Caldwell V. Norred III
John M. O'Connell
Larry R. Ogle
Fred E. Ogline
Robert R. O'Neill
Ray T. Pace
Francis D. Pacello
Fred J. Palumbo
Gary W. Parker
Alva E. Peet, Jr.
Robert O. Pelott
Vernon J. Perz
Richard L. Phillips
Floyd C. Plowman, Jr.
Raymond L. Pollard, Jr.
David L. Pospisil
Donald L. Price
William M. Rakow, Jr.
John W. Raymond
John E. Regal
Charles S. Rigby III
Clifford E. Roberson
Robert M. Rose
Richard B. Rothwell
Neal T. Rountree
Peter J. Rowe
William J. Sambito
Michael F. Scanlon
Edwin R. Schreck
Richard G. Schwarz
Bruce L. Shapiro
Carl A. Shaver
Robert J. Sheehan
Charles H. Shelton
Lundie L. Sherretz
Jerry C. Shirley
John S. Sirotniak
Willard E. Slack
Charles R. Smith, Jr.
Paul J. Smith, Jr.
William F. Snyder
Frank R. Soderstrom
James A. Spaith
John A. Speicher
Edgar R. Stebbins
Thomas C. Sullivan
Waverly E. Sykes, Jr.
Kenneth T. Taylor
Sidney E. Thomas
Bruce D. Thoreson
Robert C. Trumpfheller
Frank W. Tuckwiller
Luke J. Urban
George M. Vanorden
Manuel S. Vargas, Jr.
Amilcar Vazquez
Clyde L. Vermilyea
William R. Warren
John C. Weare
Richard D. Weede
William H. West, Jr.
William H. Westhoff
William H. White
John A. Williams
Duane A. Wills
Paul C. Winn
Thomas H. Wold
Harvey L. Zimmerle
Ralph A. Zimmerman

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8, 1970:

Diplomatic and Foreign Service

Artemus E. Weatherbee, of Maine, who was confirmed by the Senate September 1, 1970, as U.S. Director of the Asian Development Bank, to serve on the Bank with the rank of Ambassador.

Christopher H. Phillips, of New York, to be the deputy representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary.

G. Edward Clark, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

U.S. Circuit Courts

John Paul Stevens, of Illinois, to be a U.S. circuit judge for the seventh circuit.

Robert H. McWilliams, Jr., of Colorado, to be U.S. circuit judge for the 10th circuit.

U.S. District Courts

Sam C. Pointer, Jr., of Alabama, to be a U.S. district judge for the northern district of Alabama.

Walter K. Stapleton, of Delaware, to be a U.S. district judge for the district of Delaware.

Frank J. McGarr, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Edwin L. Mechem, of New Mexico, to be a U.S. district judge for the district of New Mexico.

Edward R. Becker, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

J. William Ditter, Jr., of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

Daniel H. Huyett III, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

William W. Knox, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Malcolm Muir, of Pennsylvania, to be a U.S. district judge for the middle district of Pennsylvania.

Donald W. VanArtsdalen, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

L. Clure Morton, of Tennessee, to be U.S. district judge for the middle district of Tennessee.

Administrative Conference of the United States

Roger C. Cramton, of Michigan, to be Chairman of the Administrative Conference of the United States for a term of 5 years.

Department of Justice

Irving W. Humphreys, of West Virginia, to be U.S. Marshal for the southern district of West Virginia for the term of 4 years.

Curtis C. Crawford, of Missouri, to be a member of the Board of Parole for the term expiring September 30, 1976.

Paula A. Tennant, of California, to be a member of the Board of Parole for the term expiring September 30, 1976.

U.S. Patent Office

The following-named persons to be Examiners-in-Chief, United States Patent Office:

Fred C. Mattern, Jr., of Virginia, vice Nogi A. Asp, resigned.

John H. Schneider, of Virginia, vice Peter T. Dracopoulos, resigned.

Saul I. Serota, of Maryland, vice Pasquale J. Federico, resigned.

HOUSE OF REPRESENTATIVES—*Thursday, October 8, 1970*

The House met at 10 o'clock a.m.

Rev. Robert J. Hartman, Divine Word Missionary to the Congo, offered the following prayer:

Peace is My legacy to you: My own peace is My gift to you.—John 14: 27.

Eternal God, through Your Son we have learned to call You Father. It was His dying wish that nothing less than His peace, the untroubled harmony of His own will with Yours, should also be ours. We implore You to give us His spirit, that all the deliberations of our Congress this day may reflect Your own divine will. We ask You this in the name of Christ, Your Son, our Lord. Amen.

MESSAGE FROM THE SENATE

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

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; and

H. Con. Res. 768. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 15424.

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. 11833) entitled "An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes."

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. 15424) entitled "An act to amend the Merchant Marine Act, 1936."

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. 17575) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States;

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission; and

S. 3014. An act to designate certain lands as wilderness.

The message also announced that the Senate agrees to the House amendment to the Senate amendment to a bill of the House of the following title:

H.R. 14635. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes.

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

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes.

CALL OF THE HOUSE

Mr. HALL. 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:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

[Roll No. 333]

Abbitt	Fallon	Meskill
Adair	Feighan	Mink
Anderson, Tenn.	Fisher	Montgomery
	Flynt	Morse
Ashley	Foreman	Murphy, N.Y.
Aspinall	Gallagher	Myers
Beall, Md.	Gilbert	Nedzi
Berry	Gray	O'Konski
Betts	Griffiths	O'Neal, Ga.
Biaggi	Hagan	Ottinger
Blackburn	Haley	Patman
Brock	Hanna	Pirnie
Brooks	Harvey	Pollock
Burlison, Mo.	Hébert	Powell
Burton, Utah	Heckler, Mass.	Price, Tex.
Bush	Helstoski	Purcell
Button	Holifield	Quillen
Cabell	Hungate	Reid, N.Y.
Cederberg	Jonas	Reifel
Celler	Jones, N.C.	Rosenthal
Chisholm	Karth	Roudebush
Clark	King	Rousselot
Clawson, Del	Kleppe	Ruth
Clay	Koch	Sandman
Conte	Landrum	Satterfield
Conyers	Long, Md.	Scheuer
Corbett	Lowenstein	Scott
Cowger	Lujan	Skubitz
Cramer	Lukens	Snyder
Crane	McCarthy	Springer
Daddario	McClory	Stephens
Dawson	McCloskey	Stratton
Derwinski	McCulloch	Talcott
Diggs	McKneally	Tunney
Dowdy	McMillan	Weicker
Dwyer	Macdonald, Mass.	Wilson, Bob
Edmondson	MacGregor	Wold
Edwards, La.	Mailliard	Wright
Evans, Colo.	Mayne	
Evins, Tenn.		

The SPEAKER. On this rollcall 313 Members have answered to their names, a quorum.

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

THE JOURNAL

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

TRIBUTE TO FATHER ROBERT HARTMAN

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

Mr. GUDE. Mr. Speaker, it was my honor to have Father Hartman, a member of the Divine Word Missionary to the Congo, here to give the opening prayer in the House this morning.

Father Hartman's society was founded in 1875, and it has been totally mission orientated since that time. Today it numbers close to 6,000 members, and it is an international organization. Of all the mission-sending societies, it has the highest proportion of its members in actual mission fields, primarily underdeveloped countries. Their activities in these countries cover a broad spectrum: providing for the religious needs of people in the parishes of large cities, and in the isolated "bush" stations of jungle areas, establishing and staffing universities, colleges, and secondary schools, and in general working toward the economic development of the people, in cooperation with all organizations of good will.

Unfortunately, so many of us are too caught up in the multitude of problems of today. We forget the dedicated work of people in religious organizations who are contributing so much to make the world a better place to live and who work to give a spiritual dimension of life which is so essential if mankind is to endure.

CONCERNING REFERENDUM FOR WHEATGROWERS

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

Mr. POAGE. Mr. Speaker, I am not bringing up the conference report on the farm bill today. Some of the Members have anticipated that it would be brought up today. At the moment we hope that it will come up on Tuesday, and that is the reason for asking for this time now.

The present law requires the Secretary of Agriculture to hold a referendum of wheatgrowers in the United States, and under existing law it must be held early next week. It will cost $1.5 million to mail out the ballots, and they must be mailed out by tonight if the Department is to comply with the existing law.

Since we have a conference report agreed upon in connection with the farm legislation which, if adopted, would make this referendum unnecessary, it is our feeing that it would be an utter waste of money to hold that referendum at this time.

I am, therefore, going to ask unanimous consent to bring up a resolution just passed by the Committee on Agriculture to extend the time of that referendum for 30 days, during which time we will determine that we will or we will not pass new farm legislation, and probably save the entire cost.

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

Mr. POAGE. I gladly yield to the gentlewoman from Washington, who is the author of the resolution of which I speak. The gentlewoman has been most helpful in working out new wheat legislation.

Mrs. MAY. Mr. Speaker, I wish to agree with the gentleman from Texas on the urgent need for this action. We heard from the Secretary of Agriculture yesterday saying it was necessary to pass this resolution today if we were to save this $1,500,000. It certainly is an easy way to save money and if we do not take action now, there would be a useless waste of funds.

I thank the gentleman from Texas.

Mr. POAGE. I thank the gentlewoman from Washington and, Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1396) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1396

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, may be conducted not later than thirty days after adjournment sine die of the second session of the Ninety-first Congress.

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

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 18546 UNTIL MIDNIGHT FRIDAY

Mr. POAGE. Mr. Speaker, as I pointed out, it is necessary to take up the conference report on the farm bill next week. We are writing the report right now. It is long and complicated. The House may or may not be in session tomorrow. Therefore, I ask unanimous consent that the managers on the part of the House may be permitted to file the conference report on the bill, H.R. 18546, by midnight Friday, October 9, 1970.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PRESIDENT'S STATEMENT ON INDOCHINA W/S DISAPPOINTING

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

Mr. SIKES. Mr. Speaker, the President's statement was a disappointing one which appears to make dangerous concessions to the Communists. It would give away most of Laos and big areas of Cambodia and South Vietnam to Communist forces in return for nothing. An offer to freeze the Communists in place pending more of the fruitless type of negotiations we have had in Paris would simply be a signal for more aggression. History teaches us the Communists do not give up territory—they just seek more.

The proposal on prisoners of war will have a special appeal to the American people but it is not new. The Communists already know we would exchange prisoners and that they would receive many more of their countrymen than we in such an exchange. They have shown no interest in this or any other humane considerations.

And what about the Russian submarine base in Cuba? It should not have been ignored. This is a greater threat than the missiles which President Kennedy forced the Russians to withdraw years ago.

No one questions the sincerity of the President's search for peace but, regretfully, it must be stated that the President's message will have more impact on the November election than on the effort to achieve a just and lasting peace.

NATIONAL MEDICAL INSURANCE PROGRAM

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

Mr. DORN. Mr. Speaker, I am pleased to join my distinguished and able colleague, the gentleman from Missouri (Mr. HALL), who is himself an outstanding physician in introducing a national medical insurance program which will protect every American—rich or poor—from being financially wrecked by the cost of catastrophic illness or injury.

Our citizens of moderate wealth are subject to being plunged into abject poverty by the misfortune of catastrophic illness, and this plan, named "Extra-Care," would protect all our citizens from such a financial disaster.

This legislation is a States rights, free-enterprise approach to national medical care insurance. It would utilize existing medical insurance carriers, including Blue Cross-Blue Shield, and it would prevent the misguided plunge toward the national socialization of medical care. It would actually promote the private enterprise medical care that has provided our Nation with the world's highest standard of medical care. The bill would maintain States rights by allowing each State to determine who will qualify for the Government-paid insurance available to indigents.

POLITICAL BROADCASTING

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

Mr. VAN DEERLIN. Mr. Speaker, I think it entirely proper that the Democratic Policy Committee took the action that it did yesterday in seeking to head off a possible veto of the political broadcasting bill. But as a member of the subcommittee that worked on this legislation, and went through a two-session conference on the matter with the other body, I deplore any suggestion that this is somehow partisan legislation, or that it should be so regarded by the White House. In our Subcommittee on Communications and Power, the four Republican members and the five majority members of that subcommittee worked out a bill which apparently met the requirements the White House had hoped for on elimination of section 315, the equal-time provision as it affects presidential campaigns. We carefully compromised and adjusted all conflicting views in regard to the spending limitation. Our bill was approved unanimously.

This bill is a good bill. It is a workable bill. It is not a Democratic bill. It is not an incumbent's bill. In this year of television blitzes, there has been no Republican, no Democratic claim to exclusivity in the efforts by wealthy candidates to buy public office. This is an un-American intrusion on the political processes. It must be stopped, and it can be stopped only by this legislation.

PERSONAL EXPLANATION

Mr. RIVERS. Mr. Speaker, generally I do not explain my absence from the floor, but yesterday I particularly wanted to vote on the crime bill. On the rollcall on that bill, which is No. 332, I am marked as absent. I was absent, but my reason for being absent is that I was called to the White House for a conference. Otherwise I would have been here and voted for the bill, because I wanted to be recorded on it.

ETHNIC SLUR

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

Mr. STEIGER of Arizona. Mr. Speaker, I wish to call to the attention of my colleagues across the aisle a serious ethnic slur perpetrated by Sargent Shriver, who at a Democratic Party rally Monday night suggested that Vice President AGNEW should "go back to Greece." This remark was intemperate, a slur on the fine Americans of Greek origin, unworthy, uncalled for, and out of place in any political campaign. I call on the Democratic Party leadership to repudiate Shriver's base attack on one of America's minority groups.

Coming from Mr. Shriver, these remarks are, indeed, ironic. A close member of his own family has recently become a member of a Greek family by marriage. The Greek people who came to this country have contributed much to our culture and have, by their hard work and energy, helped to build our Nation to greatness. In his desperation to attack the Vice President, who has been telling it like it is across the country, Mr. Shriver has descended into the muck of ethnic slur. We Republicans do not believe in hyphenated Americans, and are proud that our Nation has been a melting pot of diverse and talented nationalities.

It is regrettable that Mr. Shriver has seen fit to launch a verbal attack on Mr. AGNEW's ancestry. It remains to be seen if the Democratic Party leadership, which has in the past claimed an interest in America's racial minorities, will disown these remarks by one of its aspirants for high political office.

SOUTHEAST ASIA

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

Mr. BELL of California. Mr. Speaker, President Nixon has exerted strong leadership in our striving to bring peace to Southeast Asia.

Last night to a very large extent he reflected an attitude about this war—and a desire to end it—which is shared by Americans of both political parties.

Our Nation has been divided for too long on this issue.

And those in Congress who have disagreed with administration policy have not been hesitant about making this disagreement known to the world.

President Nixon has now offered a set of proposals on which most of us can agree.

My hope is that our support of the President might be just as vocal and just as aggressive.

No solution to our troubles in Southeast Asia is going to be perfect.

No compromise is going to be universally popular even among our own people.

But last night our President did more than just put forward a realistic practical plan for initiating peace negotiations.

He took a major step in bringing our people together again—because he spoke for all of us.

It is possible—even likely—that he will seem to be rebuffed in the first reaction that comes from Hanoi.

We would be well advised not to downgrade the importance of the U.S. proposals, if they are not immediately successful.

Peace negotiation is a slow and painful process.

It is particularly slow and painful in Southeast Asia.

Now, however, we have a sound basis for a beginning.

The passage of time will make the President's proposals seem more—rather than less—realistic.

We will simply have to be patient.

PRESIDENT NIXON'S PEACE PROPOSALS OPEN WIDE THE DOOR TO NEGOTIATION

(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, President Nixon has advanced a dramatic new bid for peace in all of Indochina. The President's five proposals for peace place the onus for a continuing war in Indochina squarely on the North Vietnamese and the Vietcong.

Despite the initial negative reaction on the North Vietnamese and Vietcong at Paris, Mr. Speaker, I do believe the President's peace proposals may ultimately produce a breakthrough that could lead to any one or all of his objectives—a silencing of all guns in Indochina, an Indochina peace conference, a mutual withdrawal of all forces, release of prisoners of war, and a political settlement of the conflict.

Mr. Nixon's offer to negotiate a supervised standstill cease-fire and a firm timetable for withdrawal of all U.S. forces is most significant. This could be the trigger for meaningful talks in Paris.

I am pleased that the President has called for a supervised cease-fire rather than one like the 14 holiday cease-fires we have agreed to in the past. The previous cease-fires have been used by the North Vietnamese and Vietcong as a pause that refreshes.

With his five proposals for peace, the President has now laid on the negotiating table the basis for both a military and political settlement of the war in Indochina. The door to negotiation is wide open.

CONGRESS SHOULD EXPRESS WHOLEHEARTED SUPPORT FOR PRESIDENT'S PEACE PROPOSALS

(Mr. ARENDS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, the President's address to the Nation last night must stand as one of the most meaningful statements of the Nixon Presidency. It clearly identified President Nixon as a man who holds a deep vision of peace for the world.

President Nixon has gone through much unwarranted criticism in this chamber for his moves on the war in Vietnam. I hope now the voices of dissent will be lowered and we will be able to express the wholehearted support of the Congress for the administration's far-reaching initiatives for peace in Southeast Asia.

Many of our colleagues have held differing opinions of the best way to end the war in Vietnam, but it would be difficult to understand how anyone could have a substantial objection to the plan outlined by the President.

His proposals for a cease-fire, the release of all prisoners of war and new negotiations including the prospect of a timetable for the withdrawal of all combatants, cover the whole broad spectrum of disengagement from Southeast Asia. Moreover, the President has couched his proposals in a manner designed for maximum appeal to the other side.

I do not see how the President could have offered a better plan for peace, and I sincerely hope all my colleagues will add their support to the administration's proposal.

PRESIDENT'S PEACE PROPOSALS FAIR, JUST, AND REASONABLE

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

Mr. ZION. Mr. Speaker, to those of us who have followed very closely the events of the past few months, several points are abundantly clear.

First. The people of the world are most fortunate that we have a President and his close advisers who are very calm, very well informed, and very decisive.

Second. That they are dedicated—not to win a war for the next election, but to win peace for the next generation.

Third. The wonderful proposal that the President made last night is patently fair, just, and reasonable.

About the only people who will not accept his four points are the professional Presidential backstabbers and those who want to sell out to the enemy in Indochina. It is these dissenters who continue to give the Communist delegation in Paris an excuse not to negotiate.

If we can effectively deprive the protestors of the publicity for which they work so hard, we can help the President achieve his dominant ambition—a generation of peace for the first time in this century.

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

Mr. MIZELL. Mr. Speaker, I rise today in praise of President Nixon's latest initiative to bring peace in Indochina and the world.

I fully support all of his proposals as presented to the American people by the President last night—the cease-fire in place, the Indochina Peace Conference, the complete withdrawal of all troops from the conflict, the quest for a fair political solution to the war, and the immediate and unconditional release of prisoners of war.

All of these proposals speak well of a great Nation's passion for peace, of our generosity, of our perseverance in the cause of freedom.

The American people rejoice today in the hope that this latest peace package will lead to meaningful discussion of the issues of war, and eventually lead to the arrival of peace.

I believe the President's Vietnamization program is largely responsible for our being able to make these kinds of proposals. At this time, I must commend the armed forces of both the United States and South Vietnam for progressing so well in the past 20 months.

The American people are prepared to follow the President's lead, recognizing that the enemy is far from our position, that American boys are still far from home, and that the struggle is still not over.

Ours has not been an easy role to play in the tragedy this war has inflicted on American life and spirit. But we are Americans, and we honor our commitments and live by our word.

Today the American people are united in hope, determined in will and strengthened in spirit as we go forth on this newest quest for peace, a peace so badly desired by every American. I join with them in their desire to see the beginning of a generation of peace.

The fair and generous proposals made by the President last night seem hard to refuse, but if the other side does reject this latest initiative—if peace cannot be won at the conference table—I am confident that the Vietnamization program will continue to succeed, the withdrawal of American troops from Southeast Asia will continue to be made, and the road to peace and security will continue to be traveled.

PERSONAL ANNOUNCEMENT

Mr. CHAMBERLAIN. Mr. Speaker, it was necessary for me to be absent on Monday past, while I was in Michigan, and I was unrecorded on rollcalls No. 326 and No. 327. I should like for the RECORD to show that had I been present I would have voted "yea" in both instances.

THE PRESIDENT'S NEW PEACE PROPOSALS

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

Mr. RIEGLE. Mr. Speaker, I wish to congratulate the President for his new peace proposals and to indicate my endorsement of this new U.S. initiative.

With respect to proposal No. 4, I am hopeful that the language used by the President last night will allow for the formation by negotiation of a new mixed provisional government in South Vietnam, which would:

First. Be acceptable to all parties to the dispute;

Second. Equitably represent the various contesting factions in South Vietnam; and

Third. Which would be subject to ratification or rejection by free elections in South Vietnam.

If this alternative is now available to break the deadlocked negotiations, then I believe we may finally be able to overcome the impasse at the conference table in Paris.

REQUEST FOR WITHDRAWAL OF OIL TANKERS FROM MOTHBALL FLEET

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

Mr. BURKE of Massachusetts. Mr. Speaker, today I sent a message down to the White House with a request that the President bring about the release of at least 15 of the Navy oil tankers that are tied up in the mothball fleet.

Part of the excuse given for the shortage of fuel oil in the Northeast section of the United States is the shortage of oil tankers. It seems to me to be unreasonable for the Navy Department to have these oil tankers tied up in the mothball fleet rusting away when millions of Americans are faced with a shortage of fuel oil in the coming months.

In New England the hospitals, schools, and institutions are all faced with dire shortages. It seems to me that the White House should act immediately, should act forthwith. It is my understanding if they do these oil tankers can be put into condition within 60 days; in other words, these tankers could be in use on or before December 15, 1970.

KING RANGE NATIONAL CONSERVATION AREA

Mr. BARING. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12870) to provide for the establishment of the King Range National Conservation Area in the State of California, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "10" and insert "9".

Page 5, line 12, strike out "10" and insert "9".

Page 8, line 20, strike out "10" and insert "9".

Page 8, line 22, strike out "7" and insert "6".

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 19590, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules and on behalf of the distinguished chairman (Mr. COLMER), I call up House Resolution 1237 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1237

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, 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. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, and all points of order against said bill are hereby waived.

The SPEAKER. The gentleman from Texas (Mr. YOUNG), is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

(Mr. YOUNG asked and was given permission to revise and extend his remarks.)

Mr. YOUNG. Mr. Speaker, House Resolution 1237 provides for consideration of H.R. 19590, making appropriations for the Department of Defense for fiscal year 1971, by waiving the 3-day layover rule and the resolution also provides that all points of order against the bill are waived.

There is lack of legislative authorization affecting appropriations for procurement, research, development, test, and evaluation activities in approximately 20 instances.

The bill would limit the period of availability of funds appropriated affecting approximately 16 appropriations.

For these reasons, the Committee on Rules granted the blanket waiver of points of order on the bill, and Mr. Speaker, I urge the adoption of the rule.

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

Mr. Speaker, I concur in the remarks made by the distinguished gentleman from Texas (Mr. YOUNG). We have been waiting for this bill for a good many months. We would like to dispose of it, if we can, today and get home to campaign.

I certainly urge acceptance of this resolution so we can get started with this important bill.

Mr. YOUNG. 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.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, before I move to go into the Committee of the Whole, I should like to ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, and to include pertinent extraneous matter.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the State of the Union for the consideration of the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; and, Mr. Speaker, pending that motion I ask unanimous consent that general debate be limited to not to exceed 3 hours, with the time to be equally divided and controlled by the gentleman from Ohio (Mr. MINSHALL) and myself.

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

There was no objection.

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

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. 19590, with Mr. ROSTENKOWSKI 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 unanimous consent agreement, the gentleman from Texas will be recognized for one and a half hours and the gentleman from Ohio (Mr. MINSHALL) will be recognized for one and a half hours.

The Chair now recognizes the gentleman from Texas (Mr. MAHON).

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

Mr. Chairman, we come to the consideration of the largest and in some respects the most important money bill of the session. It is the bill which provides the funds to promote the cause of peace and the security of the United States.

Throughout all the years that I have worked in the field of defense appropriations my objective has been to help maintain our military superiority and provide sufficient military strength to deter war and promote the security of our country. I am pleased to say that the Committee on Appropriations is dedicated to the cause of national defense and the preservation of our liberties.

I think it can be appropriately said, Mr. Chairman, that many of the remarks that I would like to make in regard to this bill are embraced in the committee report. In a sense, the committee report—certainly the first few pages—represents many of my views in regard to current defense matters. That report has been available to the Members of the House, the press, and the public since Tuesday morning.

In the bill and in the report we did not sweep any problems under the rug. We undertook to present the Defense appropriation bill in a forthright way. In writing this bill, we did not want to take any chance of doing injury to the security of the country. We felt if we should err, we should err, as the distinguished Speaker has so often said, on the side of strength.

Mr. Chairman, the cuts which we propose were made in order to obtain better control over defense spending and to tighten up management of defense expenditures. For a number of years we have been trying to put the bridle on defense spending in order that the Congress could more adequately control it.

As one who comes from the far Southwest I know something about the bronco and the mustang and I know they are very valuable animals especially if they have the bridle on and if they are trained to use their energy for good purposes.

We have had a great deal of trouble in the past with the management of the Defense Department. The problems are huge and complex. Some mistakes are inevitable. No human being can be fully aware of every facet of every problem.

I pay tribute to the dedication of the men and women who work in defense. Their aims are laudable. But, the Defense Department has been operated in such a way in all administrations, especially with respect to procurement and management, that some considerable deserved criticism has been brought upon them in the administration of defense affairs.

There was an urgent plea made to the committee that we provide large sums of money for public affairs for activities relating to the image of the Department, for publicity and public relations. I said to one of my Defense Department friends, "What you need is not more money for cosmetic purposes, for taking people on tours and all those kinds of things; what is needed is more efficiency and better management. This is the best way to improve the image of the Defense Department. Better management will give the Congress and the American people the feeling that they are getting a dollar in value for a dollar expended."

And, I say to you frankly that if the erosion of the image of defense management continues in the Congress and the country, the time may come when it will be difficult and perhaps impossible for those of us who will be desperately pressing to provide for the security of this country to get the money and support necessary. President Nixon referred to our country last night as the "strongest Nation in the world." We must take the necessary steps to keep it so.

It was with that in mind that this bill was written and it is in that spirit that this bill is presented to you today.

Funds for public relations cannot easily erase images created by spectacular evidence of defense bungling. A job well done is the better part of public relations. And I am right about it, and I think you will agree.

So here we are with this bill today, and we hope that we have made a more significant step than we have made in past years in tightening up defense operations. Our objective is better control of the purse and more value for the defense dollar.

As we go through this debate—and I hope I am not going to speak at length—I have no written speech, I would rather

speak to you straight from the shoulder and right from the heart, because I feel very keenly about the business before us today.

Secretary Laird, Deputy Secretary Packard, and all the defense people cooperated fully with the committee during the long months of preparation of the bill before us. These people are able and dedicated, and we want to help them do the best possible job.

Deputy Secretary Packard occupies an especially important job with respect to procurement and management problems with industry. He recognizes the problems which are confronting the country, and the defense industries. He recognizes the power of the so-called military-industrial complex, and he has had the nerve to speak out and tell the American people something about the problems which confront the Defense Department, and I commend him for it.

Of course, he only took office last year and he had been in office only a few short months when this Defense budget was prepared last fall.

Since the budget was prepared the Deputy Secretary of Defense made a speech about tightening up our defense program, and it is most compelling. He made it in California on the 20th of August of this year before the Armed Forces Management Association. He made reference to the work of the Blue-Ribbon Defense Panel—and I think much of what the panel has done is going to be helpful. The panel made an extensive study over a period of months and recommended many changes that might be brought about to improve defense management. I would like to quote a few paragraphs from Mr. Packard's speech:

Secretary Laird and I intend to move ahead as quickly as possible to put most of the 113 recommendations into effect. * * *

In short, the problem is not the people—it's the system. * * *

I am only embarrassed that we haven't done a better job. * * *

The committee seriously questioned the wisdom of the Army policy which permits Army generals to take 32 weeks to learn to fly helicopters at a time when the best executive management is needed to serve defense needs.

I continue to quote from Deputy Secretary Packard's speech of August 20.

Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayers' dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the Defense business. Some uncertainties will always exist. However, most of it has been due to bad management, both in the Department of Defense and in the Defense industry. * * *

Frankly, gentlemen, in Defense procurement, we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up. * * *

On the other hand, when we are not in a hurry to get things done right, we over-organize, over-man, over-spend and under-accomplish. * * *

In my memo I talked about policies for development of new weapon systems. The lesson that comes through loud and clear here is we should buy only what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do or what it would cost. And we in the past have sometimes been guilty of over-optimism on our cost estimates and over-demanding in our requirements. We share the blame together, but the mistakes of the past cannot be repeated if we are to provide for the nation's defenses in today's climate of a critical public and a critical Congress. We are going to buy only things that we need, and we are going to make sure they work before we buy. The same thought carries over into full-scale development and production. We must know what we are going to do and how to do it before we go into production. We are not going to put things into development until we are sure we need them, and we are not going to put things into production until we are sure that they work. * * *

I believe you will agree that the words of the Deputy Secretary of Defense speak for themselves.

Now, the following amount will have been appropriated for national security purposes in 1971 by the House if this bill is approved today.

In this bill is $66.6 billion—$66.6 billion out of $68.7—a 3.5-percent reduction.

For military construction $1.9 billion, which is in another bill.

For military assistance $350 million, also in another bill.

For atomic weapons—not in this bill at all—$932 million.

For civil defense $72 million.

For defense $70 billion. If we are not getting a dollar in value for each dollar expended, if we cannot get huge defense dividends for $70 billion, there is something wrong with the system.

That is what Mr. Packard told the industry group to their teeth out in California. I take my hat off to him for laying it on the line.

What do we do in this bill? We are giving the Secretary of Defense, among other things, realizing the dangerous world we live in, $600 million in specific transfer authority so he can meet emergencies that may arise. This gives added flexibility to the Secretary and make us feel more comfortable about some of the reductions which we have made.

The report in the first part states what we actually did by way of the budget in selected areas of committee action. We note procurement funds which failed of authorization total $532 million. The procurement authorization bill cut that part of the defense program by 5½ percent. We cut the budget in this bill by only 3.5 percent. This is what we say in our report:

REPORT OF COMMITTEE ON APPROPRIATIONS

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1971.

APPROPRIATIONS AND ESTIMATES

Appropriations for the military functions of the Department of Defense, including military assistance related to the conflict in Southeast Asia, are provided for in the accompanying bill for the fiscal year 1971. This bill does not provide for other military assistance, military construction, military family housing, or civil defense, which requirements are considered in connection with other appropriation bills.

The new budget (obligational) authority enacted for the fiscal year 1970, the President's budget estimates, and amounts recommended by the committee for the fiscal year 1971 appears in summary form in the following table:

SUMMARY OF BILL BY MAJOR CATEGORIES

Functional title	Appropriation, fiscal year 1970 (new budget obligational authority)	Budget estimate, fiscal year 1971 (new budget obligational authority)	Committee bill	Committee bill compared with— Appropriation, fiscal year 1970	Committee bill compared with— Budget estimate, fiscal year 1971
Title I—Military personnel	$23, 007, 914, 493	$21, 032, 800, 000	$20, 689, 300, 000	−$2, 318, 614, 493	−$343, 500, 000
Title II—Retired military personnel	2, 859, 000, 000	3, 194, 000, 000	3, 194, 000, 000	+335, 000, 000	
Title III—Operation and maintenance	21, 534, 995, 495	19, 512, 045, 000	19, 213, 630, 000	−2, 321, 365, 495	−298, 415, 000
Title IV—Procurement	17, 858, 373, 462	17, 358, 600, 000	16, 243, 810, 000	−1, 614, 563, 462	−1, 114, 790, 000
Title V—Research, development, test, and evaluation	7, 406, 748, 694	7, 345, 600, 000	6, 954, 700, 000	−452, 048, 694	−390, 900, 000
(Transfer authority)	(150, 000, 000)	(150, 000, 000)	(150, 000, 000)		
Title VI—Combat readiness, South Vietnamese Forces		300, 000, 000	358, 500, 000	+358, 500, 000	+58, 500, 000
(Transfer authority)		(150, 000, 000)	(150, 000, 000)	(+150, 000, 000)	
Title VII—Special foreign currency program		2, 621, 000	2, 621, 000	+2, 621, 000	
Title VIII—General provisions (additional transfer authority sec. 836)	(200, 000, 000)	(300, 000, 000)	(300, 000, 000)	(+100, 000, 000)	
Total, Department of Defense	[1] 72, 667, 032, 144	68, 745, 666, 000	66, 656, 561, 000	−6, 010, 471, 144	−2, 089, 105, 000
Transfer authority	(350, 000, 000)	(600, 000, 000)	(600, 000, 000)	(+250, 000, 000)	
Distribution by organizational component:					
Army	23, 267, 941, 402	20, 210, 665, 000	19, 592, 411, 000	−3, 675, 530, 402	−681, 254, 000
Navy	21, 681, 703, 671	21, 200, 700, 000	20, 530, 303, 000	−1, 151, 400, 671	−670, 397, 000
Air Force	23, 065, 431, 678	22, 055, 600, 000	21, 280, 386, 000	−1, 785, 045, 678	−775, 214, 000
Defense agencies/OSD	1, 792, 955, 393	2, 084, 701, 000	2, 059, 461, 000	+266, 505, 607	−25, 240, 000
Retired military personnel	2, 859, 000, 000	3, 194, 000, 000	3, 194, 000, 000	+335, 000, 000	
Total, Department of Defense	[1] 72, 667, 032, 144	68, 745, 666, 000	66, 656, 561, 000	−6, 010, 471, 144	−2, 089, 105, 000
(Transfer authority)	(350, 000, 000)	(600, 000, 000)	(600, 000, 000)	(+250, 000, 000)	

[1] Includes $760,264,144 allocated from the lump-sum indefinite appropriation in title III, Second Supplemental Appropriation Act, 1970, for the general 6 percent retroactive pay increase.

