970, on account of illness.

Mr. PEPPER (at the request of Mr. GIAIMO), for Monday, August 3, 1970, on account of official business.

Mr. GRAY (at the request of Mr. ALBERT), for today, 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. EDMONDSON, for 60 minutes, tomorrow, following special order of Mr. FEIGHAN to memorialize the late Honorable Michael Kirwan.

Mr. DE LA GARZA, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PRYOR of Arkansas) to revise and extend their remarks and include extraneous material:)

Mr. LEGGETT, for 60 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. BOLAND, for 60 minutes, August 4.
Mr. MILLER of Ohio (at the request of Mr. HASTINGS) for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JOHNSON of California immediately prior to the passage of H.R. 13125 on the Consent Calendar today.

Mr. TALCOTT to revise and extend his remarks during the special order of Mr. GUBSER today.

Mr. MATSUNAGA (at the request of Mr. FOLEY) prior to the passage of S. 2484.

Mrs. MINK (at the request of Mr. FOLEY) prior to the passage of S. 2484.

Mr. ZABLOCKI in two instances and to include extraneous matter in the Extensions of Remarks of the RECORD.

(The following members (at the request of Mr. HASTINGS) and to include extraneous material:)

Mr. SCHERLE in five instances.
Mr. HOSMER in three instances.
Mr. BEALL of Maryland.
Mr. DUNCAN in two instances.
Mr. WYMAN in two instances.
Mr. MORSE in three instances.
Mr. COLLIER in three instances.
Mr. BLACKBURN.
Mr. PRICE of Texas in two instances.
Mr. ASHBROOK.
Mr. DERWINSKI.
Mr. SCHMITZ.
Mr. GOLDWATER.
Mr. RHODES.

(The following Members (at the request of Mr. PRYOR of Arkansas) and to include extraneous material:)

Mr. BOLLING.
Mr. CORMAN in five instances.
Mr. VANIK in two instances.
Mr. DONOHUE in two instances.
Mr. BOGGS in five instances.
Mr. JOHNSON of California.
Mr. GONZALEZ in two instances.
Mr. MANN in five instances.
Mr. RIVERS.
Mr. MONAGAN in two instances.
Mr. ASHLEY.
Mr. ANDERSON of California.
Mr. DORN in three instances.
Mr. DINGELL in two instances.
Mr. RODINO.
Mr. GIAIMO.
Mr. SHIPLEY.
Mr. GRAY.
Mr. BINGHAM.
Mr. FOUNTAIN in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. LOWENSTEIN in four instances.
Mr. GRIFFIN.

ADJOURNMENT

Mr. DE LA GARZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 4, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, INC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2269. A letter from the Acting Secretary of State, transmitting his determination that the proposed transport and ocean disposal of certain chemical munitions will not violate international law, pursuant to section 409(c)(2) of Public Law 91–121; to the Committee on Armed Services.

2270. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2271. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2272. A letter from the Executive Director, National Conference on Citizenship; transmitting the annual audit report of the conference for the fiscal year ended June 30, 1970, pursuant to section 2 of Public Law 88–504; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2273. A letter from the Comptroller General of the United States, transmitting a report on questionable waivers of preaward audits of contractors' noncompetitive price proposals; to the Committee on Government Operations.

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. DULSKI: Committee of conference. Conference report on H.R. 17070 (Rept. No. 91–1363). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN:

H.R. 18765. A bill to provide that for purposes of the Internal Revenue Code of 1954 members of the Armed Forces serving in Cambodia or Laos shall be treated as serving in a combat zone; to the Committee on Ways and Means.

By Mr. CAREY (for himself, Mr. PERKINS, Mr. AYRES, Mr. ASHBROOK, Mr. BELL of California, Mr. BRADEMAS, Mr. BURTON of California, Mr. CLAY, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. DENT, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, Mr. WILLIAM D. FORD, Mr. GAYDOS, Mrs. GREEN of OREGON, Mr. HANSEN of Idaho, Mr. HATHAWAY, Mr. HAWKINS, Mr. MEEDS, Mrs. MINK, Mr. O'HARA, Mr. POWELL, and Mr. PUCINSKI):

H.R. 18766. A bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes; to the Committee on Education and Labor.

By Mr. CAREY (for himself, Mr. QUIE, Mr. REID of New York, Mr. SCHERLE, Mr. SCHEUER, Mr. STEIGER of Wisconsin, Mr. STOKES, and Mr. THOMPSON of New Jersey):

H.R. 18767. A bill to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes; to the Committee on Education and Labor.

By Mr. COLLINS:

H.R. 18768. A bill to authorize the Secretary of State to furnish free transportation to certain U.S. citizens desiring to establish permanent residence in a foreign country; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California:

H.R. 18769. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. HECHLER of West Virginia:

H.R. 18770. A bill to amend title 23 of the United States Code to authorize the inclusion of the cost of providing replacement housing as part of the construction costs of federally aided highway projects; to the Committee on Public Works.

By Mr. KYROS:

H.R. 18771. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWENSTEIN:

H.R. 18772. A bill to prohibit the sale to minors of certain obscene materials transported in interstate commerce or by the U.S. mails, and for other purposes; to the Committee on the Judiciary.

By Mr. VIGORITO:

H.R. 18773. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES:

H.R. 18774. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 18775. A bill to be known as the "Noise Pollution Abatement Act" and to establish an Office of Noise Abatement Control within the Department of Health, Education, and Welfare; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA (for himself, Mr. RUPPE, Mr. VANDER JAGT, Mr. CONYERS, Mr. ESCH, Mr. BROWN of Michigan, Mr. HUTCHINSON, Mr. GERALD R. FORD, Mr. RIEGLE, Mr. HARVEY, Mr. CEDERBERG, Mr. DIGGS, Mr. NEDZI, Mr. WILLIAM D. FORD, Mr. DINGELL, Mr. BROOMFIELD, and Mr. MCDONALD of Michigan):

H.R. 18776. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WEICKER:

H.R. 18777. 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 contracts, and for other purposes; to the Committee on Education and Labor.

By Mr. HARSHA:

H.R. 18778. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. MCCULLOCH, Mr. AYRES, Mr. BOW, Mr. BETTS, Mr. DEVINE, Mr. LATTA, Mr. MINSHALL, Mr. ASHBROOK, Mr. CLANCY, Mr. MOSHER, Mr. BROWN of Ohio, Mr. STANTON, Mr. WYLIE, Mr. MILLER of Ohio, Mr. LUKENS, and Mr. TAFT):

H.R. 18779. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. McDONALD of Michigan:

H.R. 18780. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. WHITE (for himself and Mr. SCHWENGEL):

H.J. Res. 1341. Joint resolution establishing a Special Joint Congressional Committee to study and make recommendations with respect to the appropriate means by which a suitable memorial may be placed in the Capitol to deceased Members of the Senate and the House of Representatives; to the Committee on Rules.

By Mr. ROBISON:

H. Con. Res. 698. Concurrent resolution expressing the sense of Congress that troop withdrawals, continuing on an irreversible basis, shall be the national policy; that all ground combat troops should be withdrawn on or before May 1, 1971; that all other American servicemen be withdrawn by July 1, 1972; that Congress reaffirms, its constitutional right and responsibilities in the making of decisions relative to war and peace; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WYMAN introduced a bill (H.R. 18781) for the relief of the estate of Katharine A. Seaward, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

563. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to farm subsidies; to the Committee on Agriculture.

564. Also, petition of the city of Boston Cab Association, Boston, Mass., relative to amending the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.