SCOPE OF THE BILL

The Committee considered budget estimates totaling $68,745,666,000 as presented in the President's Budget for fiscal year 1971.

The accompanying bill recommends appropriations in the total amount of $66,656,561,000, a decrease of $2,089,105,000 below the estimates and $6,010,471,144 below the appropriations enacted for fiscal year 1970.

Congressional action on the authorization bill mandated reductions from budgeted amounts totaling $776,000,000.

The net reductions recommended are three percent of the estimates. Ninety-seven percent of the sum requested is recommended for appropriation.

The sums recommended, when added to the balances remaining available on June 30, 1970, will make a total of $74,000,000,000 available for obligation and a total of $105,000,000,000, including obligated and unobligated funds, available for expenditure in fiscal year 1971.

The specific transfer authority granted the Secretary of Defense is recommended to be increased from $350,000,000 to $600,000,000.

The sums recommended for appropriation are considered to be sufficient to maintain adequate military strength in Fiscal Year 1971 and will provide a basis for carrying that strength forward into subsequent fiscal years. The reductions recommended can be accommodated without denying programs essential to the basic military strength of the country. Many of the actions recommended are intended to provide an increase in military strength through the elimination of practices which tend to dissipate real military strength.

A brief summary of the major areas in which changes from the budget are recommended follows:

Selected major areas of committee action

Procurement funds which failed authorization	−$532,600,000
Research, development test, and evaluation projects not approved in authorization action	−244,000,000
Deferral of production of items on which development and testing is not sufficiently completed	−500,000,000
Funding of naval ships not included in the Budget	+417,500,000
Shortfalls in military personnel resulting from decision of Department not to maintain strength levels proposed in the Budget	−203,450,000
Reduction in numbers of personnel in departmental headquarters	−59,500,000
Civilian personnel reductions	−$48,130,000
Reduction in automatic data processing	−43,300,000
Increase for Vietnamization program	+58,500,000
Reduction in permanent change of station travel for the purpose of providing more stability in military assignments	−95,200,000

[The details of these and other reductions are described hereafter in this report.]

BASIS OF CONSIDERATION

The Committee on Appropriations is dedicated to maintaining the military superiority of the United States. Over the years the Congress has provided the money to accomplish this, and the funds recommended in the accompanying bill are deemed sufficient for fiscal year 1971.

But the competition with the Soviet Union is becoming keener everyday and there is no room for American bungling in the field of defense. In order to maintain our capability over the long-pull, a better job of managing defense dollars must be done. This fact has been a dominant consideration in the drafting of the bill which accompanies this report.

The American people know that the generous outpouring of defense dollars will not in itself get the job done. It does take money to do the job, but it takes money wisely spent and based upon down to earth planning.

The Soviet Union continues to increase its inventory of land-based intercontinental ballistic missiles and sea-based submarine launched ballistic missiles. Soviet naval forces are being augmented steadily and modernized both in surface ships and in submarines.

Although the direct involvement of the United States in the war in Vietnam is decreasing from the peak when 543,000 American military personnel were in the area, we still will have according to the latest estimates, not more than 284,000 personnel in Vietnam in the spring of 1971, a reduction of 259,000 or more, about one-half. Spending for the war in Southeast Asia is expected to decline from a high of almost $30 billion to a rate of $14.5 billion by the end of fiscal year 1971.

The Strategic Arms Limitations Talks have not as yet become a significant factor in permitting a major reduction in defense spending.

This is not a time in which we can afford a "Business as usual" relaxed approach to the management of defense programs. The best performance of our best civilian and military personnel is required for our long range security.

The country has every right to expect that the appropriation of more than $66,000,000,000 will provide formidable military forces throughout fiscal year 1971. Military personnel strength at the end of the fiscal year is estimated to be 2.9 million. The Navy will have 757 commissioned ships in the active fleet including 41 Polaris and Poseidon submarines carrying 656 ballistic missiles and the Air Force will have 1,054 ICBMs on launchers and an active inventory of 13,352 aircraft. These forces, which are described in more detail under "Major Military Programs" later in the report should be adequate to meet the contingencies which may arise.

The effectiveness of the Department of Defense cannot be measured solely in terms of the dollar level of expenditures. Unlimited resources do not overcome inefficiency and mismanagement. Instead, excessive funding produces more inefficiency and mismanagement. What this country needs is more defense for the dollar, not necessarily more dollars for defense.

MIDDLE EAST

The tense situation in the Middle East is of grave concern to the committee. The deepening involvement of the Soviet Union and the danger to world peace resulting from such involvement cannot be ignored by the United States.

In recognition of this situation, the Congress approved section 501 of H.R. 17123, the defense authorization bill.

Funds for this purpose are handled through the military assistance program.

STRATEGIC FORCES

Unless there is substantial progress in the current Strategic Arms Limitation Talks or some other arms limitation agreement, we may be required to begin another large step forward to buttress our strategic military strength. More Polaris type submarines and more Minuteman missiles on lauchers may be required.

While statements presented to the Committee expressed alarm over the growing Soviet strategic power in submarine and land-based intercontinental missiles on launchers, neither the budget nor the authorization bill proposed any funds for additional strategic missiles on launchers at this time. Our country has not yet crossed this bridge, but if there is no arms limitation agreement and the Soviet buildup continues, we must increase our strategic forces or be strategically outgunned.

DEFENSE DEPARTMENT MANAGEMENT

One of the major objectives of many of the reductions which have been recommended by the Committee in the accompanying bill is to tighten up the operations of the Department of Defense and make the Department more efficient for the critical times ahead.

What is said in the report by way of criticism of the Defense Department should not be construed as special criticism of the present holders of defense positions. Our concern relates to problems and procedures of long standing which have been recognized by high Defense officials.

Too often in the past, funds have been appropriated for weapons and other objectives when Defense officials said they needed the money, only to find during the hearings in the following years, that they did not use the money for the purposes for which it had been appropriated. This practice has tended to downgrade the appropriation process. For example, over the last nine years, Congress has appropriated over $1,600,000,000 for 71 new ships and ship conversions which have been canceled by the Navy and most of the funds have been diverted to other shipbuilding programs.

Too often, budget estimates have been made without firm foundations.

This is evidenced by the high level of reprogramming of defense funds which has taken place. For the past fiscal year, 1970, individual reprogramming actions for all purposes received by the Committee involved 299 increases totaling $2,431,763,000 and 422 reductions totaling $2,313,427,000, for a total dollar change of more than $4.7 billion.

Some of these changes were minor. Some merely involved technical budgetary adjustments. But some involved major programs and major national defense decisions. All represent changes to Defense Budget programs presented to Congress and enacted by the Congress. Major programs changed include the Safeguard ABM, the F–14 and F–111 aircraft, the DD 963 destroyer program and other ships and claims for cost overruns in prior year shipbuilding programs, restoration of the USS Guitarro (SSN–665), and Minuteman missiles. In addition, a number of "below the threshold" reprogramming which, under present procedures, do not come before the Committee, have been accomplished.

The Committee does not propose to eliminate the reprogramming process. It fully realizes that some degree of flexibility is necessary. But, the Committee does believe that a better job should be done in defense planning and that better planning would be reflected in fewer reprogrammings. The volume of reprogrammings is a strong indication that much defense planning is superficial and without firm foundation.

DELAY IN REPORTING BILL

The Committee regrets that the Defense Appropriation Bill is being presented at a late date again this year.

The Defense bill was scheduled to be reported from the Committee on Appropriations on June 3, 1970. The Committee completed the hearings on May 13th, exactly on the schedule laid down early in the year, and would have been able to meet the reporting schedule. However, most procurement and all research, development, test, and evaluation appropriations have, in recent years, required annual authorization. The annual authorization legislation conference report did not clear Congress until October 1. The

House passed the authorizing legislation on May 6, the Senate on September 1. The conferees met first on September 22.

After authorization levels are established on a bill of the magnitude, importance, and complexity of the Defense Appropriation bill, it is desirable that the Appropriations Committee have a reasonable time in which to review the hearings, reach decisions on the many items involved in the bill, write an adequate report, and present the bill to the House of Representatives.

The lateness of the passage of the bill complicates efforts to effectively manage the programs of the Department of Defense. Program managers cannot firmly plan their efforts. Congress is to some extent frustrated in efforts to accelerate or reduce programs since spending for much of the fiscal year is accomplished under continuing resolutions and substantial spending takes place prior to final Congressional action. Programs which Congress wishes to delete or modify continue under the Continuing Resolution and savings which should result from Congressional reductions are diminished. Reductions made late in the fiscal year give Departmental managers a very short time to react to and implement Congressional decisions. Congress must make thorough reviews of Defense budgets, but Congress also needs to improve the timeliness of its actions.

CLOSER CONTROL OF CARRYOVER BALANCES

In its action on the Defense Appropriation Bill for Fiscal Year 1970, the Committee recommended the enactment of limitations which would have made appropriations for Procurement and Research, Development, Test, and Evaluation available for obligation for specific periods of time rather than available until expended. This action was recommended as a means of tightening Congressional control of Defense Department appropriations. The action recommended would have reduced the unobligated and unexpended balances in Defense Appropriations.

When funds remain available until expenditure, financial managers can recoup sums when contracts are cancelled, contingency funds are not utilized, programs slip or are changed in scope, or in other ways. Such funds are held and are applied to other programs as required in subsequent years. A recent example is in a reprogramming request submitted to the Committee on September 24th which "found" unexpended funds from fiscal years 1961, 1962, 1963, 1964, 1965, and 1966, primarily from the construction of POLARIS submarines, as a source of funding. The availability of these funds makes defense planners, to a limited extent, immune from tight Congressional fiscal control.

The Committees involved with defense funding apply a degree of control through the reprogramming process. Changing the present "no-year" appropriations to multi-year appropriations would provide an additional measure of control to the whole Congress.

The House concurred in the Committee's recommendation last year and the provisions referred to were included in the bill passed by the House.

The Senate Committee concurred in the objectives of the House but, after appeals made by the Defense Department, substituted an alternative proposition which continued "no-year" appropriations but required that future budget submissions identify all old balances and recommend them for rescission. The House agreed to the Senate proposition in conference.

The alternate procedure has proven to be difficult and confusing in operation. The fiscal year 1971 budget reported certain amounts for rescission, but contrary to the understanding given the House conferees, included like and offsetting amounts in the budget over and above the program amounts required. This made the proposed rescission action ineffective in reducing balances in that a rescission or reduction in new obligational authority is required in order to reach the budget authority or "President's Budget" amount.

Thus, as presented in the 1971 Budget, the rescissions recommended did not reduce balances since they were offset by appropriation requests in excess of program requirements. The sums appropriated above program requirements then become part of the unobligated balance. This is a fiscal game in which the Committee will not participate.

Further, the amounts estimated for rescission appear to be based on very optimistic obligation rates. Probably, considerably larger amounts should have been reported for rescission.

In order to reduce balances as was anticipated in the enactment of the alternate legislation last year, in the accompanying bill the committee has in each instance made an additional reduction in the same amount as the sum reported for rescission. This second reduction is a valid reduction in the new budget authority requested. The authorizing legislation included similar action.

Additional confusion was created by the way in which the estimates were presented to the authorizing committees. The submission of the Defense Department made it appear that a single reduction from the appropriation estimates would be a reduction in the budget request and erroneously ignored the rescission requirement entirely.

The Committee feels that the language proposed in the accompanying bill is more straightforward and clear and will effectively reduce unobligated balances. The language is the same, except that the dates are changed to reflect the passage of a year, as the language adopted by the House last year.

Appropriations for most major procurements will be available for only three fiscal years, shipbuilding appropriations will be available for only five fiscal years, and research, development, test, and evaluation appropriations will be available for only two fiscal years. The Defense Department recognizes these terms as approximate average spend-out periods and in its internal operations requires that the military departments obtain the approval of the Secretary of Defense for the reutilization of any balance available beyond these time periods.

I have been complaining to the Defense Department, as others have for years, "Why don't you put a man on the job and give him time to do it?" Often about the time the project begins to flounder, he is transferred somewhere else.

If you were to run an American business and had a man on the job for a few weeks, a few months, or maybe a couple of years or a bit more, and then transferred him to some other job, you would often have nothing but chaos. That is one of the reasons we have had so much inefficiency in the Department of Defense. Officials often do not let people stay in jobs long enough to know what it is all about. If there is anyone who has hit that point hard, it is that great and admirable military statesman, Admiral Rickover. I am told by officials in the Pentagon that something is going to be done about this. I believe a policy change is in the offing and that is very encouraging. We can get a lot more for our money, and have less likelihood of tax increases, and perhaps additional funds for other programs of a high-priority nature if this can be achieved.

I could go on at great length, Mr. Chairman, but let me quote further from our report:

PERMANENT CHANGE OF STATION TRAVEL

The Committee has long been critical of the frequency with which the services move their people from assignment to assignment. It has been a common practice of the Committee for many years to apply reductions to this area. However, even though the reductions have been made, the services have shown only modest improvement in this area.

During this year's hearings many pages of testimony were devoted to the very serious retention problems now being experienced by the services. One of the major factors leading young officers and enlisted personnel to resign from the service is the frequency with which they are shuffled from assignment to assignment. Yet the rotation policies of the military departments continue unabated.

The Blue Ribbon Defense Panel in their Report to the President and to the Secretary of Defense was highly critical of current rotation policies. The Panel in their report stated:

Officers and enlisted men are rotated among assignments at much too frequent intervals.

It is clear from the evidence that the rotation practices which have been followed result in (a) excessive and wasteful cost, (b) inefficiencies in management, and (c) difficulty in fixing responsibility.

A staff study of Army, Navy and Air Force promotions to General Officer and Flag rank in 1969 revealed this situation: there were 174 officers in the group and their average service was 24 years; these officers had been given 3,695 assignments, or an average of 21 per man; the average duration per assignment was 14 months.

Looked at another way, the average officers had spent: 8 years in Operational assignments, 5 years in Service Schools and other educational assignments, and 11 years in Staff Assignments.

For fiscal year 1971 the budgets of all branches of the service reflect a reduction in Permanent Change of Station Travel below their 1970 budgeted level. However, this reduction results from decreases in troop strength and not from any improvements in rotation policy. These reductions are reflected in the following table.

PERMANENT CHANGE OF STATION TRAVEL

	Fiscal year 1970	Fiscal year 1971	Reduction
Army	$613,441,000	$524,691,000	—$88,750,000
Navy	264,898,000	229,965,000	—34,933,000
Marine Corps	106,860,000	105,125,000	—1,735,000
Air Force	418,150,000	414,760,000	—3,390,000

While the Committee applauds the above reductions it must be reemphasized that these reductions do not reflect improvements in rotation policy. Therefore, the Committee has applied an additional reduction of 10 percent to each service. However, because of the fact that the fiscal year is now one-fourth over, a 10 percent reduction applied to three-fourths of the year will result in a dollar savings of 7.5 percent. This additional reduction totals $95,175,000.

The Committee appreciates the problems faced by the Military Departments in connection with the high volume of personnel movement necessitated by our commitments in Southeast Asia. This has been taken into account in determining the appropriate reduction and the Committee's action in no way interferes with the funds required to support our withdrawal plans or any permanent change of station moves that will result from such plans.

The current rotation policies of the Military Departments are unrealistic and must be revised. The Committee expects the Department of Defense to thoroughly review exist-

ing policy and procedures and to initiate the necessary changes. The Department of Defense is directed to report to the Committee the changes in the permanent change of station assignment regulations as developed. The Committee likewise intends to closely scrutinize the budget request for fiscal year 1972 for Permanent Change of Station Travel and will expect to see a budget request that reflects meaningful change in existing rotation policy.

I might mention one other thing. I have here a newspaper article of August 3 which tells about our firing of a Poseidon missile, the follow-on to the Polaris missile, 20 miles off the coast of Florida. A Russian ship was a short distance from the firing point. We were being rushed more or less by the Soviet ship. Then, after the successful firing, when we attempted to pick up the debris, the Russian ship ran across the bow of our Navy ship, and our ship had to reverse at full speed in order to prevent a collision.

Do indignities like that grow out of the fact that America is weak? Is it evidence that we are weak that these kinds of things happen? Is it because the defense budget is too small? Of course not. That is ridiculous. There was the hijacking on the high seas of the U.S.S. *Pueblo*. Did that little Asian country, which we could liquidate in a few hours, do that because of the military weakness of our country? Was it because of the weakness of our Army or Navy or Air Force? Of course not. We had the power to react, but we chose another course, and I am not passing judgment on the course we chose.

Our lack of military might was not a factor in this incident. Some people do not seem to understand that.

Do Members think the trouble in the Mediterranean is because of the military weakness of the country or the lack of the expenditure of defense dollars by the American people? Do Members think that? Of course not. We know of the troubles which have arisen in the Mediterranean area and of the inroads which have been made by the Soviet Union. Military might has not been the controlling factor.

What I am trying to say is that money will not buy everything. It is not the only factor in the equation. Money cannot give will and stability to people. We do have to spend a great deal of money, and I think the defense budget may be higher next year in some respects if the Soviet Union, which is almost as strong as this country now—although the President spoke last night and referred to us as the most powerful Nation in the world, and, of course, he is right—continues to build up its intercontinental ballistic missiles or the equivalent thereof in submarines, and if the arms limitation talks do not work out successfully, and the arms race continues. If this happens we are going to be outgunned strategically unless we increase our strategic power—and that would mean more intercontinental ballistic missiles. I hope the limitation talks will prove successful. If not, and the arms race continues, more Polaris submarines will be required, in my opinion. I strongly support the submarine launched missile as a deterrent to war.

What I am trying to say is if the President in his peace efforts—and he is devoting his best energy to peace—fails, we, in order to prevent our becoming a military second-class nation, are going to have to spend more in certain areas of defense. I just want to say that bluntly at this time, because in the interests of defense, the Committee on Appropriations believes we must do what is necessary to be strong. Regardless of cost, we must do that which is necessary to preserve the dignity and strength of the United States.

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

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

Mr. BYRNES of Wisconsin. Mr. Chairman, I appreciate the gentleman's remarks with respect to the defense bill, which is currently before us, but I would like to inquire as to whether the gentleman intends in some way to advise the House, before we recess next week, as to where we stand in the area of appropriations vis-a-vis the budget, and with respect to items that will still be held over, and where they are, and what will be before us when we reconvene in November.

I believe many Members would appreciate having a compilation or a tabulation when they go home with respect to where we stand as of the recess next week, and what remains before us.

Mr. MAHON. The gentleman has asked a very pertinent question.

Mr. Chairman, it now appears that in the 14 regular annual appropriation bills dealing with the current fiscal year 1971, the Congress will, in the aggregate, hold the approved total somewhat below the total requested by the President. It is too early to be too precise about the amount, but it seems clear that Congress will probably be below the President's requests in the appropriation bills—perhaps in the range of $1 billion, give or take a few hundred million.

In other words, the Members can say there is every indication that when this Congress adjourns, whenever it is after the election, we will be below the President's budget in the appropriation bills. Just exactly what the figure will be I do not, of course, know at this time, but perhaps it will be in the area of $1 billion, give or take.

Mr. BYRNES of Wisconsin. I am asking the gentleman whether he will have a compilation as to where we stand that he will be able to put in the RECORD or in some way make available to the membership as to each of the appropriation bills on which we have acted, and what is the status of bills that have not gone to the White House as of the time we recess next week. I wonder if the gentleman could do that, either through his staff on the Appropriations Committee of the Joint Committee on Reduction of Federal Expenditures.

I would say to the gentleman, I have difficulty reconciling his last statement with the last report issued by the Committee on Reduction of Federal Expenditures. It seems to me—and perhaps the gentleman's recollection is better than mine—that the last report of that committee showed we were exceeding the budget in any number of areas, either in the House or in the Senate or in both.

Mr. MAHON. The gentleman is referring to a different aspect of the matter. I thought we were referring only to the appropriation bills.

On the nonappropriation bills, in mandatory Treasury spending through backdoor devices or otherwise, the latest budget scorekeeping report showed we were over $2 billion above the budget, mainly by reason of bills from the legislative committees. But, of course, many of the bills—both appropriation and nonappropriation—have not been finalized.

I do not know what the final outcome will be.

Mr. BYRNES of Wisconsin. The gentleman's figure of a billion dollars under the budget, I assume, does not take into consideration the excess over the budget contained in the Independent Offices appropriation bill which was vetoed?

Mr. MAHON. Yes, I was hazarding a guess as to the probable final outcome for all of the 14 regular annual appropriation bills, including a new bill to replace the vetoed bill. Of course that bill, when it passes, will, I assume, be below the total of the one the President vetoed. But even taking that into consideration we are still below the budget, or will be, on the appropriation bills. In the other bills, of course, it looks like a different story.

Mr. BYRNES of Wisconsin. Would the gentleman advise me—he has not advised me yet—whether it will be possible for him to have a compilation as to where we stand which will be available to us when we recess next week?

Mr. MAHON. We certainly will do so. We had planned to do so, just as we have been doing periodically.

Mr. BYRNES of Wisconsin. Then, you will have a current one for us up to date in the early part of next week?

Mr. MAHON. That is correct.

Mr. BYRNES of Wisconsin. I thank the gentleman.

Mr. ADDABBO. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. ADDABBO. On page 5 of the report we discuss the serious question of the Middle East. In the defense authorization bill we have a section 501 relative to aid in that area. Are there any funds or is there any provision in the appropriation bill that would cover any aid for that area?

Mr. MAHON. Yes. There are funds in this bill which would be available for increasing American strength in the Middle East area. Of course, we are aware of elements of the U.S. fleet which we have recently sent there at a cost of $50 million, that is when we compute related costs. So these funds are in some respect available for increasing our strength in that part of the world.

Mr. ADDABBO. Relative to the authorization in the defense authorization under section 501, are those funds stated under the foreign assistance military assistance program?

Mr. MAHON. These have not been provided, but no doubt there will be an increased amount proposed to be made available for American participation in the way of aid, and that will be in a

budget estimate that will come later in this session.

Mr. ADDABBO. I thank the chairman.

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

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

Mr. FOLEY. Mr. Chairman, the committee report refers in its remarks on page 5 to funding the provisions for military sales credits for Israel under the "Military Assistance Program." Am I correct in assuming that this is really a descriptive term and that the funds will eventually be appropriated pursuant to the Military Procurement Act?

Mr. MAHON. I do not know at this time just how the funding request will be forwarded to Congress. I know and I have on very high authority that a budget estimate will be submitted at a later date. How it will be handled by Congress will be determined at that time. I cannot tell how the request will be transmitted to Congress.

I yield to the gentleman from Louisiana (Mr. PASSMAN) for an answer on that.

Mr. PASSMAN. Thank you, Mr. Chairman.

I assume the gentleman's question had to do with the military assistance for Israel.

Mr. FOLEY. Yes, indeed.

Mr. PASSMAN. I spoke with General Warren this morning, and in all probability, at a very early date, there will be a budget request for a supplemental and as quickly as the supplemental request reaches the House I am sure it will be referred to my committee and we will immediately start hearings in order to bring it out as expeditiously as we can.

Does that answer your question?

Mr. FOLEY. My question, Mr. Chairman, was for the purpose of correcting what I believe is a possible misunderstanding which could arise from the committee report. I assume that the reference in the committee report to military sales credits for Israel under the military assistance program is merely descriptive and that actually such funds will be appropriated pursuant to section 501 of the Military Act.

Mr. MAHON. The President can request funds under section 501 of the authorization act as he sees appropriate. The fact that section 501 is carried in one bill does not mean that this would necessarily control the appropriation. I think I have taken so much time, Mr. Chairman, and I know Members would like to get on with the bill, that I think I must not take further time.

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

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

Mr. HALL. Mr. Chairman, members of this committee are certainly familiar with the distinguished chairman of the committee, the gentleman from Texas, and his farflung subcommittees and their propensity for delving into the very details to which he has addressed himself this morning.

But somewhere in between broncos and mustangs and quoting from the Under Secretary's letter, with the gentleman's "Lincolnese" oratory and his propensity for Shakespearean histrionics, I failed to get whether he is for this bill that his committee brings onto the floor of the House, or not.

Would the gentleman state in the affirmative or in the negative?

Mr. MAHON. I am overwhelmed by the gentleman from Missouri and I am glad to have the opportunity to say that I wholeheartedly support this measure and I hope it will be enacted. It is essential to our security as a nation.

As I said earlier, there are about $70 billion in this bill and others that will be required for defense and then the supplemental which will run into hundreds of millions of dollars involving the Middle East which will be added to that. Then, added to that will be funds for increased pay. So this is not by any means the totality of the cost involved.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, was the gentleman quoting from a letter from someone else or is it his own concluded opinion when, if I may paraphrase him, he said that the Department of Defense was overfunded, overstaffed, and underaccomplished?

Mr. MAHON. I was quoting from the Deputy Secretary of Defense.

Mr. HALL. This is not the distinguished chairman's conclusion, and he thinks we should continue as I heard another part of the gentleman's speech to provide adequate funds——

Mr. MAHON. Yes. Yes. We must provide necessary funds.

Mr. HALL. So that we do not become a second-rate defensive-power nation?

Mr. MAHON. That is right.

Mr. HALL. Becoming a second-rate defensive nation in the world of nations without letting the people of the United States know it, before the fact; is that the gentleman's position? Does he favor this bill with or without amendment?

Mr. MAHON. I favor this bill. However, there are some problems in O. and M. which we will discuss later. Otherwise, I think it is the best we can do under the circumstances and at this time. Additional funds can always be provided if required.

I must say that Mr. Packard is devoted to defense and is devoted to the security of the United States. He is an able man. He is so concerned and anxious to get the house in order so that the credibility of defense will be so great that he can get the money that he needs in future years.

Mr. HALL. Is the gentleman referring to the Fitzhugh panel?

Mr. MAHON. Yes, I am. It endorses everything in the panel——

Mr. HALL. Mr. Chairman, the gentleman's current calmness and equanimity is reasurring me and is very worthwhile.

Mr. MAHON. I thank my friend.

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

Mr. MAHON. Mr. Chairman, I yield to the distinguished chairman of the Committee on Armed Services, a great patriot, a great leader. We have all worked together, as friends for the security of the United States and we have helped keep it the strongest power in the world.

Mr. RIVERS. I just want to say to the distinguished chairman that I have listened to his statement. I think, however, that in his zeal to try to save money—and I commend him for his effort to save money—he did say some things which, perhaps, he will want to look over again. We try to save money in our committee all the time. I am sure the gentleman can document the statement he has made that waste exists in the Department of Defense. Everyone else talks about waste in the Department of Defense and the chairman of the Committee on Appropriations, of course, can talk about waste in the Department of Defense.

But, Mr. Chairman, I hope the gentleman will read his speech carefully before he leaves it in the RECORD, because I think when he reads it he will want to modify some of his remarks in order that his real meaning may be perfectly clear to everyone who reads them.

Therefore, I urge the great chairman of the Committee on Appropriations to reread his remarks very carefully lest they be taken out of context, and could be hurtful to Defense officials.

And I am not here trying to give you a lesson in logic, but I have made some remarks myself that I would like to have changed. But as a friend I hope that you will review your remarks carefully.

Mr. MAHON. Well, for example?

Mr. RIVERS. I have finished. But I do want to thank the distinguished gentleman for the nice things he said about me before he finished his statement.

Mr. MAHON. I do not recall any remarks which are out of character; but I would say to my good friend that I am a man of caution and I will carefully review my remarks. I am very pro defense and my only interest is to be helpful. I do believe we must face up to our shortcomings if we are to adequately cope with waste and management.

We cannot sweep the shortcomings of the military or of Congress under the rug. But we must recognize perfection is unattainable. We stand together for strong defense. If we are to err it is better to err on the strong side. I thank my good friend.

Mr. MINSHALL. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, at the very outset I think I would be remiss if I did not at least briefly comment on the President's peace proposal that he made to the Nation and to the world last night. I hope and trust that it is a step toward peace that we all earnestly desire. It was met with acclaim in all of the capitols of the world with the exception of one, and that was Hanoi, and of course silence from Peking and Moscow. I should like also to recall to the House that on September 1 of this year I telegraphed the President recommending that he make such a cease-fire proposal.

Mr. Chairman, as always, my good friend and colleague, the gentleman from Texas (Mr. MAHON), and the distinguished chairman of our Defense Subcommittee, has presented the defense appropriation bill to the House in what

I believe to be a very succinct and understandable form.

Last December we who serve on the subcommittee took justifiable pride in presenting to the House after many, many months of work, a military budget showing the greatest dollar reduction since fiscal year 1954, at the end of the Korean war. So it is even with more pride that we bring to you today the 1971 appropriation which is more than $6 billion less than the fiscal 1970 figure reported by our subcommittee last year.

Further, the $66 billion plus is almost $2.1 billion below the amount requested for fiscal 1971.

I should also like to point out to the committee that the defense appropriation subcommittee has decreased the budget, the military budget, in the past 4 years alone by $14.5 billion, which is a credible figure and a record that this subcommittee is also very proud.

Now these reductions have real meaning for the taxpayers and added a significance in that they indicate a scaled-down level of spending on the Vietnamese conflict. In that respect, I think all fairminded Members on both sides of the aisle will agree that the President is doing an admirable job of resolving this tragic and overprolonged war.

This administration has fulfilled and is fulfilling every promise and pledge that the President has made regarding the war, including the withdrawal of our troops from Cambodia by last June 30. After the years of frustration and disillusionment created by the overly optimistic promises and broken pledges of the previous administration, the American public is beginning to realize that the new administration keeps its promises—that its word is its bond.

President Nixon said he would Vietnamize the war and this he is doing—the Vietnamization program is working and working well. When he took office 21 months ago, there were 540,000 American troops in Vietnam. That graph has gone down to 375,000 American troops today—that is 165,000 less—with every assurance that at least—and I emphasize that—at least 260,000 will be out by next spring.

President Nixon promised to use every honorable means to bring about peace through negotiations, and I think we are all heartened by the fact that again last night he called for a cease-fire in the hope of encouraging meaningful talks at the peace table in Paris.

President Nixon made that pledge—"to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 Accords and not to prolong the war"—and he is keeping that pledge.

I think tribute is due in great measure, too, to our friend and former colleague, Secretary of Defense Melvin Laird, who sat with us in the subcommittee and we fought side by side against the policies of President Johnson and Secretary McNamara.

Mel Laird is a great Secretary of Defense, totally dedicated to the objectives of peace, a man of the highest principles and integrity who is a strong right hand of President Nixon in restoring credibility to our National Government. He stands in sharp contrast to his predecessor.

Though there is still a road for us to travel, I sincerely believe that the end of this tragic episode in our history is in sight. We can see, at long last, light at the end of the tunnel.

The President's message last night assures us of his unceasing efforts to bring about peace through negotiations. The fact that he has kept every pledge and promise made about the war in the past augurs well for the fact that the pledge he made to end the war, and the bill before us today, with its great reductions, is evidence that the war is indeed being phased out.

It is with great distress that I call to the attention of the House that we had another unfortunate tragic crash of an F–111 aircraft last night in Texas. This is the 16th such crash that the F–111's have had. I want to advise this Committee of the Whole that at the appropriate time, when the bill is being read for amendment, I am going to offer an amendment to take out the funds for the F–111 program which total $548 million in this bill. I hope that the House will agree with me and strike out those funds.

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

Mr. MINSHALL. I am glad to yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding. I also want to thank the gentleman for having been considerate enough to have advised me in advance that he plans to offer such an amendment at the appropriate time.

The gentleman is correct in some of what he says. There have been 16 accidents in F–111's. This is the sixth one that has produced a fatality, and it produced two fatalities. That much is true.

I wonder if the gentleman has compared, however, the fact that considering all other planes that have been built since the early 1950's, for the number of hours flown, there have been more accidents and more crashes in each of those others than in the F–111's. For example, there have been 285 F–111's flown, and six of them have had fatalities. All of us feel deeply regretful of any fatality. In the past year there have been several hundred combat planes that have crashed. I wonder if the gentleman knows that in 1967 there were 67 major accidents in F–4's; there were 62 in 1968; there were 27 F–105's that crashed in 1967 and there were only two F–111's? Each of these others has had more accidents in the past 2 years than the F–111's. Does the gentleman feel that all these other military planes should be cut out of the budget?

Mr. MINSHALL. I understand the concern of the gentleman from Texas over this particular aircraft. I would be glad to discuss the subject at the time I offer my amendment. I have the highest regard and, of course, understanding of why you have such a tremendous interest in this program.

In closing my only additional comment would be I hope that next year, when we bring before you a defense budget again, we can make even greater reductions than we have in fiscal 1971.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. TEAGUE of Texas. I just returned from a trip to the Strategic Air Command in Omaha, Nebr. Would the gentleman also, when he offers his amendment, tell us the attitude of the Air Force or the Department of Defense toward this airplane? I heard nothing but praise about the airplane from the people who are flying it and the people who are managing it.

Mr. MINSHALL. I should be glad to answer the gentleman from Texas' comment at the appropriate time. I understand your interest in this program. I yield back the balance of my time.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. SIKES), the ranking majority member of the subcommittee.

Mr. SIKES. Mr. Chairman, a great deal of work has gone into the preparation of this bill. I believe that more effort has been made, under the leadership of a great chairman by a committee which is genuinely concerned about America's defense, and by a very dedicated staff, than in any other bill that has come before us.

The committee has tried, and tried very hard, to pinpoint areas where it was felt that cuts could be made. It has tried very hard to eliminate nonessential items and to withhold funds from those items which are not ready for development or production. We feel we can say at long last we are going to prevent cost overruns. We are trying harder to stop waste in defense. We have tried, and tried very hard, to do these important things.

That does not change the fact that, in my opinion, we have cut too deeply in some sensitive and important areas. I think some cuts are more serious than can be justified, and I think they will do harm to our defense posture in the years immediately ahead. We have become accustomed to saying that, militarily, we are the strongest power in the world. There is some question about that now. There is serious question about it now. Those who are really familiar with Communist power know they are making very significant progress militarily. Mr. Chairman, this bill does not contribute to maintaining our status as the strongest military power in the world. This bill, and two or three more like it, will assure that we become a second-rate power. While we are cutting back, the Russians are forging ahead, and they are forging ahead in very important areas.

We shall have to forge ahead also. We are lagging in modernization and in new weapons and equipment, and in new techniques. We are in that critical posture where we may soon start dropping appreciably behind the Soviets in military strength, and the world will be quick to get the signal. The Soviet Union knows how to flex its muscles, and the world is not fooled when we substitute words for weapons.

The report, which is a very useful one and a very thorough piece of work, does not fully spell out the Soviet threat. It does not fully spell out the strength of the Communist forces. I am afraid, Mr. Chairman, it makes our own forces look

more impressive than they are. We are strong and I do not downgrade our strength, but strength is relative. I am convinced that, unless we step up our defense expenditures in important areas, we will be bypassed by 1975 and become a second-rate military power.

Mr. Chairman, I would hope that the Members here today will look carefully at the figures that are before us. The report indicates the committee has taken $2.1 billion out of this bill, but the cut does not include a $400 million add-on for naval ships. That means we have actually cut $2.5 billion out of this bill. That is 3.5 percent below the budget recommendation. But more significantly, the 1971 budget estimate proposes a $4 billion cut below the 1970 defense program. So we are $6.5 billion below the 1970 level of spending, and that is about a 10-percent reduction in funds for our defense forces and our equipment, and modernization for the United States.

This is more significant if we take into consideration the fact that the cut is being made despite much higher costs of defense. This is the smallest fund bill percentagewise for defense expenditures that has been presented to the Congress in years, and, unless I am mistaken, the lowest since before the Korean war.

Now let me add also the fact that the Department of Defense is one of the very few agencies of Government, and I think the only agency, where budget recommendations are lower than they were last year. This is one of the few bills that has been brought to the floor by the Committee on Appropriations this year where there have been significant cuts. In quite a few bills there were add-ons above the budget. This despite the fact that we are short in many areas in defense needs. We are short in equipment for ourselves and our allies. We are short in modernization. We are headed for trouble if this continues. Low budgets are not the fault of the committee, but overcutting adds to the gravity of the problem. Here we have both.

I want the Members to think on the boldness with which the Russians are moving out—diplomatically and militarily. They can read the temper of the American people and of the Congress. They see the demands for less defense and more domestic spending. They see a gradual scaledown in our defense posture. They are encouraged and emboldened. Their progress in the Middle East is too well known to require comment here. Now, for the first time in history, Russian naval units have held maneuvers in the Caribbean. They dared to hamper U.S. testing of its Poseidon missile. They have had the colossal nerve to begin building a submarine base in Cuba.

Mr. Chairman, that submarine base in Cuba is more dangerous than the missile sites which President Kennedy forced the Russians to withdraw some years ago. But the Russians are building it and thus far they have met with nothing more serious than a single protest.

Mr. Chairman, this bill takes into account many different programs and activities. It takes into consideration reductions in personnel which are proposed by the administration for the Armed Forces. I am glad to state this committee does not require any reduction in military personnel. It forces no one out of uniform. It makes cuts because the administration has proposed reductions in uniformed personnel and all of the budgeted figures will not be needed. I am concerned that those cuts in uniformed personnel may be greater than they should be, but I realize that reductions in personnel can be remedied reasonably quickly, although to remedy reductions is costly. It is the slowdown in modernization and the lack of equipment that is most dangerous. Modernization depends upon the development of new weapons and weapons systems, and this takes time. It takes a great deal of time to develop a weapon and to put it in production.

We know ours is an aging Navy with great need for modern ships.

Look at Navy ships. We have money in the bill for a few additional Navy ships. Yet the number is small and it will be years before those modern ships are ready to join the fleet. We need many more and we need them much earlier than they can possibly be made available.

The snail's pace of some of our programs should be shocking to us, but I am afraid the American people have been made to feel we are making tremendous progress.

Look at Safeguard. We are arguing about whether to build one or three or 12 Safeguard sites. We are embarked now on three Safeguard sites, at a very slow pace. Despite all the publicity, a program of this magnitude will not give the American people or our missile sites any significant protection. At this level it is a prototype program only. It should be expanded, for at the present rate it is going to be years and years before the system is a brake on aggression from any source.

These things do not fool the Russians, but I am afraid they may be fooling the American people.

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

Mr. MAHON. Mr. Chairman, I yield the gentleman from Florida 5 additional minutes.

Mr. SIKES. Mr. Chairman, I am not going to spell out the procurement cuts and operation and maintenance cuts, and research and development cuts. They will be discussed later in sufficient detail. But let me say again, I fear the procurement cuts, the operation and maintenance cuts, and the research and development cuts, in some instances, may be entirely too deep.

Operation and maintenance is cut 12 percent below the figure of a year ago, yet it is in operation and maintenance of forces that we find the heart and the guts of a military organization. If the military organizations cannot maintain their equipment and keep it operational, if they cannot have adequate training and operational funding for personnel, they cannot have effective fighting forces.

If we have cut too deeply in procurement, it means there will not be follow-on of the weapons which will be needed so very badly in the years ahead.

If we have cut too deeply in research and development, it means that the development of new weapons for the next generation is going to be stunted, and we will drop even further behind in this all-important area called modernization.

Yes, Mr. Chairman, I support the efforts for cuts in defense costs where they can be justified. But, in all sincerity, I am afraid we have gone too far in some of the reductions that are made in this bill.

I say that not to be critical of the committee, for its work was done in good faith, but in genuine apprehension for what may happen to our defense on tomorrow.

I know that the taxpayer wants reductions in costs everywhere, but I know also, if I know anything about the American people, that the taxpayer realizes a second-best defense is the most costly luxury we can have. There is no such thing as a second-best poker hand, and we cannot afford the second-best defense in the dangerous world in which we live.

Mr. BRAY. Will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. BRAY. Referring to title IV, dealing with procurement, on page 15 of the bill, line 3, it says:

Provided, That none of the funds provided in this Act shall be available for the maintenance of more than two active production sources for the supplying of M–16 rifles or for the payment of any price differential for M–16 rifles resulting from the maintenance of more than two active production sources.

I discussed this matter with the gentleman. My interest is that I was the ranking minority member of the committee that went into the investigation of the M–16 rifle. There were serious problems as to both procurement and malfunctioning of the rifle. Congress finally, after 3 or 4 years of effort, did get the Army to secure additional sources of supply. This provision in this legislation is cutting out at least one of those three sources of supply at a time when the M–14 rifle has gone completely off the production line and we are totally dependent on the M–16. I do have information that the plan is to move production of this line, or at least one of those lines, to a foreign country where it will take away business from American labor, and from our experience it costs a good deal more to build these rifles abroad.

I have discussed the matter with the gentleman, and I would like to have it as a matter of record that the gentleman stated he would oppose with all of his ability any plan to move the production line that is being cut down and moved to a foreign country or to stop any production line of this rifle being moved to a foreign country.

Is that correct?

Mr. SIKES. The gentleman's committee should have credit for the effort that it made to increase production of the M–16 rifle at a time when we needed it badly. This was done through their efforts. There are now three production lines for the production of this rifle.

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

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

Mr. SIKES. The Department of the Army testified before our committee that we now actually need, because we have much more capacity than the foreseeable requirements for the M–16, only one source of procurement. It also was stated, to maintain three production sources would cost an additional $14 million a year. Therefore, the committee, not wanting to deny competition but not feeling that we should insist on three sources of supply, wrote language into the bill which was intended to provide that there could be competition and to insure that there would be at least two sources of supply.

I know of no plan to move the third source of supply to another country and produce rifles there for our own forces. I certainly think it would be a mistake to do that, and I would oppose any such effort.

Mr. BRAY. Then, the gentleman would oppose any plan, to the best of his ability, to move production lines for the production of these rifles into a foreign country?

Mr. SIKES. I do not want to state that I would attempt to interfere with the construction of plants in other countries whose governments feel that they need those plants for their own requirements. However, I have said, and I repeat, that I have heard of no efforts to move one of the present production lines in the United States to another country to produce weapons for our own forces. I certainly would oppose that.

Mr. BRAY. Then, you would oppose any appropriation of American money from any source to accomplish that?

Mr. SIKES. To accomplish the purpose that I spelled out.

Mr. MAHON. Mr. Chairman, I yield such time as he may require to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 19590, the Department of Defense appropriation bill for the fiscal year ending June 30, 1971. As a member of the House Appropriations Committee and its Defense Appropriation Subcommittee, I am pleased with the general approach taken by the committee in reducing nonessential spending. I commend the staff for its outstanding help and work on this bill.

This measure provides a total appropriation of $66,656,561,000, a reduction of more than $6 billion below the appropriations enacted for fiscal year 1970. This rather dramatic shift in emphasis away from increasing defense expenditures I believe meets in part the growing demand and need that tighter controls be placed on Defense Department budget requests and greater emphasis be placed on domestic programs.

This reduction in defense spending together with the $5.2 billion reduction in the 1970 appropriation reflect the greatest cutback in defense spending since the conclusion of the Korean war. I am concerned that this administration has not seen fit to shift priorities with the Congress and assign the necessary priorities to domestic programs in housing, health and education. Unfortunately legislation designed to provide greater assistance to programs in these three areas were all vetoed. I can only hope that by passing this bill before the House today and by overriding vetoes we can convince this administration that Congress intends to establish priorities through the appropriation process.

On balance I am confident that this measure will provide adequate flexibility and funding to assure a strong defense posture for the United States during the next fiscal year as well as in subsequent years. Some of the major areas covered by the bill are:

SAFEGUARD ABM SYSTEM

This bill provides funds for the continuation of phase I sites and deployment at Whiteman Air Force Base in Missouri as well as advanced preparation at Warren Air Force Base in Wyoming. This bill, however, does not include any funds for the four Safeguard sites recommended by the administration for deployment of an area defense against a Chinese Communist ICBM attack. This request was struck from the authorization bill and I supported the deletion of funds for that purpose. This reduction in the scope of the Safeguard ABM program represents a major victory for those of us who have urged a slowdown in our ABM deployment pending the results of the SALT talks and closer scrutiny of the entire ABM program.

PROCUREMENT

The largest reduction in the 1971 Defense appropriation bill is under the broad category of procurement. Here the committee has obtained the agreement of the Department to follow the recommendation of a blue ribbon defense panel whose report of July 1, 1970, states that production efforts should be postponed until development programs are completed, thereby avoiding simultaneous development and production and the errors which can result from such simultaneous programs.

One of the items deleted from the authorization bill was the proposed funding for advanced procurement of nuclear propulsion plant components for a third new naval aircraft carrier—the CVAN–70. I have opposed funding for this carrier after testimony before our subcommittee that its development would not increase our protection at home but would merely increase our ability to land more troops abroad. This program, in my opinion, does not involve the threat of Soviet Union naval buildup.

SOUTHEAST ASIA

Mr. Chairman, while I support H.R. 19590 and believe this is onbalance a good bill, there are several sections which I oppose and wish to point out to my colleagues. These sections relate to our involvement in Asia and the limitations on the use of these appropriated funds for future involvements.

Section 843 of H.R. 19590 provides that no funds shall be used "to finance the introduction of American ground combat troops into Laos or Thailand." The section does not mention either North Vietnam or Cambodia and I am concerned that the absence of reference to these countries may cause some administration officials to believe they may use funds for future invasions of these nations without the consent of Congress. The intent of Congress should be clear—that we oppose the introduction of U.S. combat troops in any part of Asia without prior authorization by the Congress. Naturally, unless by reason of national emergency.

Another section which concerns me is section 838(a)(1) which provides that funds appropriated under this bill may be used "to support: First, Vietnamese and other free world forces in support of Vietnamese forces." This provision does not require that the forces need be fighting in South Vietnam and I am concerned that this section may be construed by some to mean that funds can be used to aid South Vietnamese forces fighting in Cambodia or other forces fighting in countries bordering Vietnam. Again, I believe we should clarify the congressional intent that our role in Vietnam be limited and decreased as rapidly as possible with no repetition of invasions such as the Cambodia invasion of earlier this year without congressional resolution.

MIDDLE EAST

I strongly support the language in the committee report—page 5—which expresses the sense of the committee that the President should have the authority to provide military assistance to Israel in order to restore the balance of military power in the Middle East and lessen the danger to world peace from the crisis in that area. I have been disturbed by the failure of this administration to respond in a more timely manner to the requests by Israel for Phantom jets and other military equipment. Because of this failure our relations with Israel have deteriorated and there is confusion concerning our policy in the Middle East. The statement in the committee report should make clear the position of Congress and give the President the support for appropriate steps to bolster our relations with Israel and we ask that the request for supplemental funds for these needs be immediately forthcoming and acted upon.

Mr. MINSHALL. Mr. Chairman, I yield 15 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I wish at the outset to commend the members of the subcommittee and particularly the distinguished chairman of the subcommittee for a very hard-working effort which culminated in the bill which we have before us today.

The hearings were long, the hearings were arduous, they were sometimes interesting and sometimes deadly dull. But they were certainly thorough. I can say to the members of the Committee that insofar as I know there were figuratively speaking, very few stones in the Pentagon building which were not taken out, scraped off and replaced, and we hope that the defense of the country is stronger because of the bill we have before us than it was previously.

I particularly want to thank the Chairman for all of the courtesies which he has extended to the members of the subcommittee, as he always does. He is a very thoughtful, a very thorough man, a very valuable Member of the House of Rep-

resentatives. It has always been a real pleasure to have the privilege of serving with him and under him.

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

Mr. RHODES. I am glad to yield to the distinguished chairman of the committee.

Mr. MAHON. I want to thank my friend, the gentleman from Arizona (Mr. RHODES), for those very kind words.

Mr. Chairman, the gentleman from Arizona is a man of stature, of ability and strength. The gentleman is well informed and has performed a good job, along with the other members of the subcommittee.

I do appreciate those generous remarks.

In the markup of the bill, as the gentleman knows, we tried to listen to the views of everyone and, generally, from those views we accepted them or compromised them and came to a compromise agreement on the entire bill which is before the House today; is that correct?

Mr. RHODES. The Chairman is absolutely correct. The markup I think was particularly well handled. The staff was exceedingly well prepared with some very good rifle-shot cuts which I think should and will be sustained.

I would like to say, however, that I have a wide area of agreement with the gentleman from Florida (Mr. SIKES) who preceded me in the well because I think in certain instances we probably cut deeper than we should have.

I am informed that the Chairman at the proper time will offer an amendment to restore certain funds, and I certainly intend to support that amendment and I think most of the members of the subcommittee will.

Mr. Chairman, I think it is fair to go into the recent fiscal backgroundd of the Department of Defense. In the years, since the fiscal year 1969 to the present fiscal year, the budget request of the administration is some $5.5 billion lower. In other words, the amount of money appropriated for 1969 was some $5.5 billion higher than the amount of money requested by the administration in fiscal year 1971. During this time the unobligated balances available to the Department of Defense have gone down from a figure of $11.666 billion to $6.233 billion. So, the pipeline has been cut down in those years and in effect the Department of Defense has been living on its fat.

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

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

Mr. MAHON. The gentleman is making a very interesting talk. I think it would be good to exchange a few ideas here. As the gentleman knows, with the funds provided in this bill and carryovers from previous years, the Department of Defense will have available to it during the current fiscal year $105 billion. But, of course, the gentleman knows that most of these funds, but not all, have been committed. Some of the funds will not be spent this year.

Mr. RHODES. The Chairman is correct.

Mr. MAHON. I think it ought to be said that as the President is winding down the war in Vietnam, there have been many hundreds of millions of dollars that have not been spent that would have been spent had the war continued at the same tempo.

So that is one of the reasons why the reductions have been made possible.

Mr. RHODES. The total figure of unexpended balances at the end of fiscal 1971 will be $35,383,000,000. All but $6,233 billion are unobligated, so that in my way of figuring, whether it is right or wrong, if a dollar is obligated it is the same as spent. There is of course a certain leeway to deobligate, and reobligate funds, but I do not think we can assume that this will be done.

So the figure we use for the funds available for the next fiscal year is $6.233 billion, which is unobligated in the next fiscal year, plus the amount which will be appropriated which is something like $66.5 billion, which makes a total of $72 billion which will be available in the coming fiscal year.

So the pipeline has been reduced.

And I think it would not be fair to say that the Department of Defense is now overly endowed with avoirdupois. It has been cut very considerably, perhaps to the bone, perhaps in some cases into the marrow.

On top of that, we all know that in the past years there has been an erosion in the purchasing price of the dollar, so that perhaps 10 percent of the dollars which we now have available must be taken off if we are to compare the total with the dollars which were available in the year 1969. So we see not only a reduction in dollar balances, but an even greater reduction in the purchasing value of the dollar available which is even more significant.

Now, as a Member of the Congress and as a member of this committee, I would like to beat my chest a bit about these cuts. I think in many ways we can thank the hearings we have held for some of the cuts which we have made, but I think in all fairness that we have to agree that the lion's share of credit for the making of these cuts goes to the Secretary of Defense, the Deputy Secretary of Defense, and the people with whom they work.

In the first fiscal year in which Secretary of Defense Laird was in office, the expenditure level of the Department of Defense was cut by over $3 billion. And as I have stated, the total cut since the Nixon administration took office is something like $5.5 billion, comparing what was appropriated in 1969 as against the request for 1971, and if the cut or cuts stand up, that figure will be $7.5 billion, which shows a very marked decrease.

Most of this has been possible because of the winding down of the war in Vietnam. However, I believe it also is due to the fact that a management team has come to the Department of Defense which knows how to manage a business which is as large as this one is, and it is the largest business in the world. There are still inefficiencies, and there will probably always be inefficiencies. There are still practices which make very little sense, and this will probably always be the case, but by and large the Blue-Ribbon Panel, the Secretary of Defense, and the Deputy Secretary of Defense, and the people under them, has resulted in what I consider to be an outstanding fiscal performance by the Department of Defense.

As I mentioned before, this is a time when we are fighting a war in Vietnam, and also at a time when we are faced throughout the world with a potential enemy which is predatory, which pushes at every chance it gets, and which will probably continue for the foreseeable future to continue to probe throughout the world to try to find a weak spot. I think it is obvious from the actions of the Communist world that it has not given up the dream of world conquest. I cannot help but believe it has less hope that conquest is possible, but still they probe in the hope that weak spots will be found. Consequently it is necessary for us to maintain a defense as storng as a defense can possibly be.

In the past several months we have in the United States found it necessary to revise certain priorities.

We are spending more money now on nondefense items than we spent 2 years ago. We are spending much more than we spent 5, 6, and 7 years ago on nondefense items. This has been a revision of priorities that the American people obviously wanted.

I assume that this revision will continue and the cuts that have been made in this bill will help the Federal Government to finance some of the nondefense activities upon which it had entered and which it will enter, without risking the economic ruin which might ensue if we were not able to come very close to a balanced budget. We will have even worse fiscal problems in the fiscal year 1972 and it will be necessary for the Department of Defense and for all other departments to practice the utmost economy in order to do the jobs that are necessary, and still to maintain a strong economy in the United States, bolstered by a budget that is balanced or very near to being balanced.

Lest we go too far in shifting priorities, let me warn that if the Communist probing finds a fatal weak spot, the good life we seek for all Americans would be a lost dream. Such a life does not exist in a Communist society.

I think it is necessary to take stock of what has happened in the Department of Defense in the last 10 years. We have not had one single new weapon system developed from 1961 to 1969 except the F–111. I intend to support the appropriation for the F–111. It is an airplane which I hope will do the job for which it was intended. It is in difficulty. Even so, its safety record, I am told, is as good as the safety records of other airplanes that have been built from scratch with brand new concepts—advances in the state of the art, if you will, at this time in the development of the system.

More than that, we need this plane. We have to have it. It is the only air-

plane that I know of that can have the requisite penetration capabilities to be effective today.

If the Department of Defense in the 1960's had been more alert to the problem and the requirements of the 1970's, it might not be necessary for us to continue to try to perfect an airplane which has certainly been ridden with problems from the very beginning. But it is necessary to have the plane, and I think we will have to go ahead with it.

However, in the last 2 years we have started two airplanes, the F–14 and the F–15, which promise to be very fine weapons systems, one an aerial superiority plane for the Navy and the other for the Air Force.

I am glad to say that all of the funds which are asked for research and development for these aircraft are in this bill. We have supported this effort by the Department of Defense 100 percent.

I am also pleased to note that ships requested by the budget for the Navy not only are funded, but there are ships funded which are over and above the budget.

The Committee on Armed Services felt that it was necessary to authorize more ships than were requested in the budget, and the Committee on Appropriations has gone along with the Committee on Armed Services.

I certainly feel that the events of the last few weeks in Jordan and in the Middle East point out the absolute necessity for this country to maintain a strong Navy. I think there is very little doubt that without the presence of the 6th Fleet in the Mediterranean, and without the resoluteness with which the President and the Secretary of Defense used that 6th Fleet that there might have been serious trouble develop in Jordan which might have resulted in a conflagration throughout the Middle East. There certainly is no intent on the part of any member of this subcommittee to do anything other than to make sure that the U.S. Navy, Air Force, and Army are able to take care of the obligations of this country throughout the world.

Again though, may I say, there are those of us who feel that we are very badly extended throughout the world and we hope in the years to come that it will be possible for us to reallocate our global priorities and perhaps restudy some of our commitments. The time is long past when the United States of America can afford to police the whole world.

We have our vital interests and those vital interests must be and will be protected.

But the Nixon doctrine which says and articulates this principle, puts the burdent on each nation to be foremost in the effort to defend itself. This is a doctrine which makes sense. It must be rearticulated often, so that the world will know that this is exactly what the United States means when it talks about its relationship with other countries.

Mr. Chairman, before I sit down I want to thank also my good friend from Ohio (Mr. MINSHALL), distinguished and able ranking minority member of the subcommittee, the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New Hampshire (Mr. WYMAN) for the fine work they have done and their cooperation, which all of us have appreciated throughout these very arduous months when this bill was being prepared. I have particularly appreciated the outstanding leadership, industry, and perspicacity exhibited by BILL MINSHALL. He has been most considerate to all members, and it has been a pleasure and an honor to serve with him.

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

The CHAIRMAN. The Chair will count.

Fifty-nine Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 334]

Abbitt	Fallon	Montgomery
Adair	Feighan	Morse
Addabbo	Fisher	Morton
Alexander	Flynt	Nedzi
Ashley	Foreman	O'Konski
Aspinall	Gallagher	Olsen
Beall, Md.	Gilbert	O'Neal, Ga.
Belcher	Gray	Ottinger
Berry	Griffiths	Patman
Betts	Hagan	Pirnie
Blanton	Haley	Pollock
Brock	Halpern	Powell
Brooks	Hansen, Wash.	Pryor, Ark.
Burlison, Mo.	Harvey	Purcell
Burton, Utah	Hébert	Quillen
Bush	Horton	Reid, N.Y.
Button	Hosmer	Reifel
Cabell	Howard	Roudebush
Clark	Hungate	Rousselot
Clausen, Don H.	Jonas	Ruth
Clawson, Del	Jones, N.C.	Sandman
Clay	Karth	Satterfield
Collier	King	Scheuer
Corbett	Kleppe	Shipley
Cowger	Landrum	Smith, Calif.
Cramer	Lowenstein	Snyder
Crane	Lujan	Stephens
Daddario	Lukens	Stratton
Dawson	McCarthy	Talcott
Derwinski	McClory	Tiernan
Diggs	McMillan	Tunney
Donohue	Macdonald, Mass.	Weicker
Dowdy	MacGregor	Wiggins
Dwyer	Mailliard	Wilson, Bob
Edwards, La.	Meskill	Wold

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19590, and finding itself without a quorum, he had directed the roll to be called, when 324 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. MINSHALL. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I take this allotted time to express a strong personal vote of confidence in this bill which is now being considered by the House. Although I just returned to this subcommittee at the beginning of 1969, my expression of support is not that of a neophyte. In other years past I have had sufficient experience on this subcommittee to be able to compare this bill—including the staff work on it, and the detailed knowledge, cooperation, and candor of representatives of the Department of Defense—with the situation that existed 20 years ago. I am more satisfied with the action of our committee on this Defense appropriation bill than any Department of Defense appropriation bill in my experience.

Two years ago we had before us an $81-billion recommendation for appropriations in defense. Today we are talking about a $66-billion bill. This reduction is all the more impressive when we take into consideration the reduced purchasing power of the defense dollar. I believe I can assure you that, in spite of this reduction in funds, we are receiving more defense per dollar than at any previous time in my experience. Our committee can take only a portion of the credit for the reductions that have been made. But we can certainly take pride in the committee report which we have submitted to you. This report reflects an admirable effort on the part of the staff, complimented by the inquiring and dedicated concern of our committee members. I am also certain that every member of the subcommittee would want to give due credit to the accomplishments of the Secretary of Defense, his deputy, Mr. Packard, and the man whose job it is to oversee the expenditure of Defense Department funds, Bob Moot. We should give credit to them for many of the improvements that have been made. These include improvements in procurement procedures, and especially the abandonment of total package procurement which has proven so costly, and have accompanied the overruns that scandalized the minds of so many Americans, and the review of personnel, both military and civilian.

A large percentage of the reductions that have been made in this bill reflect the work of Secretary Laird and his staff.

Last year we did not officially receive a revised budget after the new administration had completed its review, based upon the downward reductions which that review accomplished. However, we did receive those suggested revisions in our subcommittee, before final action was taken, and there was a sort of tacit understanding that the committee and the Congress would be permitted to take credit for the reductions that were made. This year this bill also reflects numerous savings which came to light within the Defense Department between the time that the budget was prepared and submitted to us some 10 months ago and the time of our markup.

The report has some harsh words, but I urge you to read the criticism in the light of some of the real accomplishments within the Department, and to interpret the comments in the overall context of the report.

I think in the report the Members will be able to read between the lines and will want to give credit to the efforts of the Department. At the same time Members will want to recognize the need for our committee to keep the Department's feet to the fire in pursuing the improvements that have been so commendably instituted, and in accelerating reforms that have not yet been sufficiently advanced.

In our hearings—and as my colleague, the gentleman from Arizona pointed out, they were both lengthy and detailed—we did uncover a number of situations requiring the direct efforts of our committee, and Members will note on specific pages of the committee report the actions of the committee in relation to those situations.

For instance, on page 24 of the report, there is a discussion of the Public Affairs program. I think it is fair to state that what many people include under the term "public affairs" is not just propaganda by the Defense Department. It certainly includes the information that is provided to the public so it can gain an understanding of our defense effort. It includes the liaison offices of which we make so much use in serving our constituents. And it includes the recognition of the citizen soldiers, sailors, airmen, and marines of this country for their part in defending our entire Nation and its people. All of these are part of the public affairs program.

On page 26 there is committee comment relating to the temporary promotion of higher ranking officers and helicopter training for some of the senior officers in the Army.

On page 46 there is language that will be of interest to many Members relating to Air Force Reserve units, and the follow-up by our committee of the action taken first by the Price Subcommittee and then by the full Armed Services Committee in connection with the retention of those units.

On page 54 there are comments relating to procurement practices, and beginning on page 72 there is an explanation of the add-ons to enforce our recognition of the outdating of our Navy and its need for modernization.

In the report, at the end, there are three separately expressed views. One of these comes from a member of our subcommittee, the gentleman from New Hampshire (Mr. WYMAN). I think he raises a point that all of us ought to be greatly concerned with, but it is something which unfortunately we could do nothing about in the light of language that was included in the Defense Procurement bill. Then, two of those separate views are expressed by Members of the House who are members of the full Appropriations Committee, but not the subcommittee that held hearings on the bill. I believe they relate to matters this House has carefully considered before, and made its decision on. I hope we will not take up too much time rehashing things upon which the House has already forcibly expressed itself.

Like my colleague, the gentleman from Arizona, with whom I have the pleasure of serving on two subcommittees of this Appropriations Committee, I intend to support the adjustment in operation and maintenance funds. This, I believe, will come before us by means of an amendment to be offered by the chairman of our full committee. Other than that, and with that single exception, I intend to stand firm with respect to this bill as it has been reported. I believe it has been carefully considered, and I believe it deserves the support of the Members of this Committee of the Whole.

Mr. MAHON. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina, the distinguished chairman of the Committee on Armed Services (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I want to thank the distinguished chairman of the Appropriations Committee for giving me this opportunity to further expand on something which I said on this floor on the 28th of September.

I also want to thank the distinguished gentleman for the response he gave to the request I made before his committee, when I asked him to add additional money for one submarine, long leadtime items for another, plus two tenders and other craft at that time. He gave me almost everything I asked for.

On the 28th of September, I spoke at considerable length on the floor of the House on the Soviet threat, especially the naval threat.

Today, I shall be very brief. And I shall speak about one thing: submarines.

Soviet submarines.

One newspaper said of my speech on the 28th that my rhetoric was rather appalling but the facts were hard to challenge.

Today, there will be no rhetoric, only facts. But the facts will be as appalling as any you could hear.

I want to show the House today as quickly, as simply, and as plainly as I can the true facts of the Soviet submarine challenge.

I used a lot of statistics on the 28th. I could throw a lot of numbers at you now. But only a few should get the message across to a thinking citizen.

I talked desperately in the House-Senate conference on the authorization bill, as I am talking desperately now—and for what? To get your support to add two additional submarines to our shipbuilding program. Just two. That will mean four new nuclear subs in this bill and advanced procurement for three more.

If I had the rhetoric of Edmund Burke, the passionate voice of Daniel Webster, the ringing logic and orderly thought process of John C. Calhoun, perhaps I could talk you into supporting as many submarines as all of the shipyards in all of the United States could build. And if I did, how many would that be?

Ten to twelve.

Twelve submarines in 1 year is the most that we could realistically build under present conditions.

The Soviets have one yard that can produce more than that in a year.

The Soviets can build 20 a year on the day shift. Working several shifts, they could probably produce 35.

What does that mean?

It means that the present Soviet drive to overtake us in all categories of submarines is irreversible—irreversible.

The Soviets are ahead of us in total submarines—they have about 360 to our 147. They are ahead of us in most categories of submarines, and they are moving to be ahead in all categories by 1975—and there is nothing, nothing, nothing we can do about it.

Let me tick off the numbers for you:

The Soviets have 220 nonnuclear attack submarines to 59 for the United States.

They have 50 or slightly more ballistic-missile submarines to 41 for the United States. But all 41 of the United States submarines are nuclear, and about 20 to 23 of the Soviet submarines are nuclear.

They have about 65 submarines that fire the cruise missile, about 35 of which are nuclear powered. The United States has no submarines that fire cruise missiles. The cruise missile will go 400 miles. We have nothing like it.

Supposedly, the Russian numerical superiority is offset by our lead in nuclear submarines. But the Russian buildup in nuclear submarine construction capability means that our lead is rapidly disappearing. At present, in total nuclear submarines we have 88 and the Soviets about 80. In all probability, they will be ahead of us by the end of the year. What the relative building capability means is this: Even if we decided now—not tomorrow but now, today, in this House—to try to reverse the trend, it would be at least 5 years before we could begin to do so. And before we could start catching up, the Soviet lead would grow substantially.

The submarine is the best strategic weapon in the world.

That statement should not surprise anybody. We have long referred to the Polaris as our most invulnerable deterrent.

For the Soviets, their attack submarines provide a capability in nonnuclear warfare which promises the best possibility of strategically outflanking us and cutting us off from our allies. By simple numbers alone their submarine force gives them the threat to interdict our sealanes and deny us free use of the seas.

It is impossible for the United States to exercise influence on any continent in the world except the North American Continent without free use of the seas.

But the Soviet ballistic-missile and cruise-missile submarines provide the capability of bringing nuclear warfare to our shores.

The latest Russian Polaris-type submarine, the *Yankee* class, has the ability to fire from a submerged position a ballistic missile with a range of 1,300 miles.

I would like to illustrate to the House the threat that a Soviet submarine with a 1,300-mile-range missile poses to the United States.

If such a submarine is in the Gulf of Mexico, this is the range its missiles would have.

(Mr. RIVERS referred to map in the well of the House.)

Mr. RIVERS. It could lay a missile on Chicago, Detroit, New York, St. Louis, and any city within this range.

But the Soviets are testing a new submarine ballistic missile with estimated range of 3,000 miles. This missile may be back-fitted into the *Yankee* class or put into a new class of submarines being specifically designed for the missile.

The Soviets in the last 2 years have introduced more new submarine designs than have ever been put to sea in all of naval history during a comparable pe-

riod. They continue to strive for improvement in sub design. The United States in the last 10 years has introduced only one new design submarine.

My authority for those two statements, in case you question them, is Hyman Rickover.

If those Russian submarine missiles have a range of 3,000 miles, you can see on the map here what it means in terms of the threat to the United States.

But a new and dangerous development has come upon the scene to double—yes, I said double—the threat.

Today the Russian *Yankee* class ballistic-missile-firing submarines operate from bases in the Soviet Union. They travel through the Norwegian Sea and across the Atlantic Ocean—a distance of over 4,000 miles—until they get in a position to where they can fire their missiles on our east coast cities. To return home for repairs and crew rest they must again travel over 4,000 miles. It is estimated that half of a 60-day patrol will be spent by a *Yankee* submarine going to and from its patrol station, and during its transit time it will not be within striking range of our cities. But now the Soviets are building a nuclear submarine base in Cuba—at Cienfuegos.

Let us not beat around the bush with conjectures. I tell you the Russians are building a sub base in Cuba.

And I challenge any official of the executive branch to issue an outright denial of that statement.

No one will do so.

Now let me show you where this base is. Here is a map of the Caribbean. They sail submarines into this place here. It becomes their lake.

Now, let me show you photographs of Russian ships that have gone into this harbor—including a submarine tender which is there right now. They have this tender right here, right now, not yesterday.

That submarine tender is not down there on vacation. You can look at this and the other photographs.

Imagine that you had an automobile in Washington that you operated almost continuously, like a day and night taxicab, but that the nearest garage was in Boston. So that every time you needed repairs or an oil change or a little rest away from the automobile for the driver, you had to go to Boston. You would spend half your time going and coming to Boston. But if somebody built a new garage for you in Washington, you could double the time of your taxicab on the streets of Washington.

It would mean the same sort of thing for the Russians to have a submarine base in Cuba.

The submarines could operate within the range of more than half of the United States during their entire patrol period, including the time they are going to and from their base in Cienfuegos. Even when in that port for upkeep, they could maintain their missiles in a state of readiness easily within range of many major U.S. targets.

And they can also blackmail all of South America. They are sure we will back down as the gentleman from Texas (Mr. MAHON) said a while ago.

Cuba as a *Yankee* class submarine base would enable the Russians to about double the time "on target" for their underwater-launched ballistic missiles.

To put it another way, by using Cuba, the Soviets reduce by approximately one-half the number of missile-firing submarines they need to maintain the same coverage.

I am including as a part of my remarks a chart which illustrates the great advantage of a base in Cuba by showing the comparative transit time and days on station for submarines operating out of the Soviet North Fleet area and operating out of Cuba. It will be seen that in a 2-month patrol the on-station time for a ballistic missile submarine in the middle Atlantic is 32 days when operating from the North Fleet and 50 days when operating from Cuba. For a Gulf of Mexico station, it is 20 days on station when operating from the North Fleet and 56 days when operating from Cuba. In addition, as I mentioned, during transit time the subs based in Cuba are within range of targets in the United States. The chart also shows that for attack submarines the days on station are at least doubled if the subs can operate out of Cuba.

The chart follows:

DEPLOYMENT COMPARISON: NORTH FLEET VERSUS CUBA

Station	Transit Time [1] (days)		Days on station	
	North Fleet	Cuba	North Fleet	Cuba
SSBN:				
Middle Atlantic	14	5	32	50
Vicinity Bermuda	15	4	30	52
Gulf of Mexico	20	2	20	56
SSN:				
Panama Canal	19	2	22	56
Florida Str	18	2	24	56
Windward Pass	16	2	28	56
Mona Pass	16	3	28	56

[1] Assumes 12 kt.

This great increase in the military effectiveness of this strategic force must certainly be appealing to Soviet leaders.

In closing, I want to read you a paragraph:

The peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America.

This is the first paragraph of the proclamation issued by President John F. Kennedy in 1962 ordering the interdiction of ships carrying offensive weapons to Cuba. That sentence describes the development that was the basis for President Kennedy taking the action that he did in the Cuban missile crisis of 1962.

I ask you to reflect on what the difference is between that development and the development taking place in Cuba today.

Regardless of what is done on this bill today, the Congress has got to be ready to support the buildup of our submarine force.

In the next Congress I intend to introduce legislation calling for a program—maybe a crash program—at least to start us on our way.

I intend to introduce legislation to force whatever reorganization is necessary in the command structure of the Navy to assure the success of a revitalized submarine program, which the distinguished chairman so eloquently referred to.

But the country must be ready now to face the threat posed by the Soviets.

No one has more sympathy than I have—and you will not see me getting up and criticising Richard Nixon—for the President of the United States. He has a terrible job, and awesome job. The Constitution puts the responsibility for the conduct of foreign affairs on the shoulders of the President whoever he may be. He has to make the decision. As Truman said:

The buck stops at 1600 Pennsylvania Avenue.

Whatever decision he makes, I know you, like I, will back him up because he has to make a decision—and it is as simple as that.

Mr. Chairman I include the following material at this point in the RECORD:

Vice Adm. HYMAN G. RICKOVER,
USN, Director, Nuclear Power Directorate, Naval Ships System Command, Department of the Navy, Washington, D.C.

DEAR ADMIRAL RICKOVER: I am deeply concerned that the members of Congress and the people of the United States have not been sufficiently informed on the growing threat posed by the Soviet nuclear submarine force. I know that you have repeatedly warned the Congress of the substantial buildup in this area and the emerging facts are bearing out your statements.

In June 1968 you testified before this Committee and gave valuable information on this growing menace and what needed to be done. Your testimony reinforced our support for the continuation of the new design Turbine Electric submarine and the development of a new High Speed submarine.

In spite of these actions it appears to me that our position relative to that of the Soviet Union in submarine warfare continues to deteriorate. I agree with your recent assessment that our defense posture is dangerously growing worse. The more I see of what the Soviets are doing in comparison to our efforts the more I am concerned.

With this in mind I would appreciate your views and opinions on a number of questions relating to the submarine aspects of our defense. I know that the members of the House Armed Services Committee value your comments. If appropriate, I will call a special hearing to focus Congressional attention on this matter.

My questions are:

1. What is the latest assessment of the present and future Soviet submarine program?

2. How does this compare with the United States submarine program as of today?

3. Based on our presently planned submarine program over the next 5 to 10 years, how will the United States submarine force compare with that of the Soviets?

4. In your opinion, what should the United States program be over the next ten years?

5. Do you feel that the methods presently employed by the Department of Defense to produce major weapon systems are capable of handling a matter as urgent as this?

6. What actions must be taken by Congress to strengthen our nuclear submarine program and reestablish our supremacy?

I would appreciate your responses to these questions in an unclassified form. If, for security reasons, you are unable to do this, please supply a supplemental report contain-

ing the classified information. However, I would hope that to the maximum extent possible you will provide answers on an unclassified basis. This subject is too important to keep it from the American people.

Sincerely,

L. MENDEL RIVERS,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., August 4, 1970.

Hon. L. MENDEL RIVERS,
U.S. House of Representatives.

DEAR MR. RIVERS: This is in response to your letter of July 24, 1970, in which you expressed concern over the growing Soviet nuclear submarine threat and asked for my views and opinions on a number of questions related to that subject.

Before answering your specific questions I would like to say a few words on where we stand relative to the Soviets and on the changing role of the submarine in modern naval warfare—its part not only in today's defense but also in the future.

These remarks are not—nor do I intend them to be—a report representing exhaustive empirical research into every aspect of our naval strength. They should rather be regarded as comments representing my personal convictions—convictions based on much thought, a not inconsiderable knowledge of our present-day naval situation, and a searching examination of some of the issues that face us today.

There are those in this country who with majestic neutrality deprecate the need to maintain military parity with the Soviets, arguing that peaceful coexistence can be maintained without it. It is an appealing argument to many but expresses, in fact, merely a hope. But we must face facts as they are. In military matters as in politics, one should not base judgments on emotion but on fact. A reluctance to face facts is a sort of involuntary moral blindness. We cannot rely on hope or on what seems to us reasonable in choosing the position from which to deal with the Russians.

History shows that calamities can be brought about by persons of great good will, especially if they are given to abstraction and are themselves not directly involved in decision making. Any abstract theory tends to be neater than life—that is why it appeals to certain people. Then too, remoteness from the consequences of one's actions mists over one's perceptions. Responsible decisions are not likely to be made unless those who make them have to answer personally to all who will be directly or indirectly affected by these decisions.

Reason, too, is an uncertain guide when those we deal with think differently from ourselves. It is highly probable that even the most brilliant application of reason to the conduct of daily diplomacy would have failed to prevent World War II. Hitler's goals, as well as his rhetoric, put him beyond rational communication. The Soviets have made it clear by words as well as by daily actions that they intend their system of government to prevail throughout the world, and that to this end our system of government must be destroyed by whatever means available. Reason cannot prevail against such an avowed policy. Why do we not believe that this is what they intend to do? Hitler, too, in "Mein Kampf" plainly announced his intent to dominate the world. We did not believe him either—until it was nearly too late.

If we cherish our freedom and our form of government, though we may not have achieved perfection in either, we must preserve our military strength. We shall lose both if we take the position that if one country is peaceful and the other is not, the peaceful nation need not maintain its military strength. If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace loving nations—if the former is militarily strong and the latter are not.

As long as we have power which matches theirs and the will to use it, they will be dangerous only if we should fail to recognize the significance of their actions. It is worth recalling that of the numerous treaties signed by the Soviet Government during the Stalin period, the Nazi-Soviet pact was the only one they did not break—because Hitler was too strong. We have reason to assume that the present Soviet leaders also will seek to avoid serious trouble with a United States that remains strong. But history also tells us that whenever the United States weakened its defense structure or ignored its world responsibilities or when its leaders hesitated or vacillated, we rarely escaped trouble. Moreover, when the trouble came, it was worse and cost us more dearly in lives and money than had we maintained our strength.

There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent the takeover by Communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this Nation has no future if it allows itself to be outmatched militarily.

We cannot accurately assess our current defense situation vis-a-vis the Soviets, unless we understand the difference between *their* requirements for naval power in war and *ours*.

They do not have to transport large quantities of supplies over the seas; they can do it over land. They have under their control a large contiguous land mass which contains the raw materials they need. The United States is an island lying between the Atlantic and Pacific Oceans. We do not have contiguous land masses whence we can conduct military operations to protect our national interests or from which we can obtain the fuel and materials necessary to sustain our war effort. For these reasons, naval power is not nearly as vital to the security of Russia as it is to that of the United States.

Russia's predominant land position has required mutual defense treaties with but two nations with which she does not share a land border. Our island position, on the contrary, has led us to negotiate treaties with 43 overseas nations. Given our geographic position, the only way by which we can project our national power beyond the range of our land bases is through the Navy.

Despite the tremendous technological progress made in transportation and weapons systems in this century, free use of the seas—which cover three fourths of the earth's surface—continues to be essential to the security of the United States, whether to defend ourselves or to help defend our allies. Please remember that ninety-seven percent of all the material sent to Vietnam has gone by sea. The United States—a maritime nation—cannot maintain its position as a first-rank world power if it does not have free use of the seas.

Because they understand how vital it is for the United States to maintain free use of the seas, the Soviets have structured their naval general purpose forces with the objective of interdicting our sea lanes. Since World War II they have placed increasing priority on submarines as an instrument for denying us free use of the seas. They are fully aware—even if some of us are not—that World Wars I and II were almost lost because of our difficulty and that of our allies in keeping the sea lanes open.

I am sure you remember the large numbers of tankers sunk in World War II by German U-boats—submarines that were much slower and far less capable than those the Soviets have today. Moreover, Germany started the war with only 57 submarines. The United States lost over 130 tankers in the Atlantic Campaign, mostly to German submarines. By mid-1942 the situation was desperate. So many tankers were being sunk that the supply of military fuel to Europe and the Pacific was threatened. Then, too, the deciding factor in our defeat of Japan—also an island empire—was the ability of United States submarine and air forces to interdict the flow of oil from overseas to the home islands; this strangled Japan's industrial and military effort and brought about her collapse.

With the rapid advancement of technology since the end of World War II, the role of submarine in naval warfare has expanded. Nuclear power, long-range missiles, sophisticated electronics, computers—all combine to make the submarine many times more potent and versatile.

Developed within the past fifteen years the nuclear-powered ballistic missile submarine has become our most viable deterrent strategic weapon. The Soviets are now engaged in a massive construction program to build a fleet of similar, though faster, missile submarines—some of which are now on station off our coasts. It is expected that by 1973 or 1974 the size of their ballistic missile submarine fleet will equal or exceed ours.

The Soviets are also building large numbers of high-speed, torpedo-firing nuclear-powered attack submarines, as well as large numbers of modern surface ships and nuclear-powered submarines which can fire long-range cruise missiles. These missiles can probably be armed with nuclear or conventional warheads.

In 1969 the tempo of world-wide Soviet submarine operations reached an all time high. During recent large-scale naval maneuvers which included over 200 ships in both the Atlantic and Pacific Oceans and in nine adjoining seas, the Soviets deployed a large number of nuclear submarines away from their home bases. Admiral Gorshkov, Commander-in-Chief of the Soviet Navy said:

"The pride of our navy is atomic submarines, which are fitted out with missiles of various purposes which can be launched from under water. The submarines, together with naval missile-carrying and anti-submarine aviation having high-speed, long-range airplanes, are the basis of the striking might of the Navy. Up to date surface ships with perfect weapons on board are assigned a major role in solving tasks of the Navy. Ships of the Soviet navy are systematically present in all oceans, including the areas of the presence of the navies of NATO."

In light of these facts it is clear that if our Navy is to carry out its mission of insuring free use of the seas—a mission essential to our national survival in war—we must expand the High-Speed nuclear attack submarine development and building program and also develop a long-range cruise missile firing nuclear submarine capability.

Today it is fashionable to advocate a reduction in defense spending and to urge use of the money saved for domestic purposes; to speak of a "reordering of priorities," as if constantly repeated rhetoric could change fact. Those who so advocate do not test their theories or their deductions against human experience. Soviet Russia is building a military establishment which is already ahead of ours in some respects and by 1975 will be ahead of ours in virtually all respects. These facts should be weighed when assessing the judgment of those who argue for a reduction of American military power while Soviet military power is rapidly expanding.

"Peace for our time!" declared Neville Chamberlain. And what was to follow was six years of one of the bloodiest conflicts ever experienced by mankind—a conflict that

nearly wrecked Western Civilization. Let us hope the lessons of appeasement and unpreparedness have not receded into the dim shadows of past victory.

I now turn to your specific questions.

Questions 1 and 2: What is the latest assessment of the present and future Soviet submarine program?

How does this compare with the United States submarine program as of today?

Answer: First, a brief review of the historical background.

Entering World War II with 260 submarines, the Soviets then had the largest submarine force in the world—over four times the size of Hitler's U-boat fleet. However, most of the Soviet submarines were short range and designed primarily for coastal defense. During the war they lost numerical leadership in submarines to Germany. That position, however, was regained shortly after the war and has not been challenged since.

Starting with 200 diesel-powered submarines at the end of World War II, most of which were obsolete, they embarked on the largest peacetime submarine construction program in history, producing over 570 modern submarines in 25 years—most designed for long-range operations. During the same period the United States built 105 submarines. In two years alone, 1955 and 1956, the Soviets completed 150 submarines, one and one half times the total number of submarines this country has produced in the past 25 years.

The Soviets have applied tremendous resources to the expansion and modernization of their submarine construction yards. They now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the U.S.

They are credited with a nuclear submarine production capability of 20 ships a year on a single shift basis. They have the facilities to increase this rate of production considerably. At present, while our Poseidon conversions are going on, the maximum U.S. capacity to build nuclear submarines is less than half that of the Soviets. Upon completion of these conversions—about 1977—the best we could do would still be well below their capacity.

One of the most important steps they have taken has been the development of a large reservoir of trained engineers to support their submarine design and building program. They graduate ten times as many naval architects and marine engineers per year as we. With such an imbalance it is no wonder we are falling behind in submarine technical areas.

According to the latest unclassified data the Soviets now have a total of 355 to 363 submarines, all built since World War II. More than 75 of these are nuclear-powered. The total U.S. force is 147 submarines, 88 nuclear-powered, the remainder diesel-powered. Most of our diesel units are of World War II vintage. A comparison according to types of submarines, nuclear and nonnuclear, is shown below:

COMPARISON OF UNITED STATES AND SOVIET SUBMARINES
JULY 1970

Submarine type	Soviets	United States
Attack:		
Nuclear	20-24	47
Nonnuclear	220-...	59
Ballistic missile:		
Nuclear	20-23	41
Nonnuclear	30-...	0
Cruise missile:		
Nuclear	35-36	0
Nonnuclear	30-...	0
Total:		
Nuclear	75-83	88
Nonnuclear	280-...	59
Grand total	355-363	147

One of the arguments put forth to justify our having a substantially smaller submarine force than the Soviets has been our numerical lead in nuclear submarines. But today, as a result of the Soviets' large-scale construction program, that lead is rapidly disappearing. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically before the end of this year. Even if we should decide at once to reverse this trend, our efforts could not begin to bear fruit for half a decade at least; in the interim the Russian lead will grow substantially.

Of even greater concern than total numbers is the fact that since 1968 the Soviets have introduced several new designs besides converting older designs to improve their capabilities. They have introduced significantly improved second-generation versions of their first-generation attack, cruise-missile and ballistic-missile nuclear submarine designs. In the last two years they have introduced more new submarine designs than have ever been put to sea in all of naval history during a comparable period. The U.S. on the other hand, has introduced only one new design submarine in the last 10 years.

It should be realized that the Soviet designs we are now seeing were started several years ago. Having completed these, it is only logical to assume that their design talent is now being used to refine design techniques and to work on the next generation of submarine designs. Within a few years we shall probably see a whole new series of submarine designs.

One of their current new designs is the YANKEE class nuclear-powered ballistic-missile submarine introduced in 1968. These submarines look very much like our ETHAN ALLEN class—our latest Polaris type—and are capable of submerged launching of 16 ballistic missiles with a range of over 1000 miles. Their earlier class of nuclear-powered ballistic-missile submarines can fire only three missiles with a range of 600 miles.

They now have 13 of the YANKEE class operational; additional units are under construction at a rate of about 12 a year. It is estimated that they will surpass our Polaris fleet of 41 by 1973 or 1974, possibly sooner. Further, it must not be forgotten that the Soviets also have over 30 conventional and nuclear-powered ballistic-missile submarines of the earlier design. Thus, we are faced with imminent loss of our lead in numbers of sea-based strategic missiles—no matter what action we take today.

While the extent of their submarine design and construction effort is alarming, this is not the only area of concern. We have long relied on superior quality in our submarines to compensate for lack in numbers. This quality-quantity comparison of effectiveness is valid only when the quantitative advantage of the opposing force remains within reasonable bounds. There is obviously a point at which a large numerical advantage will overcome a qualitative disadvantage. But recent evidence indicates that the Soviets are making considerable progress in all aspects of their submarine capability, thus markedly reducing whatever qualitative advantage we may have had.

One of the most important aspects of submarine quality is speed. For years our planners were confident that U.S. submarines had a speed advantage over the Soviets. We now know that their submarines are much faster than our planners believed. Their entire nuclear-powered submarine force is now credited with a high speed capability. As you know, this one aspect of submarine performance was a key factor in determining the speed of our newest class of attack submarines, the SSN 688 Class, which we are now starting to build. But the first ship of this class will not be completed before 1974.

In varying degrees, they have also made significant improvements in other important submarine areas, such as detection devices, quietness of operation, reliability, crew performance, and operating efficiency. In all these areas our qualitative advantage has decreased, and the designs they are now developing may well be superior to ours.

Take operating efficiency for example. Soviet submarines continue to operate out-of-area for longer periods and at greater distances than ever before. They have established mobile task forces providing for repair of their submarines by large tenders—sea-going bases—thus greatly extending their operating capability. These sea-going tenders can remain at sea for 6 months, servicing and repairing submarines while underway. In addition, the Russians have small tenders which service the large tenders. This is a new and unique contribution to the art of submarine warfare.

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used to support foreign policy in various areas of the world. In 1969 the tempo of worldwide Soviet submarine operations was at an all time high. This tempo has continued to increase in 1970. During the recent large-scale naval maneuvers that included over 200 ships in both the Atlantic and Pacific Oceans and nine adjoining seas, they deployed a large number of nuclear submarines away from their home bases. Admiral Gorshkov commented on these maneuvers:

"Whereas until quite recently some areas of the world's oceans were considered restricted areas in which the navies of imperialist powers ruled supreme and where our ships seldom ventured, now there are no such areas.

"The success of such big ocean naval exercises shows a high level of prepardness of forces of our navy, its tactical maturity, the ability of commanders and headquarters to organize and carry out complicated multistage and many-sided combat actions."

Today the Soviet submarine fleet has competent leadership; the scope of their operations reflects the training and ability of their personnel; they have larger numbers of trained personnel than we.

They are also pulling ahead in submarine weaponry. We rely almost exclusively on the torpedo as our principal tactical submarine weapon. Even here we do not have a modern weapon, due to the continuing delay in the Mark 48 torpedo program. While the Soviets possess a torpedo capability comparable to ours, they have also successfully developed and put to sea some 65 submarines capable of firing long-range anti-ship cruise missiles. These submarine cruise missiles represent a threat to our worldwide surface shipping, our naval surface forces, and our free use of the seas. A comparable weapons capability does not exist in the United States Navy.

The Soviets issued the following press release, describing an encounter during their recent naval exercise:

"Somewhere beyond the horizon a large force of ships was moving. A strike against this force was to be launched by various forces of the fleet. First to go into action was a missile-carrying submarine. Its sonarman detected the hostile force. Officer Blednyy, a Division Commander, carried out the calculation, and then up from under water, one after another, flew missiles that are able to carry a nuclear warhead. Such a salvo can destroy an entire task force of surface ships."

In the area of sea-going ballistic missiles the situation appears more favorable to us at present. As I pointed out earlier, the latest Russian Polaris-type submarines, the YANKEE Class, carry a submerged-launched ballistic missile with a range of over 1000 miles. The ballistic missiles carried in 10 of our Polaris submarines have a range of about 1700 miles while the remaining 31 Polaris submarines carry missiles having a range of

about 2500 miles. Work is underway to convert these 31 submarines to carry the POSEIDON missile with its larger and more sophisticated payload.

However, the Russians are testing a new submarine ballistic missile estimated to have a range of 3000 miles. This missile may be backfitted into their YANKEE Class or, more likely, into a new class of submarines specifically designed for it.

In summary, the Soviets have established an impressive technical and industrial base devoted solely to realization of their aim of a submarine force without peer. This has enabled them to pull ahead of the United States in almost every aspect of submarine design, development and construction. We have no comparable resoruces, nor are we taking the necessary steps to acquire them. Our loss of numerial leadership in nuclear submarines is close at hand; our claim to superior quality is questionable. We must face the bitter truth that we no longer lead in submarine warfare capability. To rest on one's laurels invites disaster.

Question 3: Based on our presently planned submarine program over the next 5 to 10 years, how will the United States submarine force compare with that of the Soviets?

Answer: Projections of this kind are difficult because of the imprecise nature of our knowledge of Soviet plans. We know pretty well what they have today; based on current trends, we can try to project what they are likely to have in the future. As I have mentioned, by the end of this year the Soviets will probably assume numerical leadership in nuclear-powered submarines. By the end of 1975, when we put into operation the last submarine currently authorized, the United States will have a total of 109 nuclear submarines. During the same period the Soviets will probably add at least 70 nuclear submarines for a total of 145 to 153—giving them a numerical superiority of fifty percent in nuclear submarines. It should be recognized that the actual Soviet submarine force level in 1975 may well be even higher than this estimate. On the other hand, the U.S. program through 1975 is essentially fixed by budget and procurement decisions already made.

Ten years from now the situation could be even worse if action is not taken *now* to increase beyond three the number of U.S. submarines authorized to be built each year. If this is not done, the Soviets can be expected to keep on outproducing us in nuclear submarines by at least 3 or 4 to 1. Assuming that the U.S. continues to produce submarines at a rate of three a year, our total nuclear submarine force in 1980 would be 124; assuming the Soviets continue to produce at the present rate, their total nuclear submarine force will be 220. Thus, by 1980 they may have almost twice as many nuclear submarines as we. Further, their higher output means that the greater part of their nuclear submarine force would be far more modern than ours: about 65 percent of the Soviet nuclear submarine force would be less than 10 years old compared to 30 percent of ours. We must also assume that they will continue to improve their designs and will turn out several new classes during the next ten years.

Question 4: In your opinion, what should the United States program be over the next ten years?

Answer: Overall, I believe we must undertake a submarine program that will ensure our ability to meet our worldwide commitments in the event of war. In view of the increasing capability of the Soviet submarine force and what we can expect them to accomplish over the next ten years, this will require us to undertake a far-reaching program on an urgent basis; it will require redirection of many outworn policies and practices of our present submarine effort. The advances made in some areas of our submarine program, impressive as they may seem, have not kept pace with the dramatic changes in technology. If we are to have any hope of holding our own in undersea warfare within the next ten years, we must start now to overhaul our submarine effort.

First, the current high-speed attack submarine (SSN 688 Class) building program should be increased from the present level of three to at least five per year, just to maintain the presently approved force level of attack submarines, taking into account the probable retirement of obsolete submarines. I am not in a position to comment on what the SSN force level should be. This depends on many factors and is the responsibility of the Chief of Naval Operations and the Joint Chiefs of Staff.

At the present time the most advanced design available for construction is the SSN 688 Class. We should continue building these at the rate of five a year until new, more sophisticated designs become available sometime in 1974–75.

Second, we must be willing to try out several new design submarines on a single ship basis. The years of wrangling and fighting it took to get approval to build the Turbine-Electric submarine, and the years it took to get approval to start the first High-Speed submarine attest to the unwillingness of the Navy and the Defense Department to prove out new concepts. Under the present system, it takes longer to obtain authority to proceed than it takes to develop the hardware. We cannot hope to make progress, unless a new system is set up that will assure quick approval for trying out new concepts, as they are identified.

Third, development should be started immediately on a new design high-speed submarine capable of firing long-range submarine-to-surface cruise missiles. A parallel effort should be started on an urgent basis to develop for this submarine a reliable missile capable of various modes of guidance. It is patently clear to me that within the next ten to twenty years our Navy will be forced to go more and more underwater. The key to this type of warfare is a submarine that can fire a conventional or nuclear warhead several hundred miles with extreme accuracy from a submerged position. Our attack submarines cannot continue to rely primarily on torpedoes with their limited range and speed. I consider this to be the single most important tactical development effort the Navy must undertake.

Fourth, from the strategic point of view, a replacement for the present Polaris system needs to be started. The advantages of the Polaris system are well-known and will become even more important with time. Yet, Polaris continued invulnerability, secure as it is today, cannot be dependent on to last. The obvious solution to insure continued invulnerability is to increase the range of the missile—thus providing greater ocean areas to hide in. Early stages of development of such a system, the Underseas Long Range Missile System (ULMS), are presently underway within the Navy and funds have been provided by Congress. This program should be continued.

Question 5. Do you feel that the methods presently employed by the Department of Defense to procure major weapon systems are capable of handling a matter as urgent as this?

Answer: No. The record documented over the past six years by official Navy and Department of Defense correspondence, by voluminous testimony before Senate and House Armed Services and Appropriations Committees and the Joint Committee on Atomic Energy, and by reports of these committees constitutes *prima facie* evidence that the capability is not there. The record shows that under present methods and procedures the Department of Defense and the Navy are incapable of recognizing the magnitude of the rapidly expanding Soviet submarine threat, or of formulating an adequate submarine development and building program, or of marshaling the necessary resources to prosecute the program with vigor.

As you are well aware, we would not be developing and building *any* submarines at all had it not been for the powerful and sustained opposition of the Congress to the determined efforts of the Department of Defense in recent years to terminate the nuclear submarine building program entirely.

A factor which greatly contributes to the situation we presently find ourselves in is the lack of submarine design capability in the Navy. The Navy has so fragmented its submarine design process, and it has so dispersed its submarine design talent that it is questionable whether it can develop a new submarine design with significant improvements in any area other than the propulsion plant.

To design a submarine today, many special interest groups in the Navy have to be coordinated: the Naval Ship Systems Command, the Naval Ship Engineering Center, the Naval Ordnance Systems Command, the Naval Electronics Systems Command, the Naval Material Command and the SSN Program Coordinator in the Office of the Chief of Naval Operations. For ballistic missile submarines, the Strategic Systems Project Office is also involved. It is almost impossible to develop a new submarine weapons system under these conditions. No one has the authority to do it.

To further complicate matters, the Navy has been told by the Department of Defense that ships must be designed by a process called "Concept Formulation-Contract Definition." Basically, this involves having industry do the design and construction, constrained only by rudimentary government performance specifications. The idea is that the technical resources of industry will be applied for the benefit of the government. The basic flaw in this concept is that industry works to make a profit, not to turn out the best product for the government. I have learned that to deliver a viable product, given the complexity of today's nuclear combatant ship, it is essential for the government to have men with detailed technical knowledge who control the entire process from conceptual and detailed design fabrication and testing. A contractor can never be in a position to control and coordinate, financially or technically, the myriad developments required for an advanced nuclear submarine design. It is simply not feasible to expect a contractor to meld the constantly varying output of large developmental programs into the most modern combatant submarine. To date, no naval combatant ship has progressed past the design stage using the "Concept Formulation-Contract Definition" process. To proceed down such a path for a nuclear submarine would be disastrous.

When the former Bureau of Ships was reorganized in 1966, it was restructured around the "Concept Formulation-Contract Definition" process, thereby greatly reducing its in-house technical capabilities. To the Naval Ship Systems Command were relegated only managerial functions. Technical support was to be supplied on request from the Naval Ship Engineering Center.

Most of the technical personnel previously involved in submarine work are now widely dispersed in project managers' offices, or at the Naval Ship Engineering Center where they act as advisers with no real responsibility or authority, or they have transferred to other work. The once capable Bureau of Ships has become a center for "managers" who rely on organization charts, progress reports, management studies, cost-effectiveness comparisons, improvement programs and

brochures, while neglecting the technical details. In this they are aping the systems set up several years ago within the Department of Defense. It is well to remember that no number of gardening books will make plants grow in a drought.

The Soviets have overtaken us in submarines, while we have let our submarine design capability wither away. The seeds were sown many years ago; to catch up will be an immense task requiring resolute and drastic action.

We must find a way to formulate and gain approval of an adequate submarine development and building program and then marshal the resources to carry it out. The present organization and methods prevent this. Most officials in the Navy and DOD bureaucracies actually perform only one major function in the procurement of weapons systems, and that is to give their consent to requests for funds. Until all these officials agree to release funds nothing can or does get done. Because of the decreasing availability of funds, people at all levels of the bureaucracy demand that an ever increasing volume of information be forwarded through the long chain of command, for their review prior to consenting to release of funds. By the time the man in charge of a program translates the actual situations facing him into the forms prescribed by his superiors and in terminology they can understand; by the time he answers all the questions raised by the many principals and staff personnel in the bureaucracy, little time is left over for him to actually manage his job. A working level manager finds countless people in staff positions in organizations superior to his own, each of whom can make demands on his time and require him to justify his actions. He has to funnel the collective technical intelligence through the relatively untrained and undisciplined minds of many of these administrative officials. However, he finds hardly any one among them who appears to realize that he also has a responsibility—other than that of benevolent neutrality—to help get the job done. The failure to understand the distinction between abstract principles and specific problems tends to mute action; those responsible hide their indecision and lack of action behind a screen of rhetoric and mountains of paper. When help is given it is often in the manner of a lord granting a favor to his vassal.

So long as the bureaucracy consists of large numbers of people at many levels who believe they perform their function of evaluation and approval properly, by requiring vast and detailed information to be submitted through the many levels of the bureaucracy, program managers will never be found who can effectively manage their jobs. A program manager today would require at least 48 hours a day of his own time just to satisfy the requests for detailed information from the Navy and DOD bureaucracies, the Congress, the General Accounting Office, and various other parties who have the legal right—and use it—to place demands on his time. As long as we operate a system where the checkers (those charged with the responsibility of evaluating and approving) outnumber the doers (those responsible for carrying out the work), the doers are condemned to spend their time doing paper work for the checkers. Meanwhile the Soviets move forward unhampered by theoretical management doctrines.

The situation compounds itself because the number of people in this world who are truly capable of getting design and technical work done is small, and most of these will not knowingly seek employment under such conditions. Therefore, the system itself inhibits producing capable program managers.

Also, few people are capable and qualified intellectually to evaluate and approve actual performance of complex technical work. Since a reviewer or evaluator who is incapable of performing his job intelligently does more harm than good, it would be far better to abolish these jobs and rely on the program managers, ineffective though some of them may be. That way, at least, the program managers would be spending their time actually getting the technical job done.

You may think I have overstated the case. I assure you I have not. At the working level there is disenchantment with the present system and a deep-seated frustration and resentment at the hordes of reviewers and evaluators let loose on them—let loose to consume so much of their time that they are unable to pay attention to their own responsibilities—even though in many cases these responsibilities may stretch their capabilities to the utmost and call for their fullest attention and energy.

We must establish an adequate submarine program and then we must establish groups of technically competent people with clear authority and responsibility for executing the program, similar to the strong technical management approach that prevailed in the nuclear propulsion program and later in the Polaris program. There is also a need for strong technical groups in the shipyards and industrial contractor organizations to carry out the technical development work under close technical direction from the government headquarters organization. These needs are not being met and will not be met until the present methods are changed.

Another question which must be answered is: are we capable of manning and operating a fleet of highly complex submarines, particularly with the changing mood of young Americans? Under existing policies, the answer is no. Today we find it difficult to operate and maintain our submarine fleet with a 50 percent turnover in crews every year. It takes a long period of training before a young man can be relied upon to operate and maintain the sophisticated equipment in these ships. Means must be found to keep these men in the Navy long enough to provide the necessary stability. If this means more pay, then we must provide it, although pay is not the sole issue.

All of the above point to the need to increase awareness of the importance, and acceptance, of the priority of the submarine role within the Navy and the Defense Department. Without recognition of and emphasis on this priority, the program I have outlined will not succeed. To this end I recommend as a start:

(a) establishing a Deputy to the Chief of Naval Operations for Submarines with the rank of vice admiral

(b) establishing within the Naval Ship Systems Command a Deputy Commander for Submarines of flag rank, and having overall responsibility for submarine design and construction, and with an in-house submarine design organization under his command.

(c) establishing within the Naval Ordnance Command a technical organization for developing a long-range, submerged launched submarine cruise missile; and

(d) establishing within the Bureau of Naval Personnel an office of sufficient authority to be responsible for all submarine personnel matters.

I fully recognize that even if these steps were taken there is little hope for improvement unless present policies and practices within the Navy and Defense Departments are changed.

Question 6: What actions must be taken by Congress to strengthen our nuclear submarine program and reestablish our supremacy?

Answer: This is the most difficult of the questions you have put to me, for it has no simple, factual answer, but I shall try.

Taking into account the magnitude of the Soviet submarine program and current budgetary pressures, I do not think it is possible to reestablish our submarine supremacy in the near future. It will require heroic measures just to establish a submarine program that will halt further erosion of our position and enable us to hold our own in undersea warfare.

We must recognize at the outset that the root of the problem lies not with the Congress but with the labyrinthine and sluggish organization of our defense establishment, the all-pervasiveness of paper men in the bureaucracy. It is most difficult for the Congress to correct this since the Congress cannot assume the burdens and responsibilities of the Defense Department.

I believe the most valuable role Congress can play in the present situation is to goad the defense planners into doing their jobs by requiring them to explain to your satisfaction the steps they will take to establish an adequate submarine program. If we are not to repeat past mistakes it will probably be necessary for Congress to authorize and appropriate funds before agreement is reached with the Defense Department. It was precisely this type of impetus from the Congress that enabled the United States to achieve its original preeminence in nuclear submarine capability and to enjoy our Polaris fleet—now so vital to our defense. As you well know, it was the Congress, not the Executive Branch, that supplied the initiative, wisdom, foresight, determination and courage that gave this country our nuclear Navy.

I think your suggestion to "call a special hearing to focus Congressional attention on this matter" would help to force correction of the bureaucratic inertia and inefficiency which have resulted in dissipation of our lead in this field, and which stand in the way of establishing an adequate submarine program.

Further, such a hearing would help to insure that the Congress and the public thoroughly understand the serious implication for our long-range national interest if we allow Russia—the dominant land power—to become the world's dominant naval power as well.

It is in my opinion that with respect to our submarine program the Congress cannot properly fulfill its constitutional responsibilities "to provide and maintain a Navy" unless it insures that the Defense Department and the Navy are, in fact, responding to this problem as rapidly and effectively as is essential to our national security. This will require constant and thorough familiarity with the Soviet naval threat, the needs of the Navy, and the progress being made to meet those needs. I recognize this will not be easy to do, but I am convinced that without constant, expert oversight from the Congress our ponderous defense bureaucracy, with its glacial slowness, will not take the necessary actions.

CLOSING REMARKS

I would like to end this letter with some observations you may find useful. No one believes more firmly than I that in a free society the military must be under civilian control. But the principle as such does not guarantee that the interests of the people as a whole will be competently executed in military matters. This depends on the quality of the civilian direction; on the caliber and experience of the men in the civilian high command on general staff, as well as on its organization and procedures.

For at least a decade, the civilian high command of our military establishment has made decisions concerning design and procurement of military hardware, largely on the basis of the principles of so-called "scientific management," and specifically of systems analysis and cost-effectiveness. This process continues. It is inappropriate for the

management of our military establishment which has as its primary and overriding purpose the protection of this country against enemy attack. Numbers like facts are good servants, but bad masters.

At today's level of military technology, the best protection—the only truly effective protection—of this country is an effective deterrent to foreign aggression. Systems analysis and cost-effectiveness as they have been practiced in the Department of Defense are irrelevant when it comes to evaluating how much of a deterrent we need and what will provide the most effective deterrent at the least expenditure of funds. Even the money angle alone is beyond the capacity of those expert in nothing but systems analysis and cost-effectiveness; technical military competence is the indispensable *sine qua non*.

The proof of the pudding is in the eating. The ten year systems analysis-cost-effectiveness regime in the Department of Defense leaves us today in imminent danger of losing the substantial lead we once had in our nuclear submarine Navy. This erosion, moreover, has not been accompanied by more efficient expenditure of taxpayers' money; quite the contrary. My own experience has been that the "scientific-management" people have made it more difficult to keep costs within reasonable limits, even as they have held up the vitally necessary technical work of design and of building nuclear ships to keep abreast of the Russians, besides wasting the time of our few capable technical people by ordering them to do useless paper work for their "studies." We must give up computer thinking on a subject that cannot be computerized, a subject which means your future and mine, the future of the whole American people.

Wherever the social sciences have permeated American life, they have down-graded competence within a specific field and glorified vague generalities supposedly applicable to all situations. This springs from their determination to appear "scientific" in the sense that the natural sciences are so termed. That is, they try for "general laws"—comparable to the law of gravity, for example. No such thing can ever be found in areas concerned with the behavior and interactions of human beings, for people are both free and diverse—they cannot be made into "atoms" or other inert units. In education, pseudo-sociological notions account for the emphasis on competence in teaching *methods* and the neglect of competence in subject *knowledge;* in matters of military procurement, they account for emphasis on management "science"—pseudo-science at best—and neglect of competence in the science and technology of military equipment and operation. Unless the incubus of the social sciences can be removed from our civilian high command, I fear we can count on being made and kept inferior to the Russians. This is an exorbitant price to pay for a doctrine that, however much it is valued by its practitioners, has nowhere proved itself.

We used to be an immensely practical people. Perhaps we admired concrete technical achievement a little too much and theories and research not enough. But under the dominance of the social sciences, so-called—which include the whole "scientific management" concept—we have gone too far the other way. We allow the theoretical research expert to control the technical expert who knows how to get the practical job done. Theory and research are important but where practical work has to be done, they can *never* be a substitute for technical expertise.

It is the fashion in our business schools to claim that managing is an art or a profession that can be learned in the abstract and applied to any kind of activity—kings used to claim that they had inherited or learned the art of governing and nobody else could do it as well as they. Conglomerates today operate on the notion that an organization that does well manufacturing shoes can equally well—with the same management or its equivalent—manufacture ships, toasters and what have you, even nuclear submarines. But it just isn't so.

You remember that Mirabeau said, "to administer is to rule." The "scientific management" people claim to have learned the art of administering *anything*. It is paradoxical that we who began our life as a nation by depreciating the notion that to be raised a king made one fit to rule a country—that we now bow down to those new rulers of ours, the professional administrators, setting them above those who have technical knowledge, skill, and experience and giving them final decision in evaluating their technical work. You can be sure that the Russians would never have made such spectacular advances in the science, technology, and operation of nuclear submarines, had they allowed themselves to be constrained by systems analysis and cost-effectiveness rules. And this, too, is paradoxical. For the Soviet Union is the first nation to have been built entirely on social science doctrines.

One could make a good case, I think, showing that they have been highly successful where they abandoned these doctrines—as in education, science, military technology—and equally unsuccessful where they held on to them against all common sense—as in agriculture and consumer production.

To recapitulate: My criticism of the capability of the Defense Department is based on personal experience extending over a period of a half century of Naval service and nearly a quarter century in the design, development, construction and operation of our nuclear Navy.

Not one technical idea having merit for the naval nuclear propulsion program has emanated from Department of Defense Headquarters although numerous worthless ideas have been urged on us—ideas which have required us to devote much time to refuting them. Conversely, the technical ideas I have recommended have ultimately been accepted—but only after constant opposition and detailed justifications endlessly repeated at every level of the chain of command. In many cases, starting with a NAUTILUS, it was only after Congress intervened that approval was granted. *It is my considered opinion that if today we stood at the threshold of nuclear propulsion as we did in 1947, it would be impossible to obtain Defense Department approval to build a nuclear submarine.*

I know that with growing uneasiness Congress and our people ask themselves whether the Department of Defense is capable of regenerating itself or, for that matter, whether it realizes that such regeneration is essential if the nation is to survive. I am aware that on July 1 the Blue Ribbon Defense Panel submitted a report to the President on the Department of Defense, and I know that the members of that Panel are an intelligent and patriotic group. But I also know that no outside group, no group that has not been subjected to the "management" practices of the Defense Department can "feel" what is wrong, can recognize the impossibility under present rules and procedures of getting anything accomplished within a reasonable time. Some of the most important information in the world, information on how we feel and react, about our fears and passions is not transferable information. It is information that has to be experienced rather than simply listened to or read.

The Blue Ribbon Defense Panel has recommended major changes in the structure of the Defense Department. Things in this world are accomplished by people, not by systems. Therefore, these organizational changes, while they may provide an improved framework, will not by themselves correct the malaise. Such a correction can only come from a change of attitude.

This letter is long. I have been unable to give meaningful answers to the complex issues you raise in any other manner. If I appear too bold in my comments it is because I have taken it for granted all my life that it was my duty to bear a part of the responsibility for the future of our country, and I have never doubted that in a small manner it did lie within my power to affect the future.

I thank you for giving me the opportunity to express my views.

With my warm regards.

Respectfully,

H. G. RICKOVER.

Mr. MINSHALL. Mr. Chairman, I yield 15 minutes to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, as the newest member of the subcommittee on the Department of Defense, it was a real privilege to succeed the late, distinguished, dependable workhorse on that subcommittee, the late Honorable Glenard P. Lipscomb, of California.

Everybody misses Glen. But I would like to observe also that his place as ranking minority member on this subcommittee has been filled by one of the hardest working men, one of the most sincere and most effective cross-examiners and conscientious Congressman that it has been my privilege to be associated with, the gentleman from Ohio (Mr. MINSHALL).

I hope people realize his dedication and the extent of his work for America and his efforts to save money while making sure that our country stays strong.

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

Mr. WYMAN. I yield to my distinguished chairman.

Mr. MAHON. Mr. Chairman, I want to join in the words of commendation with reference to the gentleman from Ohio (Mr. MINSHALL). He has worked closely with all of the members of the committee in a spirit of cooperation so that economies might be achieved and waste reduced in the Defense Department. It would have been difficult if not impossible to have achieved the $2.1 billion reduction recommended by the committee without the efforts and the cooperation of the gentleman from Ohio. I commend my friend for his outstanding contribution to the bill.

We lost our beloved friend, Glenard Lipscomb, and BILL MINSHALL has stepped into the breach and has done a good job.

Mr. WYMAN. Mr. Chairman, I thank the distinguished and congenial gentleman from Texas whom I am honored to be associated with.

I would like to observe, as I have worked within this subcommittee, that the same high standard applies for all of the members of the Subcommittee on Defense on both sides of the aisle. The gentleman from Arizona, is, as the chairman has described him, as solid and dependable as the Rock of Gibraltar. The gentleman from Wisconsin (Mr. DAVIS) is similarly indefatigable in his work as are the very senior members on the Democratic side who have lived and worked with the problems of defense since the days of World War II. They deserve the respect, gratitude, and appreciation of every American citizen.

I am constantly impressed by the awesome responsibilities of the members of the Defense Subcommittee. The job that faces them is so enormous that it is almost beyond the ability of the individual to grasp. More than half of the controllable spending of the United States budget is in this single subcommittee. The future of the United States, in terms of weapons systems to be planned for, lies with them, and as the gentleman from Arizona has said, there has not been a new one from 1960 to 1969. The ability of a Member of this House to take on a member of the subcommittee in debate on the floor of this House is severely limited because, after all, the responsibilities of the subcommittee involve a great deal of classified information—more than half of the work of the subcommittee and the knowledge of the subcommittee cannot be printed in any report—we are not at liberty to discuss it on this floor. So when a person undertakes to challenge something that the Subcommittee on Defense has done, he can easily be met with the rejoinder, which in many instances is so, that "The gentleman cannot be aware of all the details and all the responsibilities and all of the facts." This is difficult to rejoin.

Weapons systems take years from the time they are first authorized to the time they are off the drawing boards and in the field. Subcommittee members must evaluate the testimony of countless "experts" and then pray they have chosen the right weapons systems to fund.

I would like at this time to make some basic observations in simple language about the defense of the United States of America. I know that later, as this bill is read for amendment, there will be Members in this body who will seek to amend it and to cut it even further. There will be arguments made about ABM and arguments about various technical aspects of the various segments of the report that are funded in the bill. But this country must stay strong, and if there is any system of priorities that is to have true meaningfulness in the United States of America, the defense of this country must remain the first priority of this Nation.

I do not want anyone to suggest that any member of this subcommittee or any Member of this House would imply that a Member who has sought to reduce a particular funding within the Defense Establishment was by that action unpatriotic, or turning the other cheek to what the gentleman from South Carolina has so graphically described as the Soviet threat in the Caribbean at this hour. The truth of the matter is that this budget is cut down below what really ought to be in consequence of tremendous pressures for increased spending for domestic concerns.

The B–1, to follow the B–52, as a manned bomber, is underfunded. Its progress has been too slow. The Poseidon conversions—the gentleman from South Carolina argued for two or more. There ought to be six or eight, if we had the facilities to handle them, but apparently we do not.

ABM, as has been said, is only increased to a third site and even as to this it is not fully funded. The truth of the matter is, that in the long run this country's main defense must look to the ULMS program—for deep sea, submarine weaponry of long range, capable of prolonged concealment under the water, and able to reach any part of hostile areas with its missiles. That is where we must go with defense money in future years because ABM has to depend on eyes in radar on the surface of the earth, and its eyes can too easily be knocked out. If you knock out the eyes, you do not have this defense.

But in the meantime the Soviet all over the world is growing in its missile capability. It has its ABM. It has its new *Yankee* class submarine. It is not controlled by any such deliberative processes as apply to this great body here or to the other body. It has installed cruise missiles without domestic discord. It must be recognized that we do not have the kind of opponent that we can engage in general discussion with. That is why SALT does not work, and never will work until we are so darned strong that we have something they want to trade out in order to protect themselves. The Soviet's naval strength today is such that the 6th Fleet exists in the Mediterranean today at the will of the Soviet Union. We do not have many really new ships. We voted $427 million in this bill for additional ships at the request of the chairman of the Armed Services Committee, but it is not enough. I would vote for $1 billion more if that is what is necessary to keep America strong.

Yesterday on this floor I urged that our great President use the "hot line" to call the Kremlin and tell them to knock off what they are doing in Cuba, because a Communist nuclear submarine base in Cuba is as much a confrontation at this time as it was for the late President John Fitzgerald Kennedy.

No one can remain indifferent to the fact that it is little short of nonsense to be fighting a war and be spending billions of dollars in a confrontation with communism in Southeast Asia and Indochina and still let the Soviets build a submarine base 90 miles from our shore that is going to lead to control of the waters of perhaps the whole Western Hemisphere.

Mr. Chairman, we are hated by the Communist nations. We are despised by Red China and the Soviet Union. We are recognized by the Communist bloc as the only real obstacle to world domination that remains between them and their declared goal of world domination. It is our obligation to our people to continue to remain strong. It is the primary obligation of the Defense Appropriations Subcommittee to make sure that this is the case.

I think we ought to recognize, too, what has been frequently pointed out in the debate today, that the dollars that are appropriated in this package do not buy what dollars used to buy. We are not going to have for the $68 billion-odd that are involved here the buy that we had just a year ago. As the gentleman from Arizona observed, there is a 10-percent difference, a 10-percent loss. Actually the cut in defense, instead of being on the order of $2.5 billion, is on the order of about $9 billion, and the deeper cut is of very, very serious concern, because the question is whether or not we are going to have what we need to protect this Nation.

The F–111 had another crash yesterday in Saginaw, Tex., but as the gentleman from Texas (Mr. WRIGHT) has pointed out, it still has a pretty good safety record. I intend to vote to keep the money for the F–111 in this bill. I think we have to do it, and I am going to vote, as I have in committee, for the money for the C–5A. The cost overruns are deplorable but we must have the planes.

We have got to have more in-house capability, however, within the Defense Appropriations Subcommittee and the full committee to enable the Congress to go out with a staff and keep an eye on these procurements. The staff of the Appropriations Committee is terribly limited for an agency that is given the entire responsibility in the legislative branch to determine how many billions of dollars or tens of billions of dollars or fifties of billions of dollars of the taxpayers' money is to be spent on national defense. Every year there are cost inefficiencies that might have been avoided, that have run into billions of dollars, if we had the staffmen out in the field to observe in the first instance and to report early enough. I believe we should also have a contract review function as a matter of continuing legislative oversight.

The trouble is best illustrated by the problem concerning which I have written separate views in the report, and to which the gentleman from Wisconsin made a brief reference a moment ago. In this bill there is a second incremental funding for the DD–963 class destroyer which is the lead destroyer for the Navy for the next 10 to 20 years, on the order of $500 million. Although this House had passed an amendment requiring that the procurement of this item should be at least from two shipbuilders, this contract was let out and committed by the Navy under the gun and despite the House amendment, and it was given to one single source. I will not mention on this floor at this time who the single source is, and it makes no difference to me as to who a second source might be, but it does seem to me that a great deal of the problem in procurement that defense faces every year is due to the fact that businesses get too big, and too much money is given to a single source.

In this instance, the package on the DD–963 is $2.1 billion. That is $2,100 million. That is a great deal of money to put in one place. Too much. Despite this fact, they put this package into a facility that already had several billion dollars in ongoing defense procurement contracts.

This is not only wasteful, and leads to a prospect of cost overruns or underbidding or concealments of one sort or another, or administrative inefficiencies, but more importantly, what it also does is put all the eggs of the United States in terms of its new destroyer into one basket. I do not think this makes sense nor reflects adequate response to security interests of the Nation.

What we should do, and what I hope

this Congress at the next session will do, is to require that procurement of ships of this class or any procurements of this magnitude be from a common specification. But manufactured and assembled and put together in diverse locations by at least two separate shipbuilders. There should be at least two outfits building the DD–963.

The prospect of subcontracts does not answer the problem. Nor is it a valid objection that separate builders would have variable components. And I will wager we will find that the variable pitch propellers and the powertrain and some other elements are going to be subcontracted outside the United States of America.

This does not help American jobs or American industry or the American workingman. It is a matter of major concern.

I should like to see the Congress take another hard look at this in the next year, and perhaps come up with a requirement of dual source procurement. I am informed it is likely to be some time before this ship is actually in production. I feel that we will be able to come up with a diversity, with a separation of facilities and production that will do a lot to contribute to the security of the United States, even though in so doing it may be necessary to unfeather some nests.

Mr. Chairman, there is no greater cause than the defense of our Nation. If we do not stay sufficiently strong in the United States of America to deter attack upon us, whether it be from Cuba or from any other source, then all the social welfare programs in the world are to no avail. Those who are so "gung ho" these days for new priorities in this country would do well to reflect on this fact.

I hope that there will not be a major effort made on this floor to reduce the defense appropriations called for in this bill any lower than they have been reduced in the bill. I feel it is essential for the United States to stay strong, and particularly essential at this time for us not only to have something to bargain with at the SALT talks but also to be able to give the impression to the world that we are going to protect our friends and that we have enough reserve to stay with them.

As Members know, we have had Soviet vessels pop up in the midst of our training exercises, and we have had them affront us and affront other nations of the world on the high seas all over the world.

It is a matter of very distressing concern, for our respect of international law on the high seas is well known to the Soviet Union. They take advantage of this to stage confrontation after confrontation that the world takes as evidence of weakness on our part when we fail to respond. Recently, they have intruded upon our naval operations, cruised in the midst of our task forces, and even interfered with underwater missile test launches within sight of U.S. shores.

Mr. Chairman, with the reservation stated relating to the DD–963 procurement, I support the bill and urge its passage.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

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

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

Mr. WYMAN. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I want to say that the gentleman has made an excellent speech. I have served on this subcommittee a long time, and I can truthfully say that the gentleman in the well now has served as ably as any Member with whom I have ever served. He has grasped the problem quickly. He has been regular in his attendance at committee meetings. He is able. He is a great and loyal American. I want to commend him for the excellent speech he has just delivered.

Mr. WYMAN. I thank the gentleman.

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

Mr. WYMAN. I yield to the gentleman from South Carolina.

Mr. RIVERS. I have been around this place for a long time, Mr. Chairman. I have seen no one who has assimilated the technical terms and the technical know-how of this complicated Military Establishment with all its sophisticated systems more quickly than the gentleman who has just addressed the Committee. He is a scholar. He assigns himself to his task. He has done a splendid job.

The gentleman talks like a veteran on this Committee, and he has done a lot of good. I am happy to associate myself with what the gentleman has said. He is rendering great service to this Committee, to this Congress, and to the Nation. He is a great patriot.

Mr. WYMAN. I thank the gentleman very much for his kind remarks.

I should like to respond by saying that when I was fortunate enough to be assigned to join my brethren the gentleman from Ohio (Mr. MINSHALL), the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the other fine gentlemen on the subcommittee I told Mr. Bow, our good friend the ranking minority member, "Put me on only the Defense Subcommittee because it is a full-time job for the country."

I am just beginning to try to get enough learning to be able to comprehend the terms and the technology in the thousands and thousands of pages of hearings. As for assimilation of that to which the gentleman made reference, I doubt it I could adequately do that in 5 years, but I am profoundly grateful to the gentleman for his generous remarks.

The CHAIRMAN. The time of the gentleman from New Hampshire has again expired.

Mr. MINSHALL. Mr. Chairman, I yield the gentleman 2 additional minutes, and ask the gentleman to yield.

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

Mr. MINSHALL. Mr. Chairman, I, too, would like to commend the gentleman from New Hampshire for the outstanding work he has done on this subcommittee. When he was chosen for this new assignment we looked over his record in the House and we found it was an excellent one. He has certainly proved it in the short time he has taken over his duties.

Mr. WYMAN. I thank the gentleman.

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

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

Mr. YATES. I want to join in commendation of the gentleman's speech. He made an excellent speech.

I should like to ask the gentleman about the C–5A and the Lockheed proposal. As I understand it, from reading the report and the proposal in the bill, Lockheed is to receive an extra $200 million this year and an extra $200 million next year in order that 81 C–5A's may be completed. This $400 million, as I understand it, is above the contract, a gratuity.

How much do we have to pay for weapons systems of this kind? Suppose $300 million or $400 million had been requested, would the committee have approved it?

From what I can get out of the hearings and from speaking to members of the staff, Lockheed has had poor management. As one of the great weapons-producing corporations of the country, if it is guilty——

Mr. WYMAN. May I respond to the gentleman?

Mr. YATES. Let me finish my question first and then you can respond.

If Lockheed is guilty of bad management, even if there is a need to foster our national security, is there not some other way of doing it than by pouring endless money toward building this aircraft?

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

Mr. MINSHALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. WYMAN. Before I yield to the gentleman from South Carolina who seeks to respond, I would like to make this observation. It is cheaper in the long run to put this money in this bill for this procurement than to wash them out. If we wash them out the billions already spent are lost. We have to have these C–5A's. There have been inefficiencies and problems, but sooner or later I am hopeful under the direction of the able gentleman from Texas and the staff, which is extraordinarily competent, we may be sufficiently implemented by additional staff in the field so we can keep an eye on these things and prevent these overruns.

Mr. RIVERS. Will the gentleman yield?

Mr. WYMAN. I am glad to yield to the distinguished chairman.

Mr. RIVERS. We are giving Lockheed $200 million, and we believe that is justified. We will keep separate accounting on Lockheed to make sure that the expenditure is justified. We in the Government owe them $700 million that we have not paid them. Lockheed is produc-

ing this aircraft. It is out of the woods now. Does the gentleman think the 747 is not having trouble? They are. And do you think we ought to knock that down because they are? If we stop production, we will be in trouble, because we need these aircraft.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I doubt that any of us who will speak today can qualify as experts in this area. We are all dependent upon what we believe after listening to the intelligence community.

The President, the Bureau of the Budget, and the committee have all studied all the facts available to us—and the bill before you is our recommended actions based upon a composite of such study.

Except for a few years, I have served since 1943. With that background I want to take this time to say that I can find much to agree with, in everything that has been said here.

However, all viewpoints can be met if the President and the Congress agree—within the funds recommended here.

The need for additional nuclear submarines has been mentioned. We provided for more than was requested and because the executive department did not agree, you will see that from 1961, 1962, 1963, 1964, 1965, and 1966 a large part of funds the Congress appropriated for the Polaris submarines were not spent for that purpose but for others. The committee approved other uses when not spent for submarines.

My point in taking the floor at this time is to say we have before us a bill that will provide more than $66 billion for Defense for the next fiscal year. But, Mr. Chairman, what has not been stressed is that the Department will have $9 billion that is not committed for expenditure which is available to meet any emergency that might arise. Actually the total available for the year exceeds $105 billion.

I grant you that we would have to straighten it out—and frequently do—after the fact but the fact is we reprogramed more than $4.7 billion this year. They tell the Congress about the changed need and the Congress agrees. We say: "OK, go ahead," which is as it should be.

Mr. Chairman, in the past the Department had so much money in so many pockets that it did not know what it had. Operation "Smoke Out" followed and the Air Force alone found more than $4 billion in dormant accounts.

I am glad here we are limited—the time for which appropriations are made are limited: 3 years for major procurement, 5 years for shipbuilding, and research and development only 2 years. This is a great forward step to regain control. This action should save billions. Under the old system funds secured for a high-priority use frequently ended up being spent for a fifth-rate use.

I repeat, if you get amendments adding funds for additional items, you will be dependent upon the Department of Defense as to whether they use the funds. But if the Department of Defense feels that such items are necessary there are funds—more than $9 billion—that could be so used.

I urge you to support the committee bill, because above all we must retain an economy that can support a war. And may I say if we have one I hope and trust we will have a plan to win—something we have not had in Vietnam where we have used more bombs than World War II and Korea both, mostly dropped in the sea or unoccupied forest—while prime targets have been ruled "off limits." It is a shame.

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

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I appreciate the chairman of the committee yielding to me and I have asked for this time in order to commend him and the committee as a whole for doing what I believe to be a reasonable job in cutting this appropriation down to the point where it is. I am going to support it wholeheartedly.

We were told initially that this was a rockbottom budget. Well, it was not a rockbottom budget. I am glad that the Appropriations Committee has taken some of the rocks out of it. There are some more items I would have liked to see removed, a few I would rather have seen left in, but the committee has been responsible.

I would like to suggest to you that we all too often erroneously justify the tremendous waste which exists in these programs by saying that these are sophisticated programs and that they are breakthroughs. We have new technology and new things we have got to do, and it is this which causes waste.

Well, Mr. Chairman, I want to show you an unsophisticated program which is under procurement right now. This is the total drawing of the program. It constitutes a felt washer, a simple felt washer, 1⅛ inches in diameter and ⅛-inch thick. The person to whom the program was submitted told me they could produce it probably for about one-tenth of a cent apiece.

Now, this is not a technological breakthrough, but in order to bid on it the Pentagon first requires a bidder to look through 61 computer cards, each with a microfilm insert, and the first one blows up into this, and that is the only drawing in the bunch, but there are 61 computer cards each with a microfilm insert, and after that there are 3 pounds and 6 ounces worth of plans and specifications and regulations and instructions to build a felt washer.

If we are truly in danger of becoming a second-rate power, as some people have suggested, it is not because Mel Laird has cut the Defense budget, it is not because the Committee on Appropriations has cut the Defense budget, it is because the Pentagon is peopled with paperpushers, and the defense industry in the United States of America is absolutely drowning in a sea of paper.

The company that sent me this has said they would not bid on this. If they bid $2,000 for the whole procurement, they would probably make $1,000 on it, but the paperwork that they would have to go through to do this simply was not justified.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. PIKE. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, I commend the committee for doing what they have done, but anybody who thinks that this is a rockbottom budget now is really a person who acts on faith and love, and not intellect. Anyone who says that it is necessary to have 61 computer cards with microfilmed instructions, 3 pounds and 6 ounces worth of plans and specifications and regulations and instructions in order to bid on a felt washer which is worth, maybe, one-tenth of a cent, and this is a rockbottom budget, has rocks in his head.

Mr. MINSHALL. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Chairman, I am not on the Committee on Appropriations, but there is a matter which I would like to bring to your attention, and I will be brief.

There is a provision in this Defense appropriation bill on page 15 that would cause the Army to cut out a source of supply for the M–16 rifle. I understand an amendment will be offered to eliminate this clause, and I will certainly support that amendment.

The bill as reported originally by the House Armed Services Committee, the authorization bill, and overwhelmingly approved by the House, contained a provision requiring three active production sources for the M–16 rifle during fiscal year 1971.

That provision which passed the House was objected to by the Department of the Army to the Senate Armed Services Committee. The information supplied by the Department of the Army in attempting to justify their objection has proved to be not only misleading, but factually incorrect. In the conference committee on the authorizing legislation the House position prevailed, and the proviso for three active production sources for supplying this vital infantry weapon remained intact, when the facts were brought to the attention of the Senate conferees they readily agreed with the House conferees.

The conference report was approved by the House by a vote of 341 to 11, and approved by the Senate with only one dissenting vote.

The proviso in the authorization bill was not challenged during general debate by any Member of the House, and no amendment was offered by any member from the Committee on Appropriations or any other committee to strike that proviso or to amend it in any way.

After the Congress had exercised its will on this matter the Committee on Appropriations brings before us a bill under a rule waiving points of order and in effect is legislating in an appropriation bill.

If the House goes along with this type of legislating you might as well eliminate

all requirements for legislation authorizing appropriations, turn everything over to the Committee on Appropriations, and abolish the legislative committees.

Now, in all fairness, I am sure that the members of the Committee on Appropriations who sponsored this provision of the bill will tell you that it was done so at the request of someone in the Department of the Army on the basis that it would save money, possibly as much as $14.3 million. Of course, that alleged saving vanishes when one examines the facts. The facts presented by the Army are clearly inaccurate, and they were studied very carefully by the members of the committee.

The alleged saving is based on the Army's claim that the available unit cost of rifles procured in the manner recommended in the authorization bill would be $163.50.

This is pure speculation because the Army has never requested bid prices from the three producers to continue production at a minimum sustaining rate in order to maintain three hot production lines.

I want to say further that certain officials of the Army came to members of the committee, that is the authorization committee, and asked to eliminate both additional sources of supply and resort to only one.

However, the chairman of the House Armed Services Committee did request prices from the two secondary producers of the M–16 rifle, in an attempt to evaluate the cost data submitted by the Army in their objections.

They wanted to know whether or not the Army data was true or not.

I can report to the Members of the House that the prices received by the Armed Services Committee at the request of the chairman of the full committee were approximately one-third less than those projected by the Army and would, in effect, eliminate any alleged increased costs for maintaining the two additional sources to produce a critical weapon system.

I want you to keep in mind that the same officials in the Army asked us on the Committee on Armed Services, or came to several of us, to eliminate both additional sources and go back to one source, and please remember that it took Congress over 3 years to get the Army to approve of an additional source for the M–16 rifle.

Many of you will recall the efforts made by a number of the Members of the Congress to force the Army to establish the additional production sources for the M–16 rifle. This effort was strongly opposed by certain officials in the Army.

Finally, after 3 or 4 years of effort on the part of the Congress, both the House and Senate authorization committees and also the Committee on Appropriations, the Army negotiated with Colt Industries to acquire the production rights and the technical data package for this weapon system. Finally, additional sources of supply of the M–16 were obtained, principally because of congressional efforts and over the opposition of the Army that are difficult to ascertain.

Just to refresh your memory, the Army paid Colt $4.5 million for that rights and data package, plus agreeing to pay Colt a 5½-percent royalt for all rifles procured by the Department of Defense from any source other than Colt. It has been estimated that this cost to establish two additional production sources of the M–16 rifle totaled more than $30 million. Since the establishment of these additional production sources, most of the problems previously experienced by our soldiers with the M–16 in Vietnam have been eliminated with the deficiencies corrected.

Mr. TEAGUE of Texas. Mr. Chairman, over the past several years I have been a witness—I regret to say a relatively silent witness—of the controversy that has raged around the F–111 fighter-bomber. The principal reason for my silence to date has been my belief that the discussion and appraisal of this aircraft would best be left to those who are truly expert on the subject. But I now feel I must abandon that attitude, and I feel this way for three reasons:

First, the heated discussion in the Congress over the ABM system caused me to start thinking about the alternatives, or I should say the supplements, to our intercontinental missile strength; and entering into these thoughts was the obvious age of even our newest B–52 bombers and the discussions that have centered around the advanced manned strategic aircraft, now called the B–1;

Second, information had come to me concerning the F–111—both the tactical and strategic versions—from a number of sources: congressional, military, and some from interested experts with no particular ax to grind.

In looking into it I came to the conclusion that, regardless of the very bad impression that has been created in the nonexpert public mind about the F–111, there was no plot against the plane, but there certainly was an almost suspiciously large amount of misinformation about it. It seemed to me that for some reason that was not at all clear the F–111 had become a kind of football to be kicked about by some newspaper writers who were short on other material to write about.

My third and last reason was that the F–111 is made in Texas—made in Fort Worth, represented by my friend and colleague, JIM WRIGHT, the most articulate defender of the F–111 that can be imagined.

All of these things then, the proper defense of the country, the seemingly irresponsible and often misleading attitude that I had seen in the press, and the parochial interest of my own State pointed up that I had a responsibility to find out the true story on the F–111.

There was only one way to do this and that was to examine into the facts myself. I have done this and these remarks are designed to set forth what I learned.

I will go into some details later on but I would first like to convey the overall impression that I gained from my study.

My reference here might appear to some to be frivolous but I can assure you that I have no such intent—I merely want to convey as a first thing the kind of immediate impression that arose from my study of the facts. All of us here have at some time or other, probably when we were very young, read "Aesop's Fables." Aesop was a fabulist. He did not tell lies, he told fables, and fables are good fun, especially when they point up a moral precept or tell a story in a fashion that makes some fundamental aspect of human life live in a more vivid fashion. That is what fables are for. But when fables are directed at specific people or specific things they lose their innocence and they lose their true function. My clear impression, Mr. Chairman, is that what we have been hearing and reading about over the years about the F–111 are fables; and little else. But they have been dangerous fables, unfair and unjust fables. If these stories—and I am still referring to the fables—had been directed at air power generally, directed at all aircraft, they would have been recognized for what they are. But having been directed as they have been at an individual kind of aircraft they have taken on the appearance of truth. The events preceding World War II taught us that the constant repetition, for whatever motive, of a particular statement gives that statement the appearance of truth after a certain period of time.

I am certain that there never has been an instance in our history where an aircraft, or any other weapons system for that matter, has been so incorrectly and so unjustly treated by the press of this country. I will not even begin to attempt to explain why this has been so, I will leave that up to someone working on a Ph. D. thesis. Maybe it all goes back to Secretary McNamara and the strong feelings that he generated, maybe it is the drama—and, therefore, the newsworthiness—of the airplane itself with its swing wings and its almost unbelievable ability to fly faster than the speed of sound at only 200 feet above the ground while automatically avoiding everything that might lie in front of it. I do not know what the reason is but one thing I am sure of is that one of the supreme achievements of combat technology has suffered deeply because of this unjust treatment, and the loser, if it continues, will be the defense of this country. I say this with deep conviction. No, I cannot explain why all this has happened, I just know it has happened.

Of course, the true story is told once in a while, usually in a trade or technical journal that is never seen by the public and only seen by Members of Congress who have a special interest or responsibility with respect to the defense of the country. An example of this was a story that appeared in Executive Aviation Report, dated July 31, 1970. I will express the belief that it will be a rare member of this body who had his attention drawn to this article or would ever have heard of it except for the fact that I am going to insert the whole of it—it is brief—at this point in my remarks. I recommend it very highly to not only those who are interested in the F–111 as an aircraft but to every Member of the House because every Member is interested, and responsible for, the defense of this country. Here are just a few of the highlights of the article from this whole responsible and objective journal. It points out, for example, that—

The F-111 offers twice the range, 3 times the bomb load and several magnitudes smaller CEP: its adverse weather CEP is better than current aircraft clear day CEP.

The article also points out that four F-111's can deliver 62 bombs on a target a 1,000 nautical miles combat radius. It makes a comparison with an F-4 in this respect and says that at this radius the F-4 can carry two bombs. It says:

So to put 62 bombs down would require 31 F-4's with a retinue of tankers, electronics scramblers and fighter escort.

It goes on to say that to maintain these 31 F-4's would cost $37.8 million a year, compared with cost of maintenance of four F-111's $6.3 million—one-seventh as much.

These are just a few of the highlights of the brief article, but the whole thing should be read as it appears in these remarks.

This is what it says:

F-111

The 34th aircraft was inspected yesterday. The 35th will be completed the end of this month, 19 in August and then 33 per month until all are inspected by early next year. All will be in service by May. They are cold soaked for 8 hours in a −40 deg C environment and 7.33 g proof-loaded.

Decision on the 40 for FY71 will be taken in about 5 weeks. Cost of the wing fix, estimated at about $31 million would be reduced from the buy. Presumably this would be 2 or 3 aircraft less.

F-111 will take 24 M117 bombs a distance of 750 NM combat radius compared with 6 bombs 420 NM on the F-4. If the F-111 is also restricted to 8 bombs it will take them 1,250 NM. Thus it offers twice the range, 3 times the bombload and several magnitudes smaller CEP: its adverse weather CEP is better than current aircraft clear day CEP.

4 F-111s can deliver 62 M117 bombs on a target 1,000 NM combat radius. An F-4 at this radius can carry 2, so to put 62 bombs down would require 31 F-4s with a retinue of tankers, electronic scramblers and fighter escort. To maintain these 31 would cost $37.8 million a year, compared with cost of maintenance of 4 F-111s $6.3 million—one-seventh as much. If target demolishment instead of bomb release were the test, it would probably require about 100 F-4s, but the comparison becomes almost meaningless.

In Vietnam 80% of F-111 missions were flown in bad weather, and no aircraft were hit. On 44 of the 50 missions North Vietnamese tried to hit the F-111s but were too late. The record compares with B-29s sent out at a comparable stage in their career and over half were shot down.

GD did not build that piece of steel in the wing pivot. The perpendicular crack that escaped magnaflux and ultrasonic scanning devices was a defect not in the F-111 but in aeronautical quality control as a whole.

"We in the Systems Command are accustomed to problems in the development of new weapons systems. The F-111 has encountered problems no more numerous and no more severe than have other weapons systems. Perhaps it has had even fewer difficulties than its predecessors when one considers its advanced capabilities and its complexity". Chief, Systems Command (Gen. Ferguson).

It is a great statement. It gives the facts, facts that are not in any way disputed by the Department of the Air Force but, as I say, it appeared in a journal that has relatively limited and specialized circulation, one that is read almost entirely by people in the business of aerospace. This kind of coverage, accurate as it is and important as it is and obviously well intentioned as it is, simply does not get to the general public. And very much more importantly it does not get to the vast majority of us here in the Congress who are called upon to vote on the authorizations and appropriations that support and continue the F-111 program. I do not want to belabor the poor—I should say destructive—coverage of the F-111 in the large circulation press but recently, and while I was making my own study of the F-111, one of these distorted articles appeared in a Washington newspaper. Fortunately, it was read and objected to by my colleague BOB PRICE who took the article item by item and literally demolished it. This superb job of setting the records straight appears in the August 14, 1970, CONGRESSIONAL RECORD at pages 29123–29125 and I commend it to all Members of the House as a great example of fact answering allegation.

While free and open discussion of matters of national interest—and certainly the future of the F-111 program is just that—is something to be welcomed and encouraged it is my own view that the press has a great responsibility to illuminate the issues, to inform the public, not confuse them.

As a matter of fact any one of us here in the House has readily available to him all of the information—truly factual information—that he needs to make his own decision with respect to the F-111. I am referring of course to the hearings and reports of the committees that have the responsibility for recommending the course of action that the House and the Senate should follow in legislating on our defense.

What do the experts say? Well, one of them, Gen. Otto J. Glasser, Air Force Deputy Chief of Staff, Research and Development, testified this year to the Congress:

Operationally the Air Force is completely satisfied with the aircraft (F-111) with respect to its ability to perform the mission for which it was designed.

General Ryan, Chief of Staff of the Air Force, has testified:

The F-111 is now coming into its own as the best fighter attack aircraft in the world for the task of all-weather deep interdiction.

With respect to the questions as to whether the present plans of the Department of Defense contemplate a sufficient number of F-111's, General Glasser testified:

Given our wishes, we would naturally want to have more of the aircraft.

General Glasser goes on to point out that it is budgetary restrictions that are preventing the acquisition of more of these "best fighter attack aircraft in the world."

This year's House Armed Services Committee report says:

The F-111 is a unique aircraft. The aircraft inventories of this country and possibly other countries, will someday contain fighter-bomber aircraft superior to the F-111. Such is clearly not the case today and will not be the case for some years to come."

The committee report goes on to refer to the "superb safety record" of the F-111 and to "unquestionable need" and "the unmatched capabilities" of the F-111.

The Senate Armed Services Committee report for this year, although taking a view with which I do not agree with respect to the future of the program, states in unequivocal fashion:

No other aircraft in the Air Force inventory can compete with the F-111.

And goes on to describe the uniqueness of the F-111 in considerable detail.

The safety record of the plane which is the subject of the grossest misrepresentation of all has been the subject of a number of statements made here on the floor of the House. It is to be hoped that by now this matter has been finally set straight. Suffice it to say that no matter how you figure it, the F-111 has the best, and by far the best, safety record of any of our combat aircraft, a remarkable achievement in view of the very advanced design of the aircraft.

A few minutes ago when I was referring to the overall first impression I got when making my study of the F-111 I said that I would go into some detail later on in my remarks. There are several ways that I could do this but I think the best way of all is to insert at this point in my remarks some direct testimony by the Department of the Air Force itself during its appearance before the House Armed Services Committee. The colloquy that I am going to insert is one between Congressman O. C. FISHER and General Esposito who was representing the Air Force. I will not read this colloquy—it is quite detailed—but I do want it to be printed as part of my remarks as an example of an expert speaking on a subject for which he has personal responsibility. The colloquy is as follows:

The CHAIRMAN. I am going around the board, now. Are there any questions?

Mr. FISHER. I share the concern of many during the past few years about the F-111, its performance, its capability, and the mistakes that have been fed into it and fed out, and so forth. But as a part of the permanent record here that we are making today, I thought it appropriate to ask a few questions based upon a letter written by Congressman Wright of Texas earlier this year, in which he made certain statements about the F-111.

I will repeat them and ask for your comments on each of them. It will just take a moment. I think that would help to firm up the record and make it more complete, as long as we have gone into various aspects of the F-111.

He made this statement:

"In view of the sensational news treatment which has accompanied every single accident suffered by an F-111—treatment never accorded to any other aircraft—it no doubt will come as a very pleasant surprise to many that the F-111 actually has the very best flight safety record of any military aircraft of the Century series."

Do you agree with that statement?

General ESPOSITO. I do, sir.

Mr. PRICE. I wonder if you could elaborate a little bit on that. Give a comparison of the safety record with other aircraft, in the same state of development.

Mr. FISHER. Incidentally, I have in front of me a chart showing the complete record of all the Century series, the F-100 down to and including the F-111, of the 5,000, 10,000, and 20,000 hours, and I would be pleased to put that in the record at this point to make it more complete. It shows the accident record

of each of those, and the F–111 is considerably lower than any of them.

(The information referred to is as follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR ———: You will be enormously pleased, I know, with the truly magnificent record which the F–111 aircraft has achieved in two years of actual flying. This record is a thorough vindication of the confidence and judgment of the Congress in authorizing this program and subsequently appropriating monies for its development and production.

Even previously critical news media—as evidence the enclosures—finally are recognizing that Congress was eminently right in authorizing the plane!

In view of the sensational news treatment which has accompanied every single accident suffered by an F–111—treatment never accorded to any other aircraft—it no doubt will come as a very pleasant surprise to many that *the F–111 actually has the very best flight safety record of any military aircraft of the Century Series.*

Here is the comparative record, in number of accidents, based in each case upon 5,000 hours, 10,000 hours, and 20,000 hours of actual flying.

NUMBER OF ACCIDENTS—ALL CENTURY SERIES AIRCRAFT

Aircraft	5,000 hours	10,000 hours	20,000 hours
F–100	7	14	29
F–101	9	16	18
F–102	9	12	22
F–104	14	17	28
F–105	8	12	14
F–106	7	8	11
F–111	[1]3	[1]6	[1]10
F–4	6	8	11

[1] F–111 in each case has produced fewer accidents per hours flown.

Mr. FISHER. Now this additional statement:

"The escape module in the F–111, designed to throw the pilots free in event of a crash, is probably the best and most effective yet built. In most of the highly celebrated F–111 accidents, the pilots actually escaped injury. Unlike many escape systems, the F–111's is effective at the lowest attitude—and even over water."

Do you agree with that statement?

General ESPOSITO. Yes, sir. In fact, the module is effective from sitting still on the runway, throughout the full [deleted] mach envelope of the airplane.

Mr. FISHER. Very well.

Another quotation from the letter:

"The short takeoff and landing characteristic of the F–111 is in one sense a safety factor for emergency operations of various sorts. This aircraft will take off and land on shorter airstrips than any other Air Force model capable of such advanced speeds."

Do you agree with that statement?

General ESPOSITO. Correct, sir; for airplanes in the similar category as the F–111, I do, sir.

Mr. FISHER. "No other aircraft has such a complete redundancy of systems—in other words, a series of spare electric and mechanical systems designed to actuate and take over automatically if the primary systems should fail. So far as possible, these have been designed to protect even against pilot errors."

Do you agree with that statement?

General ESPOSITO. Yes, sir; in general I agree with it. The reliability of the system under operational conditions, this is one of the factors that satisfies the contract requirements.

Mr. FISHER. Very well, One other, quoting again:

"Undoubtedly the most significant—and most revolutionary—safety development of the F–111 is its terrain avoidance system which operates by radar. I've tested this system personally at very, very low levels over extremely mountainous country. It works. With this system actuated, it is just almost impossible for a pilot to fly the plane into a mountain or building even on the darkest night and in the worst of weather."

Would you comment on that statement?

General ESPOSITO. That is what the automatic terrain-following radar is designed to do. It allows the pilot to fly at 250 feet or above, under all weather conditions, and it itself clears any terrain that may be ahead of it.

Mr. FISHER. Very well. One other now.

"Combat tests in Vietnam." We have read quite a bit about those. I have collected a little bit of a file on it, because of understandable interest in this whole subject, and I have noticed a number of pilots have been highly complimentary of the performance of the F–111 in Vietnam, in the limited operations that they had there.

Here is this statement:

"These particular innovations were given an extremely thorough testing in most adverse conditions in Southeast Asia, where the Air Force flew 854 missions including training missions. Fifty-five of them were actual combat strike missions. The planes flew in at such low altitudes that the enemy radar could not pick them up and enemy antiaircraft weapons could not focus on them. They came back without a single hole, and Lt. Colonel Dean Salmeier, who flew some of these missions, has said: 'There is no question in my mind that on most missions the enemy did not even know we were there until we were gone. . . . The aircraft is definitely capable of making strikes at night, in all weather, and with extreme accuracy.'"

Now, does that seem to be a fair statement?

General ESPOSITO. Yes, sir; that is a factual statement.

Mr. FISHER. Is that in accord with other reports you received from these test flights of those actually in combat in Southeast Asia?

General ESPOSITO. Yes, sir.

Mr. FISHER. One other quote:

"The F–111, in spite of its relatively small size, will carry a bigger bomb load over a longer distance than any interdiction aircraft in our arsenal. The next best is the A–7 and the third best is the F–4."

Do you agree with that statement?

General ESPOSITO. I agree with the F–111 and the A–7, and I don't know whether the F–4 has a better range than the F–105 or not.

Mr. FISHER. Very well. One other:

"Compared with the A–7, the F–111 will carry 50 percent more 2,000 pound bombs for more than twice the distance. Or, it will carry 30 percent more bomb load for almost three times the distance."

Do you agree with that?

General ESPOSITO. I don't know what the A–7 can carry in terms of 2,000-pound bombs, so I can't really make a comparison.

Mr. FISHER. Is there anyone here who can answer?

Mr. BLANDFORD. I have it right here.

Mr. FISHER. OK.

Mr. BLANDFORD. A–7 will carry [deleted] bombs for a radius of [deleted] miles, with [deleted] minutes time on station.

General ESPOSITO. The F–111 can carry from, let's say [deleted] bombs, for a little over [deleted] nautical miles, of which [deleted] is at sea level.

Mr. BLANDFORD. How much time on station?

General ESPOSITO. Well, it drops and returns.

Mr. BLANDFORD. I think this is the point. It is an exceedingly outstanding interdiction aircraft. I tried to make that clear earlier this morning. I think personally it is a mistake to criticize the F–111. I think the only thing we are trying to do here is to try to establish for our own guidance how we can do better on the F–15 contract as a result of the errors made in the F–111. The F–111 is an outstanding airplane.

Mr. FISHER. A lot of this is more or less water over the dam. I did recognize that. But I felt it appropriate to make the record complete.

There are two other quotations.

Incidentally, General, if you can add anything, you may, in response to the last question, and put it in the record. I would be pleased.

(The following information was received for the record:)

"A typical weapons load for the F–111A aircraft on a Hi-Lo-Lo-Hi mission, (Hot day conditions) is [deleted.] and the maximum mission radius is [deleted] nautical miles (NM). Later aircraft equipped with the TF–30–P–100 engines will carry the same weapons load for a radius of [deleted.]

In terms of the A–7 type mission with an on station loiter, the F–111A can carry [deleted] bombs out [deleted] nautical miles, spend [deleted] on station—making weapon deliveries on targets of opportunity, and return to base."

The CHAIRMAN. The committee is responsible too. The committee gave McNamara every dime he wanted. So we can't beat this 111 to death. What we want to know is the good things about it now.

Mr. FISHER. Here are two other quotations and I will be through in just a minute:

"The F–111 has the most accurate navigation system of any aircraft ever built. The figures below represent the error in nautical miles for each hour of flight when the Nav system is not updated to a correct position en route."

And then he lists the F–105, error per hour in miles, [deleted.] The F–4, [deleted.] The F–111A [deleted]. The F–111D [deleted].

I don't know how significant that is.

General ESPOSITO. The numbers for the F–111 are correct. Here is one place where I think I can add a little more. The SOR for the F–111 had originally established something around [deleted] nautical miles per hour. We are achieving [deleted]. The contract asked for [deleted] nautical miles per hour. So in this one parameter we are doing considerably better than the contract.

The F–111D, guaranteed [deleted] per hour error. All of our tests to date show it looks like around [deleted.] We are doing very well. This is one parameter that is very important to accuracy in bombing.

The CHAIRMAN. So the mistakes you made in this flying laboratory—that is what it is—it is really not operational now; it it?

General ESPOSITO. Yes, sir. Well, we have some 70 airplanes at Nellis that are assigned to—

The CHAIRMAN. You don't have any operational units now. You moved them out of Vietnam.

General ESPOSITO. That is correct, sir.

In the colloquy that appears at this point in my remarks is a chart comparing the safety record of the F–111 with a number of other of our combat aircraft. Since this colloquy took place last year the F–111 has of course flown a good many more hours. As a matter of fact more than twice as many hours as it had at that time. I have, therefore, brought that chart up to date and I am inserting this up-to-date information at this point. The safety record of each of the seven other aircraft that are being compared with the safety record of the F–111 are at the 60,000-hour point and the F–111 figures at the 55,000-hour point. The reason being, of course, that the F–111 has flown only about 55,000 hours up to this time. Here are the figures.

Accidents	
F-100	59
F-101	35
F-102	40
F-104	51
F-105	34
F-106	22
F-4	24

And how does the F-111 safety record compare with these other combat aircraft? The F-111 has had 18 accidents to which should be added the three aircraft lost in combat in Vietnam. Actually the figure 18 is the fairer and more telling figure to use because none of the other aircraft in any way involve combat. So, in one more attempt to put the subject of the safety of the F-111 to rest, the F-111 has lost 18 aircraft as against those other aircraft that I have mentioned. The safety record of the F-111 is, in a word, superb.

It is interesting to note that the next best safety record, that of the F-106, was made by an airplane built by the same manufacturer, General Dynamics.

Again testifying this year, before the Congress on the F-111, General Esposito, in referring to the F-111 crash of last December pointed up a very significant thing—and one to which I have referred previously; that is, what I will call the nonaeronautical difficulties that the F-111 program has been subject to. General Esposito said:

> Primarily the problem has been the tremendous amount of attention that we get on every technical failure . . . if it had not been the F-111 program . . . I would have recommended to the Washington Staff that we unground the airplanes in January because we were quite confident that this was a material flaw of a very rare occurrence.

The key words here of course are "if it had not been the F-111 program."

I am not going to speak further about this, although there is a great deal more that could be said. I will only say that I hope I have made my points which are, simply, that all those who are hearing these remarks or who will read them should forget just about everything that has been said against the F-111, and that we in the Congress should give the deepest and most serious consideration to what the F-111 in its strategic and tactical versions means to the future of the defense of this country. The F-111 program is very much alive although there are those who, with what I must call unthinking shortsightedness, would call for the end of the F-111. I can think of nothing that would be more expensive—in both senses of the word—in dollars and in national security—than the pursuit of a policy based on a shortsightedness that would dictate the end of the F-111 program.

Let us face it, the B-52's are getting old. There is a controversy raging about our intercontinental ballistic missile force and about an anti-ballistic-missile system. The B-1, which I strongly support, cannot be in our inventory for another 10 years. Just exactly what are we going to do? Are we going to take the chance of the peace talks providing the answers to all-out nuclear-missile war? The alternative is a few aging B-52's and a few strategic FB-111's, 76 of them to be exact. Are we going to tie our whole future security to ICBM's and ABM's? The B-1 may ultimately provide the answer to this question, but the B-1 as an answer is a long way into the future. Our answer for today and the next several years is the F-111.

Mr. Chairman, my study of the F-111, in both its versions, strategic and tactical, have made me a believer. I am persuaded that it is the greatest, most capable aircraft in the world today. Let us not permit inattention to cause this program to end. When it comes time to regret it, it may be too late.

Mr. FOUNTAIN. Mr. Chairman, I rise in support of H.R. 19590, the Department of Defense appropriation bill, 1971.

The vast sums of money involved in this bill, though no surprise after 25 years of not-so-cold war, are certainly enough to call for close scrutiny.

In connection, while I applaud the committee's action in carefully eliminating $2.089 billion from the 1971 Defense budget, leaving it at the level of approximately $66 billion. I have mixed emotions about it. I hope the cuts were not too deep. Of course, $66 billion is an awful lot of money and certainly we should save wherever we can responsibly do so. These are most assuredly times which demand a sense of fiscal responsibility in allocation and expenditure of the taxpayers' money. Neither the Congress nor the Defense Department is exempted from this requirement.

However, we should never lose sight of the extremely serious dangers facing this Nation and the pressing need to maintain a strong national defense force at all times.

We must never let our guard down. The nature of the Communist menace has not changed. It faces us now not only in the land mass of Europe and Asia, but also in the Middle East and on the high seas at every point on the compass.

Defense of liberty has never been cheap or easy. This is as true today as it was in 1776 or 1812. Of course, weapons for defense are vastly more complex today than they were when long rifles and knives were used to defeat the foe at Kings Mountain in the Revolutionary War.

But, thankfully, American know-how and ingenuity, as well as vastly expanded national resources, provide us today with the means to protect ourselves against all comers, no matter who. In addition, the whole free world depends on us for protection against aggression, protection which they themselves are too weak to provide alone.

The actions of the committee in attempting to secure more defense for the dollar is commendable. Wastefulness in military expenditures cannot be tolerated. Our taxpayers do not want and should not have to pay for unnecessary military spending. They are, I am convinced, quite willing to support an adequate level of defense preparedness, remembering that, if we keep militarily strong, it is far less likely that we will ever have to engage in open battle with our major opponent, Communist Russia. And make no mistake about it, Russia is our major foe and our strongest in many ways.

Our Army, Navy, and Air Force—as well as our Reserve arms and the National Guard—must have adequate funds to support needed troop strengths and to buy needed weapons. They also ought to be able to conduct necessary research and development. And regrettably, all these things will have a higher cost so long as the unfortunate war in Vietnam continues.

Never should we become so engrossed in other concerns—whether domestic or international—that we overlook the necessity for strong defense forces. Russia is an implacable foe and understands nothing but power and our ability and willingness to use it, if necessary.

As we consider the expenditures proposed in this bill, let us also be aware that we have a lot of catching up to do in the years directly ahead, especially militarily speaking. We should not forget that Russian naval strength has grown tremendously to confront an aging American fleet in the Mediterranean, as well as the Atlantic and elsewhere; and that Russian missiles and fighters and bombers now may have almost caught up with ours in numbers as well as design.

How well we know—we certainly ought to—that weakness on our part is simply an invitation for trouble with the masters of the Kremlin. We just cannot allow ourselves to become militarily weak.

And so, Mr. Chairman, in passing this bill today, in adding $66 billion more to the defense of this Nation, I sincerely hope we are again serving notice to the world, friend and foe alike, that America intends to remain strong and free.

Mr. SLACK. Mr. Chairman, the Defense Department appropriations bill for fiscal year 1971 represents the sum total of the committee's judgment after extensive and concentrated hearings dating back to January. It recommends a total of $66.6 billion, which is $2 billion below the budget request and $6 billion below the appropriation for fiscal year 1970.

This reduction and the total recommended comes from a determination to tighten up the use of defense funds, and from very thorough investigation of the justifications offered to support requests for individual items.

The total amount requested—$66.6 billion—should be considered against the background of recent trends. The fact is, we have already been readjusting national priorities for several years in the appropriations field.

Nondefense spending has grown by $65 billion since 1964, and now almost equals the defense budget of today.

The defense appropriation recommended will constitute the lowest percentage of the total Federal budget, or of the gross national product, in the last 20 years.

Our domestic programs must be maintained and encouraged, but the shield behind which they find freedom to serve our domestic goals is a strong national defense. We must have a strong national defense as a war deterrent, and as recognized power which will permit our representatives to negotiate for peace and disarmament from a position of strength rather than weakness either real or implied.

Mr. DENT. Mr. Chairman, I would like to address myself at this time to a specific section of this bill which provides relief to a relatively unknown but essential element of our Armed Forces. I am speaking about section 807 of the bill and the revision which will result in the provision of schooling in schools operated by the Department of Defense for the minor dependents of DOD personnel who died while entitled to compensation or active duty pay. This provision will allow widows who are foreign nationals to educate their children in American schools if they return to their country of origin.

Mr. Chairman, this provision is substantially like H.R. 16725, which was introduced by my good friend and colleague, the Honorable WILLIAM D. FORD, and cosponsored by myself and other members of the Committee on Education and Labor.

Back in 1965, I had the honor of leading a subcommittee of the Committee on Education and Labor into the field to visit many overseas schools operated by the Department of Defense. That trip represented the first comprehensive investigation of the school system by a congressional committee. We made subsequent trips—the last of which took place in January of this year—and published reports and recommendations which we feel have resulted in tremendous improvements in the school system. Our most recent report—published this June—listed as a recommendation the precise matter that section 807 of this bill deals with. This problem first came to our attention in Germany and, more recently, in Japan.

So, Mr. Chairman, I salute the distinguished chairman of our Committee on Appropriations, and our other able colleagues on the committee for providing assistance to a group of people whose voice is very soft, but whose need is very great. And I also commend Congressman BILL FORD, and the other members of the Committee on Education and Labor, who have all demonstrated a deep and abiding concern for the education afforded our dependent children overseas.

Mr. REUSS. Mr. Chairman, I rise in support of the Moorhead-Whalen amendment to reduce defense appropriations by $1.6 billion and to bring defense spending more into line with our real needs and available resources.

The President says we cannot afford to spend what this Congress has authorized and appropriated for schools, housing, water pollution control, hospital construction, education and health care. I say we can afford these congressionally approved programs if we follow the wise injunction set out in the Appropriations Committee's report on this year's defense budget:

> What this country needs is more defense for the dollar, not necessarily more dollars for defense.

The Appropriations Committee has made a good start by cutting some $2 billion from the bill before us. I applaud this action. I particularly applaud their record which minces no words in criticizing swollen headquarters staffs, the failure of the three services to get together on joint weapons development programs, seemingly uncontrollable spending on public affairs, premature leaps into production before weapons are adequately tested, and congressional add-ons unrequested by the administration.

I support a strong and modernized Navy. I particularly support the bill's funding of the most effective strategic deterrent we have—our Polaris submarine force. I vigorously oppose spending $417 million for ships not requested by the administration—spending opposed by the other body, and opposed by the Appropriations Committee, which said:

> The Committee is firmly convinced that what is needed, therefore, is an immediate, energetic, and concentrated effort to improve the planning and management of the ship building and conversion program of the Navy, rather than continuing to add funds above the President's budget.

The logic of their adding $417 million above the President's budget for the Navy somehow escapes me.

I oppose rushing into production of a costly new Navy tactical fighter—the F–14—to the tune this year of $658 million. This program is a patent violation of the Secretary of Defense's announced policy of fly before we buy. Cost overruns are already predicted for the engine—$274 million is provided in research and development funds. The $658 million for procurement should be cut by at least $200 million.

I support a low-level research and development effort on a new manned bomber for the Air Force, in the extremely unlikely event that we may need this $30 million bomber in the future. At least $65 million left over from last year's appropriation is available for this year. I oppose appropriating an additional $75 million for this year.

I applaud the committee's telling the Department of Defense that we simply cannot afford to develop and procure three different close-support aircraft for the only marginally different needs of three services. I oppose proceeding to fund continued work on all three. I approve the other body's suggestion that we take out $17 million for the trouble-ridden Cheyenne helicopter.

I oppose rewarding defense contractors for gross mismanagement of weapons programs and intolerable waste and cost overruns. I particularly oppose allotting $200 million to bail out Lockheed Aircraft for bad performance on the C–5A and other programs.

I recognize that the Department of Defense, like other agencies, has to spend a modest amount to keep the public informed about what it is doing. I do not support funding this effort at anywhere near the level of $28 million a year when that money is going for such shenanigans as cross-country junkets and sea cruises for civilian dignitaries. I amply documented this waste in a statement on July 6 this year. Let us cut this spending by the $11 million spent on these activities last year over and above the ceiling the Appropriations Committee thought it had set.

I support a strong and continuing research and development effort on anti-ballistic-missile defense, so that if need be, we may obtain the best possible protection for our land-based strategic deterrent. I oppose deployment at this time of an ABM system that according to a preponderance of expert testimony will not work, will cost twice as much as the $12 billion now predicted, and will jeopardize the success of the arms talks underway. If we doubled the $365 million research and development effort for this year by adding the funds allotted to the ABM in the separate military construction bill, we could save $700 million in procurement and maintenance money in this bill. I believe we should take that step.

I have reached a savings figure of $1.6 billion without even mentioning sums such as $22 million for tinkering with a tank which committees in both bodies have shown to be undeserving of such salvage efforts, or $80 million for a torpedo that has experienced enormous cost overruns without anyone being sure yet that is can be made to work.

I urge adoption of the amendment proposing a $1.6 billion cut in this defense bill.

Mr. DORN. Mr. Chairman, I will tonight fulfill a longstanding engagement to speak to the Boy Scout Court of Honor in North Augusta, S.C. During the ceremonies, I will present the highly coveted Eagle Scout Award to seven outstanding young men. I do not recall attending an occasion when so many Eagle Scout Awards were presented. Mr. Chairman, I feel that communicating with our Nation's youth, particularly those dedicated to Scouting and to God and country, is an important part of our responsibility. The dedication and perseverance of these young men in their pursuit of this high award is truly an inspiration.

Were I present, Mr. Chairman, I would vote in favor of the crucial appropriations bill now before the House. This is a measure for peace. The passage of this bill will guarantee our strong military posture. By sustaining our present military strength the United States will remain a deterrent force against the evils and agressions of communism and those who would seek to destroy freedom throughout the world.

Mr. FUQUA. Mr. Chairman, I rise in support of this measure and in so doing, commend the Committee for the very excellent job which it has done.

In my opinion, this is a sound budget which provides adequately for the defense of this Nation while making certain that every possible nonessential expenditure has been pared.

Providing for the security of this Nation is the most important of the tasks which the Congress must provide and I feel very strongly that this particular measure has accomplished exactly that. I join in urging its passage.

Mr. RYAN. Mr. Chairman, the military appropriations bill, which provides $66.6 billion overall, underwrites the war in Vietnam. For the first time the administration's budget estimate did not include the estimated cost of the war for the forthcoming fiscal year. When the Secretary of Defense testified before the Committee on Appropriations on February 27, 1970, he said that the costs of

the war in fiscal year 1969 were $28.8 billion, and that they were estimated to be $23.2 billion for fiscal year 1970. However, he asked that the estimate for fiscal year 1971 be classified, and whatever figure he did give the committee was deleted in the printed record of the hearings—hearing, page 411. Although in past years Members of Congress have been told the cost of the war, that information is now being withheld. The administration's concealment is not compensated for by the committee report which states that the rate of spending for the war is "expected to decline from a high of almost $30 billion to a rate of $14.5 billion by the end of fiscal year 1971." (Rept. No. 91–1570, p. 5.) Members are still denied the estimate of the actual costs of the war for fiscal year 1971. Whatever the cost may be—and I suppose $20 billion is a fair guess—another penny is to much.

For the 6th consecutive year since Congress was asked to appropriate money for the war in Vietnam, I point out that, by exercising its power of the purse, Congress can bring about a change in the Vietnam war policy by refusing to finance that tragic war.

Since the first supplemental appropriations bill for the war in Vietnam was before the House on May 5, 1965, I have voted against funding it. It is no more supportable today, October 8, 1970, than it has been in the past.

Frequent commentary by the political pundist in the last few months has centered on the point that the President has "de-fused" the war as a political issue. Perhaps some may confirm this observation in light of last night's address by the President, in which he supposedly made new overtures for peace in Indochina. However, I do not think that the war should be treated as a political issue—acute at some times, quiescent at others. Men are dying. In August there were 319 combat deaths. Innocent civilians are dying. Children are being maimed.

Even the manner in which men are selected to die is unfair—assuming there could be any fair way of making such an awesome decision. Draftees—unwilling pawns in this conflict—shoulder much of the burden. While draftees comprised only 9 percent of the 1.4 million men now serving in the U.S. Army, on July 1 slightly more than 30 percent of the Army's draftees were serving in Vietnam. Of the approximately 43,775 American servicemen who have been killed in combat in Vietnam since the beginning of our involvement, about 32 percent have been draftees. And looking at only the Army personnel, draftees accounted for 55 percent of the battle deaths among Army enlisted men as of August 1970.

I have sought legislative correction of this situation. My bill, H.R. 15030, amends the Selective Service Act of 1967 to prohibit the assignment of any person inducted under that act from serving on active duty in Vietnam unless he consents to such service. By opposing H.R. 19590, which provides funds for sending and maintaining draftees in Vietnam, I am expressing my opposition to the use of unwilling conscripts as the fodder for an undeclared war which serves to prop up a dictatorship engaged in what is essentially a civil war.

To make clear the tragic inequity inflicted upon draftees by this war, I will include at the close of my remarks an article by Andrew J. Glass, published in the August 15, 1970, issue of the National Journal at page 1747 et seq., and entitled "Defense Report/Draftees Shoulder Burden of Fighting and Dying in Vietnam."

The war must end now, regardless of the political repercussions for this, or any other administration or political party.

Thus, as I have done since the beginning of the war, I intend to vote against the bill which provides the money to continue this war. We, the Congress, possess the power of the purse. Exercise that, and we end this nightmare of death and destruction.

For these reasons, I also support the amendment which I have cosponsored, and which will be offered on the floor by our distinguished colleague from Minnesota (Mr. FRASER)—the McGovern-Hatfield amendment to end the war. And for these reasons, also, I am supporting the other amendments to speed withdrawal from Indochina.

I also shall vote against the Department of Defense Appropriations bill for fiscal year 1971 because, in appropriating $66.6 billion for the military, it robs our country of desperately needed funds for dire domestic needs.

I do not wish to appear to dismiss out of hand the efforts of the Appropriations Committee, which under the leadership of the distinguished chairman (Mr. MAHON) did result in cutting the bloated budget request of $68,745,666,000 made by the administration. The $2 billion reduction is to be commended.

However, $66.6 billion is still too much. It is too much when our air is becoming unbreathable and our water undrinkable. It is too much when our cities are festering with inadequate housing, inadequate transportation facilities, and inadequate sanitation systems. It is too much when our educational system desperately needs help, and when health services are far too little and too expensive. For these reasons, I support the amendment to be offered by our colleagues from Pennsylvania (Mr. MOORHEAD) and Ohio (Mr. WHALEN) setting a $65 billion ceiling on defense expenditures.

In brief, our national priorities are awry, and this bill is the main culprit in sustaining a budget which in terms of meeting the needs of the people, is very far out of balance. Because our national priorities must be reordered, and because this bill perpetuates the imbalance, it should be rejected.

Finally, this bill provides moneys for weapons systems which are of dubious wisdom. For example, H.R. 19590 appropriates $1.07 billion for the ABM, and $474 million for land-based MIRV's. There is, in fact, considerable question as to whether the ABM missile system is even workable. But that consideration aside, and more importantly, these systems encourage the devastating arms race which at the least will suck more billions down into the armaments barrel, and at worst, may spur the dreaded day of nuclear holocaust.

I think one point must be made very clear: Our defense apparatus must be sustained in its fullest necessary strength and capability, so that the security of the United States will not be imperiled. But, pouring billions upon unneeded billions of dollars into the military budget is not the answer. As the committee itself says in its report (H. Rept. 91–1570) on the bill before us at page 5:

> The effectiveness of the Department of Defense cannot be measured solely in terms of the dollar level of expenditures. Unlimited resources do not overcome inefficiency and mismanagement. Instead, excessive funding produces more inefficiency and mismanagement. What this country needs is defense for the dollar, not necessarily more dollars for defense.

The article follows:

DEFENSE REPORT/DRAFTEES SHOULDER BURDEN OF FIGHTING AND DYING IN VIETNAM

(By Andrew J. Glass)

Army draftees were killed in Vietnam last year at nearly double the rate of non-draftee enlisted men.

During 1969, Army draftees were being killed in action or wounded at the rate of 234 per 1,000. Draftee deaths were 31 per 1,000.

By contrast, Army enlisted volunteers were killed or wounded at a rate of 137 per 1,000, and 17 per 1,000 died. Both draftees and volunteers serve 12-month tours of duty in Vietnam.

Draftees comprised 88 per cent of infantry riflemen in Vietnam last year while first-term Regular Army men comprised 10 per cent of the riflemen. The remaining 2 per cent were career Army men.

In the past two or three years, draftees have suffered comparatively higher death rates as their proportion of the Army's combat forces has risen from earlier phases of the Vietnam war.

Battle deaths among Army enlisted men have totaled 23,890 men through March 31, 1970, of whom 13,093, or 54.9 per cent, were draftees.

Previously unavailable draftee casualty statistics reveal that over the five years in which Americans have been engaged in combat in Vietnam, draftee casualties (killed and wounded) have run 130 per 1,000 per year and non-draftee casualties have run 84 per 1,000 per year. The Army General Staff prepared the study at the request of *National Journal*.

HOW POLICY IS SET

Under broad guidelines established by the Defense Department, draftee utilization policies reflect the manpower needs of the service that conscripts the draftee.

Jonas M. Platt, the Defense Department's newly named director of manpower utilization, under the assistant secretary of defense for manpower and reserve affairs, Roger T. Kelley, reported that draftee policy for the Army is formulated within the Army. (The Army has inducted 97.2 per cent of all draftees called to duty during the Vietnam war period.) In an exception to that rule, Platt, a retired Marine Corps major general, noted that since 1967 the Office of the Secretary of Defense has sought to impose a uniform policy of using the skills of college graduates who enter the armed services to the best advantage of the military. Three of five college graduates who enter the Army are draftees.

DRAFTEES IN COMBAT

In discussing with *National Journal* the reasons for the disparity between draftee and non-draftee battle deaths, William K.

Brehm, assistant secretary of the Army for manpower and reserve affairs, said:

"The popular jobs are the ones for which people enlist. They don't enlist for the hard-core combat skills. That is why draftees tend to populate the hard-core combat skills: 70 per cent of the infantry, armor and artillery are draftees."

Brehm said that President Nixon's Vietnamization policy will have the effect of bringing Army troop replacements below 20,000 a month by May 1971. But he estimated that one-third to one-fourth of the replacements will still have to be combat soldiers.

"That means we'll have to supply somewhere between 5,000 and 6,000 hard-core combat skills a month. My estimate is that we couldn't come anywhere near the 5,000-man level without the draft," Brehm added. (*For background on Brehm, see biographical box*).

ENLISTMENTS VERSUS INDUCTIONS

The disparity between draftee and volunteer casualty rates directly reflects the tasks that the Army assigns each group of soldiers.

Regular Army volunteers may enlist for two or three years. In the first six months of 1970, 16,243 men enlisted for two years. They were placed in the same manpower pool with the 92,750 draftees called to duty for two years by the Army during the same period.

Three-year volunteers, however, have the option of selecting their Army jobs and four out of five make their own choice. In 1970, less than 3 per cent have asked to serve in the infantry.

"As strange as it sounds," Brehm said, "only 800 young men a month out of 200 million Americans are enlisting for combat. If we went to an all-volunteer force in Vietnam, it's quite conceivable that that's all we might get."

PROCEDURES BEING REVIEWED

The Army Audit Agency, a semi-autonomous watchdog unit, is currently studying the full range of job classification and assignment procedures within the Army.

However, there are no present plans to withdraw or alter the option to serve in non-combat roles being offered three-year volunteers, Brehm said.

"I think, given the circumstances, the draftee is getting a pretty fair shake from the Army," he added.

Several high-level officers and Pentagon civilians interviewed by *National Journal* agreed with Brehm's analysis of the draftee-combat problem—but not with his judgment of the equities involved.

A Defense Department manpower expert, who asked not to be identified by name, said:

"We've studied this problem very carefully. People don't seem to enlist in the Army to fight. We recognize the inequity this causes in a shooting war but we don't know what to do about it."

An Army general who has served more than two years in Vietnam and who asked anonymity said: "Given the way draftees are used by the Army, it's quite obvious that they'll take the brunt of the casualties.

"It's very sad, really. But the whole goddamn war is very sad."

VIETNAM

In Southeast Asia, "grunt" is GI slang for a frontline solider. (The term comes from the grunting sound foot soldiers make while carrying heavy field packs.) The vast majority of grunts in Vietnam are draftees.

FIGHTING FORCE

On July 1, slightly more than 30 per cent of the Army's draftees were serving in Vietnam while 25 per cent of Army volunteers were stationed there.

In Vietnam itself, the ranks of the Army's enlisted and officer force (293,200-men) now include 115,100 draftees, or 39 per cent of the total. (This total is scheduled to drop to about 225,000 Army personnel by May 1971, with a proportional—or better than proportional—drop in grunt-draftees as more and more combat units are deactivated.)

While the Pentagon keeps no statistics on the chances of a draftee serving in Vietnam during his two years in the Army, a comparison against draft calls reveals that a draftee's chances of going to Vietnam have fluctuated between 50 and 80 per cent. (Currently, draft calls are running at a rate of 10,000 men a month, and draftee replacements are being flown to Vietnam at a rate of 8,000 men a month.)

KILLED AND WOUNDED

Draftee casualties in Vietnam are a sensitive matter to the Pentagon. While the Defense Department issues weekly summaries of casualties in Southeast Asia, detailed statistics for draftees are difficult to obtain.

Through March 1970, 13,097 draftees (including four who had become officers) had been killed in Vietnam as a result of enemy action. Another 1,545 had died from other causes, such as air crashes or diseases. Separate records are not kept on the number of draftees who are wounded, hospitalized, missing or captured.

Percentage of draftee deaths—Over the course of the Vietnam war—in which some 43,500 American fighting men have died through mid-August—draftees account for about 32 percent of the total killed in action, 49 percent of the Army dead and 55 percent of the dead among Army enlisted men.

Casualties among draftees, and the implications they raise, have been analyzed by the Army General Staff. The studies have been conducted within a unit known as the Equal Rights-Personnel Affairs Army Command Service Branch, Special Affairs and Review Division, Directorate for Military Personnel Policies, under the deputy chief of staff for personnel.

Chances of surviving—By comparing average monthly force levels in Vietnam against actual deaths, and extrapolating the number of draftee-wounded, the Army has been able to compute the statistically valid chance that a draftee or a Regular Army volunteer has of being killed or wounded during his 12-month tour of duty there.

The Army study shows that, for the course of the war, an average enlisted man or Army officer had a 1.96 percent chance of being killed and an 8.47 percent chance of being wounded seriously enough to require treatment at a medical facility.

Draftee vs. volunteer—However, for an Army draftee, the chance of being killed was 2.44 percent and the chance of being wounded was 10.54 percent—or a total of 12.98 percent.

For a non-draftee enlisted man, the chance of being killed was 1.58 percent and of being wounded 6.84 percent, or a total of 8.42 percent. Thus, a draftee had about a 54 percent greater chance of being killed or wounded than did his Regular Army counterpart.

Early airborne influx—These results are influenced, however, by the fact that the initial surge of Americans in Vietnam brought elite (and largely Regular Army) air cavalry and airborne divisions. (While draftees serve in airborne divisions, they do so voluntarily.)

By contrast, in the later phases of the war, when Americans suffered their heaviest loss of life in Vietnam, the fighting was largely in the hands of infantry, armor, and artillery units with higher proportions of draftees.

Employing the same statistical procedures as in the Army study, the relative chance of a draftee or a volunteer being killed or wounded in 1968 were calculated by *National Journal* as follows:

Draftee—killed, 3.89; wounded, 11.79; total, 15.68.

Volunteer—killed, 2.3; wounded, 6.63; total, 8.96.

Rating previous wars—In revealing these statistics, the Army notes that draftee death rates in Vietnam—even though higher than total Army enlisted losses—are still significantly lower than death rates sustained by the U.S. Army during both the Korean war and World War II.

(In both those wars, the present enlistment system—under which a prospective soldier is guaranteed a non-combat Army assignment if he agrees to serve for three years—did not exist.)

In Korea, Army killed as a percentage of its forces in the war zone came to 4.32—more than double the 1.96 percent over-all rate in Vietnam. During World War II, the figure was 5.19 per cent for the European theater in 1944–45.

Vietnam wounds higher—However, wounded rates for draftees in Vietnam in 1968–69 ran at levels comparable to or higher than Korea or World War II. (For Korea, the figure was 12.11 per cent; for World War II, 15.20 per cent.)

The Army study further shows that 72 per cent of enlisted casualties were sustained by personnel in grades E5 (sergeant) or below. Most of these men do not plan on Army careers and serve either two or three years.

REASONS BEHIND STATISTICS

Disparities between draftee and non-draftee casualties in Vietnam stem from two main factors:

Career Regular Army soldiers, counted as enlisted men in the study, tend to serve in rear-echelon units and in non-combat roles.

Enlisted men who arrive in Vietnam in non-combat jobs (selected by themselves before they enlisted) are subject to less hostile fire than draftees, who have no choice in their Army tasks and who consequently fill about 70 per cent of the combat jobs in the Army.

In private conversation, some high-ranking Army officers express surprise that draftee casualties, given the present system of enlistments, are not actually higher than they have been.

In the course of the war (fiscal 1965–70), about 56 per cent of new enlisted personnel entering the Army have been draftees; this is close to the percentage of draftees who have died in Vietnam among total Army enlisted deaths.

The Army tends to assign its draftees to more hazardous combat roles—a fact which should and does yield higher casualty rates. However, a career Army man sometimes must serve several tours in Vietnam, thus exposing himself to a higher over-all risk of being killed or wounded than a single-tour draftee.

Re-enlistment practices: Until very recently, the Army offered a draftee who was serving in Vietnam a chance to terminate his draftee status and re-enlist for three years from the date of his change of status.

Draftees are eligible for this "re-up" provision after serving eight months in the Army. Most draftees arrive in Vietnam after five months of training and leave time in the United States.

Usually, if a draftee in Vietnam elected to "re-up," he was shipped back to the United States for training in a new MOS. In all likelihood, he would return to Vietnam as a Regular Army enlistee, but to serve in a rear area in a combat-support MOS.

Battlefield recruiting—In an article published last Feb. 8 by *The New York Times Magazine*, entitled "Close-up of a Grunt," James P. Sterba, a *Times* correspondent in Vietnam, reported that Army re-enlistment sergeants regularly approach draftees in infantry rifle companies just after they have been through combat, seeking to induce them to "re-up" in exchange for not having to serve "out there" any longer.

An Army spokesman said that the Sterba report led to an investigation, but he did not disclose its results. William Brehm, the Army's manpower chief, said, however, that re-enlistment rates for draftees, which had

been running at about 5 per cent, have more recently fallen off to close to zero.

Infantry MOS frozen—On Aug. 11 the *Times* reported in a dispatch from Vietnam that new orders were distributed several weeks ago which, in effect, bar draftees with combat MOS's from re-enlisting in exchange for immediate transfer from the battlefield.

The *Times* cited a confidential Army directive, issued by Lt. Gen. Frank T. Mildren, deputy Army commander in South Vietnam. The directive said 1,298 combat soldiers in the command had changed their MOS's between March 1 and May 1, 1970.

ASSIGNMENTS

Before he receives his first duty assignment, the Army draftee spends, on average, about 19 weeks in what the Pentagon calls the "pipeline."

Draftee pattern: Typically, a draftee's Army career would begin with a day of processing at one of 74 Armed Forces Examination and Entrance Stations throughout the country.

A draftee next spends three or four days at one of 11 Army Reception Stations. From there, he enters a mandatory eight weeks of basic combat training at one of nine Army Training Center.

On completing basic training, which emphasizes infantry skills, a draftee receives advanced individual training (AIT) in a military occupational skill (MOS). This occurs in one of three ways:

Eight weeks of AIT in such combat MOS's as infantry, armor or artillery at an Army Training Center. (Before they are shipped to Vietnam, infantrymen receive an extra week of training in the combat conditions they may expect to find there.)

Four to 10 weeks of MOS training at one of 71 Army schools. The average school cycle is eight weeks.

On-the-job training or an immediate duty assignment in a civilian-acquired skill (CAS) at an Army installation within the continental United States. Most CAS personnel enter the Army with skills that the Army values highly; scientists, engineers, carpenters, electricians and architects are typical of this group. A draftee outside the CAS program may be given an MOS called "duty soldier" and receive on-the-job training in, say, cutting grass.

After AIT, a typical draftee is granted two weeks leave, plus the time he needs to travel to his first assignment. He arrives there having received about four months of Army training.

VOLUNTEER PATTERN

A typical Regular Army volunteer begins his Army career in the same fashion as a draftee. But, after basic training, he may spend the rest of his time in the Army in an occupation he has chosen for himself.

In each case, a volunteer makes this choice before he enters the Army. His recruiting sergeant notes his choice and a place is reserved for him at a school for the time that he would be ready to begin AIT.

In the first six months of 1970, 43,706 three-year volunteers exercised their option to receive specialized training of their choice. This group represented 79.3 per cent of the three-year enlistments (55,099 men) in that period.

COMPUTERIZED SELECTIONS

Since 1965, the Army has assigned virtually all of its MOS's for combat and for specialized training through a computer program.

(One exception to the rule is the MOS for operating the MOS-selection computer program. These soldiers, who work in the Pentagon and who include draftees, are hand-picked.)

Two-tier process—In essence, the Army employs a two-stage formula to assign MOS's to its soldiers. The first stage is relatively simple; the second, highly complex.

In the first stage, the computer matches three-year enlistees with the specialized training berths they have selected. Some coveted MOS's—such as the MOS for optical laboratory specialists—are fully subscribed in this way.

However, less than 5 per cent of the volunteers ask to be trained in a combat-arms specialty. These combat assignments are virtually left open once the "first cut" is completed and must be filled during the second and final "cut."

When the "deck" (as in a deck of cards, the Army's term for prospective MOS holders) is run again, draftees, two-year Regular Army volunteers and three-year volunteers who have not exercised their option are placed in a common manpower pool. (Some volunteers are found to be unqualified for the option they want but enlist anyway and find themselves in the pool.)

Accessions breakdown—In the first six months of 1970, of the 164,092 men who entered the Army, 56 per cent were drafted, 10 per cent enlisted in the Regular Army for two years, 7 per cent enlisted in the Regular Army for three years but failed to exercise their job option and the remaining 27 per cent enlisted for three years with a guarantee from the Army that they would be given the MOS of their choice.

The "second cut" by the computer, therefore, includes the 73 per cent of all new accessions into the Army who are given no choice in picking a military job by the Army or who fail to make a choice.

Shuffling the deck—The computer program attempts to fill each MOS, insofar as vacancies still exist, at what the Army regards as a satisfactory level.

This level is known as "desire" in the computer program. Criteria for what is "desirable" include such factors as the manpower needs of the Army at the time, the qualifications set for a particular MOS, the distance of a soldier from a prospective training site (calculated to minimize transportation costs), the soldier's civilian background, his own preferences as determined during a post-induction interview, and, finally, a detailed profile of the soldier's physical and mental background.

Among the 46 individual bits of information scanned by the computer before it matches a new soldier with an MOS requirement are such factors as his aptitude and intelligence test scores, physical profile, previous education and language proficiency.

"Relax" program—If the computer is unable to fill the quota set for a particular MOS at the "desire" level, it is programmed to "relax" its standards in several successive stages until all the vacancies are filled.

If, after reaching the lowest rung of the "relax" program, the computer has still been unable to fill the quota—known as "the white book requirement"—the machine goes through a final searching sequence.

Down in the pit—This time, the computer is programmed to operate at a "mandatory" level, below which the Army refuses to lower standards for a particular MOS. (For example, the computer is told that it is "mandatory" that no one with a criminal record in civilian life be made a military policeman.)

Sometimes, the program is written in such a way that a set and limited percentage of substandard soldiers is permitted to take a particular MOS. Informally, this is known as a "goofball ceiling."

All combat MOS's now carry a high priority, some of them 100 per cent. Such troops requirements must be filled even if the computer has already scraped the bottom of the barrel and has ceased assigning men. In that event, the quota is filled by hand; Pentagon staff officers use their judgment in further dropping the standards.

These "standards" do not necessarily reflect on the quality of the soldier. For example, the standards the computer follows may prohibit using a college graduate in a menial job or flying a man for training from the East Coast to California.

Operational center—These policies are carried out by the Trainee Assigning Section, Training Input Branch, Requirements Division, Enlisted Personnel Directorate, Office of Personnel Operations of the Army.

Computer vs. draftee—In theory, there is no MOS for which a draftee is ineligible. In practice, however, the computer is programmed, often down to the "mandatory" level, to accept only three-year volunteers for MOS's that involve long training periods.

Such MOS's as medical lab processor, which requires a total of 64 weeks' schooling, are virtually free of draftees. Other MOS's for which the Army prefers (because of the training time involved) to shun draftees include the mechanics who service the Army's various tactical missiles as well as the soldiers who repair such devices as radars, television and microwave systems, teletypewriters and code machines.

Special considerations—Apart from receiving a general set of instructions, the computer is also given certain special orders:

No soldier under the age of 17 years, eight months can be assigned to a combat-arms MOS. (Draftees are usually inducted at age 19.)

College graduates cannot be assigned to such jobs as cook, ammunition handler and tent repairman.

But college graduates can be—and often are—selected as infantry riflemen on the Army theory that they would have a full opportunity to exercise what the Army terms their "leadership potential" in such an MOS.

Analyzing the results: In fiscal 1970, 16,362 (9 per cent of the draftees inducted during the period) were handpicked for the civilian-skills (CAS) program of the "deck." This group was certain to serve its entire two-year tour within the continental United States.

About 80 percent of the draftees who remained in the pool were put into a group of MOS's in which draftees have comprised 50 percent or more of the manpower over the course of the Vietnam war.

This group, heavily laden with draftees, includes the basic infantry, armor and artillery MOS's, various radio and telephone communications jobs, light vehicle drivers, cooks, clerks, military policemen and medical corpsmen. (*For number and percentage of draftees and enlistees trained in selected combat-arms MOS's, see table.*)

About 63 per cent of all draftees entering training were given jobs within this cluster during fiscal 1970—with 20 per cent alone being trained as infantry riflemen.

In the Army as a whole, 11.4 percent of all personnel are assigned to the infantry rifleman MOS—which Pentagon generals call "11 bravo" but which grunts in Vietnam call "11 bush." Two-thirds of the infantry riflemen trained in fiscal 1970 were draftees.

Combat Duty: Only 11 percent of Regular Army volunteers voluntarily serve in an MOS that is heavily laden (50 per cent or more) with draftees. And even among that 11 per cent, there is a strong statistical tendency to become a clerk, a cook or a telephone operator rather than an infantry rifleman, an armor crewman or an artillery spotter.

Only those Regular Army volunteers who select an option under the guarantee program may escape the possibility of combat-arms duty; remaining volunteers, including two-year Regular Army men, are assigned to combat MOS's in about the same proportion to their over-all numbers as draftees.

College men—A college degree also offers no guarantee of being assigned to non-combat duty in the Army. (About 15 per cent of the men entering the Army graduated from college.)

A study of college graduates who entered the Army during fiscal 1969 shows that 61

per cent of them (23,111 men) were draftees. (No statistics are available, however, on the number or percentage of draftees who are college graduates.)

Of the college graduates who entered the Army in fiscal 1969, 50.5 per cent were assigned to combat-support units and 24 per cent were assigned to combat-arms units, with some 16 per cent entering the infantry.

A separate study released June 18 by Kenne Peterson, a civilian manpower expert attached to the Office of the Secretary of Defense, revealed that 36.2 per cent of the college graduates who entered the Army in calendar 1969 were given combat MOS's, compared with 43.3 per cent of all enlisted men, including draftees.

Duty stations: Once a soldier is assigned to and trained in an MOS, no distinction is made between draftees and volunteers in the selection of their duty stations.

These decisions are made by Policy Branch, Distribution and Readiness Division, Procurement and Distribution Directorate, under the deputy chief of staff for army personnel, Lt. Gen. W. T. Kerwin Jr.

The Pentagon staff officer under Gen. Kerwin who actually makes the theater assignments shuffles a stack of cards (to break up the computerized alphabetical sequence in which he receives them) without knowing which card represents a draftee and which a Regular Army enlistee.

Personnel just completing their advanced training (AIT) are taken first, as a matter of policy, in meeting the levies of overseas commands. About 60 per cent of AIT graduates are assigned directly to a one-year tour of duty in either Vietnam, Thailand or Korea.

Since 70 per cent of the combat-arms MOS's in the Army are filled with draftees, a higher proportion of draftees serve in Vietnam than elsewhere because combat MOS's are in more urgent demand in Vietnam than elsewhere.

At any given time, 54 per cent of all draftees are serving within the continental United States, 30 per cent are in Vietnam and the remaining 16 per cent are in other over-seas assignments.

PRESSURES

The draft utilization issue comes before the Army at a time when it is reacting with extraordinary sensitivity to public criticism.

Westmoreland view: In a speech before the National Exchange Club, delivered July 27 in Atlanta, Gen. William C. Westmoreland, the Army's chief of staff and former over-all commander in Vietnam, said:

"Some of the criticism leveled at us is indeed justified. Some of it is misdirected, emotional tirade. . . . Some who undoubtedly are well intentioned are doing the country a disservice by unknowingly undermining the confidence of the public in the Army. Others, I believe, have motives less innocent."

In this climate, the Pentagon is encountering political pressure to stop sending draftees against their will to Southeast Asia.

Congressional initiatives: On both sides of Capitol Hill, there is talk over instituting an all-volunteer policy in Vietnam as an interim step before undertaking a complete American military withdrawal.

House—Rep. Garry Brown, R-Mich., introduced a bill (H.R. 18719) on July 30 under which draftees who are inducted after Jan. 1, 1971, could not be assigned without their consent to Vietnam or any other area where the United States is engaged in an armed conflict.

"Philosophically, my proposal is right; pragmatically, it can be implemented," Brown said. "Especially in view of the reduction in personnel in Vietnam, I am confident the Pentagon can work within this limitation on combat service," he added.

Senate—While the Brown bill is likely to be buried in the House Armed Services Committee, the Senate is virtually certain to hold a test vote on this issue in late August.

The initiative is being pressed jointly by three Democrats—Sens. William Proxmire, Wis., Gaylord Nelson, Wis., and Harold E. Hughes, Iowa—in the form of an amendment to the military procurement bill (H.R. 17123), which is the pending business on the Senate floor.

If adopted, the amendment would prohibit the Defense Department from sending draftees to the war zone after President Nixon signs the procurement measure into law.

In presenting the amendment on June 30, Proxmire said on the Senate floor:

"The connection between campus unrest, the war and the inequities in the present Selective Service system lend an urgency to this proposal.

"To stop sending draftees to Southeast Asia," Proxmire said, "is not only feasible and urgent—I also believe it is right. Not only is this an undeclared war, but the draftee has borne an unfair proportion of the fighting burden."

PENTAGON RESPONSE

Defense Secretary Melvin R. Laird has responded to such pressure by publicly holding out the hope that an all-volunteer policy in Vietnam might begin next year.

Thus, in mid-May, Jerry W. Friedheim, deputy assistant secretary of defense for public affairs, told a Pentagon news briefing: "The Secretary (Laird) has said he feels that when we get down to 200,000–240,000 men, that's the time we can begin seriously to think about that possibility."

Troop withdrawals—Laird's overall timetable calls for turning over the ground combat mission to the South Vietnamese Army by May 1971.

By that time, according to the timetable announced by the President, U.S. troop strength in Vietnam will total 284,000 men—a reduction of 265,500 men since Mr. Nixon took office in January 1969.

Pessimistic estimates—In sharp contrast to the hopeful tone being struck by Secretary Laird and his chief spokesman. Army manpower planners see a continuing need to assign draftees to combat roles—a need that stems directly from the policy of granting three-year volunteers a choice of available support assignments.

In the calculations of the Army manpower planners, the fact that draftees comprise only a quarter of the men who entered the U.S. armed forces during the course of the Vietnam war, and only 12 per cent of the combined services' present total strength has little bearing on the problem.

"Even if we hold to the most optimistic schedule of Vietnamization," Brehm told *National Journal*, "we would still need two or three times what we could supply next year without the draft."

Brehm, however, sees no conflict between the Army's continuing need to draft soldiers for combat duty and Lairds' all-volunteer planning.

"The Secretary understands the problem," he said. "He is committed to making the Vietnamization policy work. But he also knows that it would not be possible for us to continue with our present plan if we had to go to an all-volunteer group in Vietnam."

Counterthrust in Senate—In the meantime, the Pentagon is quietly seeking to undermine support in the Senate for the Proxmire-Nelson-Hughes amendment.

On July 9, Leonard Niederlehner, who was serving at the time as acting general counsel of the Defense Department, wrote to Sen. John C. Stennis, D-Miss., chairman of the Senate Armed Services Committee, to express the department's official disapproval of the proposal.

"A great part of the problem," Niederlehner wrote Stennis, "is providing in required numbers personnel who possess the required skills without incurring shortages of these skills in Army units elsewhere.

"Until it is reasonably sure that this problem can be mastered, it would be unwise to restrict the pool of military personnel eligible for service in Vietnam to those who would enter the armed forces voluntarily."

While Niederlehner did not say so, Army manpower experts who echoed his views made it clear that the "skills" to which he referred were infantry, armor and artillery—the hard-core combat group. Niederlehner's letter has not been officially released.

Non-governmental pressures: Peace groups opposed to the American military involvement in Southeast Asia have focused their political efforts on seeking a speedy withdrawal of troops, and have not widely raised the draftee issue.

Draft resistance, however, is tied closely to the Vietnam war.

Court cases—the courts have been reluctant to deal with the issue of whether it is constitutional to send servicemen to fight in Vietnam without a congressional declaration of war. They have ducked the issue by ruling that the question is not justifiable—that it is too broad in scope to be decided in the context of a lawsuit, or that it is a political question.

However, in two recent cases, the courts have addressed the issue. Both cases were brought up by volunteers, but the decisions would apply to draftees as well.

Berk v. Laird—Berk contested the Army's right to send him to Vietnam to fight an undeclared war. On June 19, the 2nd Circuit Court of Appeals ruled that the issue was narrow enough to decide, but that it was a political matter. The appeals court remanded the case to the U.S. district court for the Eastern District of New York. The Justice Department has filed a petition there to dismiss the case, which is being argued by Theodore C. Sorensen for the New York office of the American Civil Liberties Union.

Orlando v. Laird—The U.S. district court for the Eastern District of New York decided the case on the merits; it ruled July 1 that the Army could send Orlando to Vietnam, because Congress, in authorizing and appropriating funds for Vietnam, had acquiesced as if it had actually declared war.

Massachusetts law—The Supreme Court will have an opportunity when it reconvenes in October to consider the legality of sending draftees to fight in Vietnam. On July 22 the state of Massachusetts filed suit in the U.S. Supreme Court contesting the Defense Department's right to draft Massachusetts citizens to fight an undeclared war in Vietnam. The suit was brought under a state law enacted April 2, challenging the legality of the Vietnam war. The Defense Department has until Sept. 22 to file a response to the state's petition.

All-volunteer Army: The problem facing the Pentagon is further compounded by the President's commitment to a policy of reducing draft calls to zero and instituting an all-volunteer Army.

Gates study—In March 1969, Mr. Nixon, fulfilling a campaign pledge, created a 15-member commission headed by Thomas S. Gates Jr., chairman of the executive committee of Morgan Guaranty Trust Co. and a former Secretary of Defense (1959–61), to study the feasibility of an all-volunteer armed force for the United States.

The Commission reported to the President Feb. 21, 1970, unanimously recommending the creation of an all-volunteer force by July 1, 1971, concurrently with the expiration of the present Selective Service Act (81 stat. 100).

An April 23, in a special message to the Congress, Mr. Nixon said: "After careful consideration of the factors involved, I support the basic conclusion of the commission. I agree that we should move now toward ending the draft."

Hatfield overture—The initiative for an all-volunteer Army has been taken up in the Senate by Sen. Mark O. Hatfield, R-Ore., who is planning to offer an amendment to the military procurement bill that would implement the Gates Commission's findings. He has attracted 14 cosponsors for his proposal, ranging across the political spectrum from Sen. George McGovern, D-S. Dak., to Sen. Barry Goldwater, R-Ariz. (The White House has expressed opposition to the Hatfield bill on the grounds that is it premature.)

One feature of the Hatfield bill would compensate servicemen who face enemy fire an extra $200 a month. The measure would also raise the base pay of a first-year enlisted man by $1,700 a year. (Currently, all enlisted men serving in Vietnam, whether or not they are actually in combat assignments, draw an extra $65 a month in "hostile fire pay" and are exempt from federal taxes.)

Insufficient incentives.—Army manpower experts doubt that pay incentives alone, no matter how generous, would bridge the gap between the number of combat soldiers now needed in Vietnam and the number who volunteer for combat duty.

"If I put myself in the position of these young men, money alone wouldn't convince me," Brehm said. "Moreover, it would be a mercenary force. I don't think I like that."

Alternative policy: As a means of giving its draftees and non-draftees a relatively equal chance of surviving in Vietnam, the Army could suspend its enlistment-option system for the duration of the war.

This approach has been followed by the Marine Corps, an elite group whose over-all manpower needs are far smaller than the Army's.

Army manpower experts predict that such a step would increase draft calls sharply as enlistments fell off.

"'We've brainstormed this,' Brehm said, "and we've discarded this approach because the policy is to keep the number of draftees in the Army as low as possible.' (The Army took about 200,000 inductees in fiscal year 1970, the lowest number since the 102,555 inductees the Army took in fiscal 1965; and the Pentagon has announced a lower rate of draft calls in the first half of fiscal 1971.)

"It's too bad that the draftees have to do most of the fighting," Brehm added. "Believe me, I don't enjoy signing those draft calls. But, after all, one of the things the Army is all about is combat."

Mr. HANLEY. Mr. Chairman, the current congressional debate over the extent of the U.S. commitment to NATO and the defense of Europe involves one of the more important foreign policy issues of the decade.

Few of us would deny that the security of Western Europe is of utmost importance to the defense posture of the United States. A weak Europe, subject to strong pressure from the Soviet Union, would critically endanger our external security.

Nevertheless, the time has come for us in the Congress to state emphatically and firmly that we cannot—and will not—continue to bear such a disproportionate share of the defense of our European neighbors.

I, therefore, support the amendment to reduce U.S. forces in Europe by 50,000 troops by June 30, 1971.

NATO was created in the wake of World War II to provide a protective shield for a weak Western Europe. At that time it was logical and necessary that the United States assume the great majority of the defense burden for these countries. Our own interests decreed that Europe remain free, our altruism decreed that a stronger neighbor help those ravaged by war get back on their feet.

The economies of France, Germany, Belgium, and our other European allies are humming along beautifully. There is no reason why they cannot come up with their fair share of the cost of defense programs. If they were poor, it would be one thing—but they are not. We have an obligation to the free world, but so do they.

Yet the United States continues to bear the brunt of NATO costs and manpower. The total cost to the United States as a result of our NATO commitment is estimated at $14 billion. Approximately $7 billion is used for the maintenance of troops on the Continent, and $3.1 billion is spent annually for the actual operating costs of U.S. forces in Europe. Our NATO-connected expenditures create an estimated annual balance of payments deficit of more than $1.5 billion.

None of the European countries has lived up to its NATO commitments in terms of money or manpower. In recent years, in fact, Great Britain has eliminated the draft and other European countries have reduced the conscription period. However, we in the United States have kept our 2-year draft—in part so we can maintain a large force in Europe.

For several years now, we have been pressing our allies to assume a fairer share of NATO costs. While these countries agree in principle, they have not yet come up with an acceptable proposal. There have been recent indications that the European countries may be willing to raise as much as $300,000,000 per year. In the face of our own staggering costs and tremendous burdens at home, this figure is unacceptable.

If we cannot be assured of at least enough money to cover our balance of payments deficit, the United States should make immediate plans for withdrawal of a significant segment of our European contingent.

And, in the long run, we should seriously consider a permanent withdrawal of a large number of our troops for budgetary purposes. We could bring many troops home without reducing our ultimate responsibility to our European allies. If our troops are kept prepared on bases throughout this country, they could be airlifted to Europe in a matter of hours if an emergency occurs.

Mr. Chairman, all of us are aware of the many needs which we have here at home. Of course, we must maintain a strong defense and we must help protect our friends.

But the time has come when we must cease to overextend ourselves beyond our means. We have long carried the free world on our shoulders. It is time that some of this burden is shifted and that other nations assume a fair share of their own defense.

The amendment to cut our troop force by 50,000 is worthy of our support for it will put the Europeans on notice that the U.S. Congress is emphatic in its resolve that our allies pay their fair share.

Mr. SCHMITZ. Mr. Chairman, as an American concerned with the safety of the Nation, I vote for the current military appropriations bill with misgivings. In my estimation we are not allocating a large enough portion of our resources for defense purposes. Providing for the common defense of the Nation and promoting the general welfare are not antagonistic concepts. Rightly understood they are complementary functions. When we sacrifice the common defense for nebulous notions of what promotes the common welfare we are embarking on a course which will neither protect nor for long provide.

Neither should we allow the prospect of a possible agreement with the Soviet Union at the strategic arms limitation talks to incline us in the direction of defense cuts. Recent examples of Soviet perfidy are numerous. The latest Soviet test of their fractional orbital bombardment system took place just 2 weeks ago. Many people are of the opinion that the testing of these nuclear attack weapons is a clear violation of the 1967 Space Treaty which the Soviets signed. It is a little difficult to see any sense in holding up deployment of the ABM system, partially on the hope that the Soviets will abide by a new agreement yet to be made, the Soviets are testing a weapons system which gives us only 3 minutes warning time and whose testing is in violation of an agreement they have already signed.

Conservatives such as I, heartily endorse and press for fiscal responsibility. Most conservatives do not, however, endorse insufficient funding for national defense purposes. I would suggest that lowering our defenses to the point of Soviet victory is unwise. There is one thing worse than a nuclear war—losing a nuclear war.

Mr. OTTINGER. Mr. Chairman, I am pleased to note that the Appropriations Committee has finally given overdue recognition to the obvious truth that we can and must get more defense for the dollars we are spending, not more dollars for the low caliber of performance we have been getting over the past years.

There will be some who will cry that the $2 billion lopped off the budget request will harm our national security, but we can dismiss this for the nonsense it is now widely recognized to be. The public has been too well informed of the irresponsibility of both the Pentagon and defense contractors in cases such as the C–5A to be willing to put up with the inviolability of the military budget any longer.

Mr. Chairman, we do indeed have an obligation to provide security for the people of this country. But we have the corollary obligation to see that the services and equipment involved are obtained with efficiency and at equitable cost to the taxpayer. It is only in the last few years that Congress has begun to exercise its responsibility for military spending oversight, and until that time we faced mutely an annual appropriation that grew year by year to totally unnecessary and unwise proportions. The action we will take today is but a further step in the direction of introducing sanity into providing of funds for the military establishment. There will be attempts to cut the expenditure level

back even further, perhaps to a $65 billion maximum, and I am fully in support of these efforts.

Most importantly, we have once again an opportunity to express the sense of Congress in regard to the funding of the war in Southeast Asia, and I hope that the bipartisan move to write the provisions of House Resolution 1000 into this bill will be successful. By approving the amendment to limit fiscal 1971 funds for Vietnam to $15 billion we will give clear expression to the necessity for winding down the war, and then by voting to terminate funds for ground combat operations after June 20, 1971, we will give the American people a clear signal that we are fully ready to exercise our responsibility to extricate ourselves from our disastrous involvement in Indochina. The people of this country clearly want us out of the war, and today we have the opportunity to set the limits for our engagement in Vietnam. I hope we take it.

Mr. VANIK. Mr. Chairman, upon leaving office, President Eisenhower, a general of the Army, warned the Nation against the dangers of the growing "military industrial complex." In his farewell address to the Nation on television and radio on January 17, 1961, the former Supreme Commander of the Allied Expeditionary Forces said:

> In the counsels of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disasterous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

For 8 years we have ignored the General's warning, despite the fact that the Department of Defense's budget increased from $41.3 in fiscal 1961 to a fiscal 1971 request of $66.6 billion.

However, I am pleased to say, Mr. Chairman, that at last in this year—and to some extent last year—the Congress has lived up to its responsibility of examining and questioning the military budget. We have begun to return to our constitutional obligation "to raise and support Armies," "to provide and maintain a Navy," and "to make rules for the Government and regulation of the land and naval forces."

This is the first Congress of the eight Congresses in which I have served, which has seriously questioned and cross-examined military money requests, the advisability of certain weapons systems, and the validity of certain strategic concepts—such as maintaining 535,000 American military personnel and dependents in Europe at a cost of around $2.9 billion.

This examination is a most encouraging development. Congressional examination and review in this area—an area where the generals and admirals were formerly given carte blanche—is saving the taxpayer literally billions of dollars.

For example, this year's bill before the House today, makes cuts in a number of new programs which are untested or which have run into technical difficulties. It makes no sense to push forward into production of weapons systems in the hope that future research will solve the problems which have already developed. For example, production went ahead on hundreds of Sheridan tanks which had a turret designed to fire a missile shell. Production went ahead on the promise that this new type of shell could be and would be developed. Technical difficulties arose, and hundreds of tanks have had to be stored away since they have no firepower to deliver. This situation may be cleared up, but the interim waste has been fantastic. We must move, as Secretary Laird says, to a "fly before you buy" policy.

Unwanted new weapons systems, such as a new nuclear aircraft carrier and its escorts, have been cut from the budget. It would have been unconscionable for Congress to have provided funds for this project which the administration was uncertain it wanted. The Congress has also raised questions in debate about the strategic soundness behind the idea of a carrier-oriented Navy. The remarkable success of the Soviet built ship-to-ship missile Styx raises real questions about the safety of relying on large surface warships.

The Appropriations Committee is to be commended for expressing concern about the redtape and bureaucracy which has turned our Defense Establishment into an unresponsive and lethargic monster. In cutting the administration's budget request by nearly $2.1 billion, the distinguished chairman of the Appropriations Committee has said that this can be done "without denying programs essential to the basic military strength of the country." He noted that:

> The "effectiveness of the Defense Department cannot be measured solely in terms of dollars. Unlimited resources do not overcome inefficiency and mismanagement. Instead, excessive funding produces more inefficiency and mismanagemet.

A similar view of bureaucractic inefficiency has been expressed by Hyman Rickover, one of America's most brilliant admirals.

In addition, to making cuts in the budget request, the committee has put time limits on which appropriated moneys can be spent. Previous defense appropriations bills had made money available until expended—a practice in direct violation of the Constitution which provides that the Congress in raising and supporting armies, shall not make appropriations to that use—for a longer term than 2 years. In their wisdom, our Founding Fathers saw the dangers of unlimited and uncontrolled appropriations accruing to the military. It is time that we returned to that wisdom.

Despite the committee's improvements, Mr. Chairman, I feel that further improvements can be made.

Total NATO related costs are $14 billion per year, a significant part of which is due to 330,000 servicemen and 205,000 support personnel and dependents stationed in Europe. This force level—and especially the dependent level—should be cut. This commitment of manpower is a terrible drain on our resources. It lightens the defense burden for European nations which have used the resultant saving to improve their productivity and produce consumer goods that have undermined our markets abroad and flooded our markets at home. In addition, from a strategic point of view, we do not have enough—we could not maintain enough men in Europe to stop a massive Soviet attack on Western Europe. And if such an attack occurred, the possibility of it remaining a minor war limited to Europe is extremely remote. Our presence and commitment of defense to the people and democracies of Europe could be demonstrated by a few air units, the 6th Fleet, and a few Army units. But half a million Americans in Europe makes no sense at all.

For these reasons, I supported the amendment to cut the size of our manpower commitment in Europe.

As the Member who offered an amendment in the public debt bill to limit the Department of Defense budget, I will support the amendment being offered today to put a ceiling of $65 billion on the Department's budget. This amendment will not cut any specific program—it leaves the determination on cuts of $1.6 billion to the President and the Defense Department.

This amendment is entirely feasible since there are numerous areas where cuts can be made. For example, we now have 429 major and nearly 3,000 minor bases scattered in 30 nations around the world. Many of these are obsolete and no longer necessary. Admiral Rickover has pointed out that the Uniform Accounting Procedures Act, just signed into law, should save up to $2 billion annually. In line with the President's peace initiatives of last night, troop withdrawals from Vietnam should continue with further reductions in expenditures.

In light of these possibilities, in light of pressing domestic needs and probable budget deficits due to recession-caused reductions in Federal revenues, I believe that the $65 billion ceiling is vital.

Finally, the President's speech of last night offered hope for a cease-fire but was vague on the question of the timing and amount of further withdrawals. As an indication of my support for a definite, continued process of withdrawal, I will support an additional amendment to today's bill which will require that funds appropriated by this act be used only for those operations which are necessary to carry out the safe and orderly withdrawal of United States forces and prisoners of war from Vietnam while working toward a goal of ending U.S. military commitment.

These amendments are important; these amendments are sound.

Our defense spending must be more efficient and more responsive.

I cannot support this huge, conglomerate of expenditure. In its present form it constitutes an invitation to waste.

Mrs. MINK. Mr. Chairman, I would like to commend the chairman of our House Committee on Appropriations for his invaluable assistance in obtaining a

singularly important addition to the Department of Defense appropriation bill, H.R. 19590.

I refer to the committee's wise and praiseworthy decision to provide funds in the bill for the schooling of minor dependents of Department of Defense personnel who died while entitled to compensation or active duty pay. This provision will allow such minor dependents to attend school in schools operated overseas by the Department. Widows who are foreign nationals will be able to educate their children in these American schools if they return to their country of origin.

To accommodate this new provision, the limitation on obligations for dependents' education is increased in the bill to $134,400,000 from $129,900,000.

This program is in accordance with legislation, H.R. 16725, which I cosponsored with my colleague, the Honorable WILLIAM D. FORD of Michigan, to accomplish this commendable purpose.

Mr. Chairman, this is a very modest amount for such a worthy objective. One of the most tragic results of our Nation's current military operations is the arbitrary cutoff of funds for educating the children of our military service personnel if the father is killed in the service of his country.

I believe the least our Nation can do for the sacrifice of these personnel is to proceed with the education of their children while they are located overseas. This is a most fitting addition to the bill, and I thank the chairman and other members of the committee for including it in this most important legislation.

I also commend Congressman FORD for his diligence in seeking so successfully this benefit for our defense personnel.

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—OPERATION AND MAINTENANCE—OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed $4,000,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $6,219,011,000, of which not less than $220,000,000 shall be available only for the maintenance of real property facilities.

AMENDMENTS OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I have amendments which I have discussed with many members of the Committee on Appropriations and the subcommittee which would increase the funds for operation and maintenance in three separate items. One of the items appears on page 6, another on page 8, and still another on page 10. The purpose of this action is to increase funds by $150 million for operation and maintenance of the Armed Forces. I ask unanimous consent to have the amendments read and considered en bloc.

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

There was no objection.

Mr. MAHON. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. MAHON: On page 6, in line 25, strike out "$6,219,011,000" and insert in lieu thereof "$6,269,011,000"; and

On page 8, in line 7, strike out "$4,681,910,000" and insert in lieu thereof "$4,731,910,000"; and

On page 10, in line 5 strike out "$6,117,136,000" and insert in lieu thereof "$6,167,136,000".

Mr. MAHON. Mr. Chairman, the amount in the bill for operation and maintenance is $19,213,630,000. The amendments I have offered would add $150 million, $50 million each to the Army, Navy, and the Air Force.

Mr. Chairman, the committee made careful reductions in the operation and maintenance appropriation. We insist that these reductions are right and proper as specified.

The Secretary of Defense, upon returning from his trip to the Mediterranean, discussed with me and some of the other Members the fact that he had some concern about operation and maintenance funds. He pointed out that the movement of an aircraft carrier and a brigade of Marines to the Mediterranean had cost some $50 million. He pointed out the expenses that have been incurred in providing hospital facilities in Jordan. He pointed out some of the other unforeseen operation and maintenance costs.

It will be recalled that at the time of the great tragedy in Peru, the Air Force flew large quantities of supplies to that country at considerable cost.

For this reason, I believe it would be wise to increase the operation and maintenance budget by $150,000,000 so that funds would be available for these unbudgeted and unforeseen purposes.

As I stated, the reductions specified are valid and should be carried out as specified in the committee report.

The Congress should be advised in a timely manner of the use of the additional $150,000,000.

As I pointed out earlier, the Secretary has broad transfer authorities which he can utilize in the distribution of the funds according to the requirements as they arise. I believe that this will provide the flexibility requested by the Secretary and still provide the reductions in unnecessarily spending which the committee has tried to achieve.

These amendments are being offered as subcommittee amendments.

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

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

Mr. YATES. Do I correctly understand the gentleman to say that it cost $50 million to move a carrier into the Mediterranean?

Mr. MAHON. No, I said that and other purposes incident to the Middle Eastern situation.

Mr. YATES. Does the gentleman mean that the posture struck by the United Sates in the Middle East recently cost $50 million?

Mr. MAHON. The Secretary of Defense stated that the movement of a portion of the fleet, the supplying of additional equipment, and other costs incident to the whole Middle Eastern affair, brought about an additional cost of $50 million, which I am not able to document in detail at this time.

Mr. YATES. I must say that that is an extreme amount of money.

Mr. MAHON. This is a large amount of money, but it covers many other purposes than the purpose to which reference has been made.

Mr. YATES. As one member of the committee, may I say that I was not consulted on this. Most of the committee, I think, probably has not been consulted on this. I certainly believe that members of the committee should be consulted with respect to matters like this before amendments are brought to the floor and represented that they do have the approval of the committee. $50 million is a substantial sum. It ought not be approved by conferring with the Secretary and a few members of the committee.

Mr. MAHON. I am not offering this as an approved committee amendment. I believe I said it had been approved by the members of the subcommittee. It was discussed at the White House last night with some of the Members of the House and with the Secretary of Defense.

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

Mr. Chairman, I strongly support the action that has been proposed. The bill as presented to the House is $2,321,000,000 below the fiscal year 1970 bill in operation and maintenance funds. This account covers support directly related to the maintenance of combat readiness of Army divisions, air wings, and U.S. fleet units. A further reduction to this degree on top of the very austere administration program will result in a degradation of military readiness. It means equipment and weapons will fail. It means the ability of the Armed Forces to respond to emergency situations will be sharply restricted.

The imposition of reductions of this magnitude will require further reductions in civilian personnel strengths below the 130,000 already programed from June 30, 1969, to June 30, 1971, forcing a curtailment in vital material maintenance and supply support programs for operational units. Under an annual ac-

count of this nature, a reduction of this magnitude after the end of the first quarter of the fiscal year magnifies the impact of the cut, since effective reductions in personnel and levels of activities cannot be made prior to January 1, 1971. This has the effect of doubling the impact of the reduction on an annualized basis. It would severely disrupt planned programs for support of military forces. The Department of Defense has stated that a minimum of $250 million should be restored to this account.

Mr. Chairman, I support the amendments.

Mr. MINSHALL. Mr. Chairman, I rise in support of the committee amendments.

I sincerely hope the committee will adopt them.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. MAHON).

The amendments were agreed to.

Mr. FLOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of asking the chairman of the full committee, the great gentleman from Texas, do I understand that the overall increase under the amendments will be for general operational expenses and maintenance only?

Mr. MAHON. The gentleman is correct. The answer is "Yes."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; care of the dead; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communications services; and not to exceed $4,280,000 for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense for such purposes as he deems appropriate, and his determination thereon shall be final and conclusive upon the accounting officers of the Government; $1,125,750,000, of which not less than $14,000,000 shall be available only for the maintenance of real property facilities.

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

The CHAIRMAN. The Chair will count.

Fifty-six Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 335]

Abbitt	Feighan	Montgomery
Adair	Fish	Morse
Ashley	Fisher	Nedzi
Aspinall	Flynt	Nix
Baring	Foreman	O'Konski
Beall, Md.	Frelinghuysen	Olsen
Belcher	Fulton, Tenn.	O'Neal, Ga.
Berry	Fuqua	Ottinger
Betts	Gilbert	Patman
Blackburn	Gray	Pirnie
Brock	Griffiths	Podell
Brooks	Hagan	Pollock
Burlison, Mo.	Haley	Powell
Burton, Utah	Hammer-schmidt	Price, Tex.
Bush	Harvey	Purcell
Button	Hays	Quillen
Cabell	Hébert	Reifel
Celler	Hungate	Roudebush
Clancy	Ichord	Rousselot
Clark	Jonas	Ruth
Clausen, Don H.	Jones, N.C.	Satterfield
Clawson, Del	King	Scheuer
Clay	Kleppe	Shipley
Corbett	Kuykendall	Snyder
Cowger	Landrum	Stephens
Cramer	Leggett	Stratton
Daddario	Lowenstein	Talcott
Dawson	Lujan	Thompson, N.J.
Derwinski	McCarthy	Tunney
Diggs	McClory	Wampler
Dowdy	McCulloch	Weicker
Dwyer	McMillan	Wilson, Bob
Edwards, La.	MacGregor	Wilson, Charles H.
Evins, Tenn.	Mailliard	Wold
Fallon	May	Young
Farbstein	Meskill	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19590, and finding itself without a quorum, he had directed the roll to be called, when 322 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk had read through line 5 on page 11. There being no amendments pending, the Clerk will read.

The Clerk read as follows:

TITLE IV—PROCUREMENT

TITLE III—OPERATION AND MAINTENANCE—ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed five thousand two hundred and fifty-four passenger motor vehicles for replacement only; expenses which in the discretion of the Secretary of the Army are necessary in providing facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; $2,933,100,000, to remain available for obligation until June 30, 1973: *Provided*, That none of the funds provided in this Act shall be available for the maintenance of more than two active production sources for the supplying of M–16 rifles or for the payment of any price differential for M–16 rifles resulting from the maintenance of more than two active production sources.

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

Mr. Chairman, I have no amendment to offer. I merely wish to call the attention of the House to one of the items under title IV which should receive, I think, further consideration. I know the committee gave very close consideration to this item, the British-developed Harrier aircraft, an a number of other close-support aircraft. The reason why I take the time of the House at this moment to mention this aircraft is that it is truly a plane of the future, and it is definitely a plane of the present. The Marine Corps is very anxious to have it, and I am confident the other services would eventually like to have an adaptation of it. The United States has tried without success and at a cost of hundreds of millions, to develop such an aircraft.

As matters stand, because of the fact the plane is built in Britain and costs, of course, less at the moment to buy there, the committee has suggested we proceed in that fashion at least for the first 114 planes on order. It is my sincere hope that the paper which I am submitting herewith to the House and for the RECORD with information concerning tax recoupment and overhead costs shared with other defense production, will be carefully considered.

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

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

Mr. MINSHALL. Mr. Chairman, I think, as the gentleman pointed out in the committee, we have ben advised that to manufacture this aircraft, the Harrier, in the gentleman's home State of Missouri, in St. Louis, would cost nearly twice as much as to manufacture it in England, and this particular item would cost the taxpayers $238 million more.

Mr. SYMINGTON. Mr. Chairman, I thank the gentleman from Ohio. That is the figure contained in the report.

Mr. Chairman, I am submitting a statement to show that over the 5-year period of time of U.S. manufacture, through the recoupment of taxes, the generation of domestic employment, and shared overhead costs, there would be very small difference economically between the purchase of the Harrier aircraft from U.S. sources and from sources abroad, and that the premium for U.S. manufacture could be as low as $36 million.

What I believe even more important is that once we have this technology here in the United States we can build on it ourselves and adopt it to our particular requirements with minimum difficulty. I do suggest this is the very kind of plane this country would wish to have, in considerable numbers and soon perhaps for all the services. It can take off from a small flattop. It needs no runway. It travels 700 miles an hour and can land and take off vertically. With minimum vulnerability on the ground, it greatly outperforms its competitors in the air.

Certainly in the interests of national security we would not wish to rely on a foreign source for a weapons system of this magnitude and this importance.

The gentleman is correct that there is a contract extant between McDonald

Douglas Aircraft Co. and a firm in Great Britain, Hawker-Siddely for the production of this plane.

It is my hope that the House will study carefully all the arguments that can be adduced on both sides of the question of where to get this plane at this time before making a final decision later in conference.

Mr. Chairman, a strong case can be made, I believe, for purchasing the Harrier aircraft from a U.S. supplier. The decision, as reflected in the fiscal year 1971 Defense appropriations bill now before us, to withhold funds for the establishment of a Harrier production line in the United States, merits the attention and careful consideration of this body. The serious implications of this decision, not only for my own constituency, but for this Nation's defense capability and our economy, require that we carefully examine the case for manufacturing this major weapons system here in the United States.

There are two important and fundamental questions we must answer before committing ourselves to dependence on a foreign supplier for this unique aircraft: First, are we willing to rely, in times of calm as well as conflict, on a foreign government, foreign corporation, and foreign labor force, regardless of their traditional relationship to the United States, for the production and support of what will likely prove a major element of our defense forces? And, second, are we willing to forgo the participation of America's defense industry and manpower in the current generation of V/STOL technology represented by the Harrier aircraft?

Dealing with a manufacturer in this country, rather than relying on a foreign producer, provides many advantages stemming from DOD's familiarity with and proximity to the contractor as its source of engineering and service capability, the manufacture of spare parts, and parts for repairs. Beyond these advantages, however, is an even more serious consideration. In this country, as my colleagues well know, the U.S. Government has the authority, even though carefully circumscribed and defined, to insure that the production and delivery of defense-related goods is not interrupted in times of peace or war. Without elaborating on these provisions, it is quite clear that the American people would have no such guarantees if the Harrier aircraft were to be manufactured abroad. If we consider this weapons system essential to our own security and that of our allies then we cannot afford to allow the supply and support of this aircraft to be contingent on the policies and problems of a foreign, even if allied, nation; the decisions of managers subject to foreign stockholders; the policies of foreign labor unions; or in these times of active and sometimes destructive and disruptive political dissent, the political opinions and activities of foreign nationals. If this weapons system is, indeed, essential, then its availability and support must be assured.

At the present time, moreover, European industry is ahead of U.S. industry in one significant area of defense technology: V/STOL. The Harrier aircraft, designed and produced in the United Kingdom, is the first and only successful operational V/STOL fighter. The United States can take advantage of this technology at a fraction of what a normal development cycle would cost through a license agreement between American and British manufacturers. Not only would this provide an advanced Harrier type tactical aircraft at a low technical risk to the United States, but more importantly, the technological transfusion afforded by a U.S. Harrier production program would allow us to develop the technological capability for follow-on V/STOL aircraft at a fraction of the cost. This opportunity is especially noteworthy in view of the history of U.S. efforts to develop this technology. Over half a billion dollars has been expended in the United States in research and development support for V/STOL programs over the past 10 years without producing one U.S. designed system suitable for introduction into the tactical inventory. Especially for this reason, we should welcome this opportunity to fill a void in our technological capability.

Beyond these two fundamental and overriding arguments for producing the Harrier aircraft in the United States, there are sound economic reasons for doing so. These include U.S. tax recoupment, substantial savings on other defense programs through sharing of fixed overhead costs, additional employment in the shrinking aerospace industry, and a more favorable balance of payments.

An example, based on a production program of 114 aircraft, will help to illustrate the economic effects of the decision. Under such a program, the premium paid for a United States-United Kingdom coproduction program over direct purchase from the United Kingdom has been estimated to be $238.5 million. Offsetting this premium are two factors: tax recoupment and savings from overheads shared with other defense programs.

Estimates of tax recoupment vary. However, Federal taxes will approximate 48 percent of expenditures in the first year and a total of about 65 percent in the second year. Using these figures, tax recoupments are calculated to be $184 million for the U.S. production program. U.S. manufacture would also result in lower costs on other defense programs through sharing of fixed overhead costs. This is particularly true if the Harrier were manufactured by the McDonnell Douglas Corp., which currently has a contractual agreement with the Harrier manufacturer. Placement of the planned Harrier contract with McDonnell Douglas would result in the absorption of approximately $27 million in fixed overheads of which $18 million will be a direct savings to other defense programs. Adding tax recoupment to the savings through sharing of fixed overhead costs brings the total savings related to these two factors to $202 million, if both first and second year Federal tax recoupments are considered.

Applying the offset of $202 million dollars from tax recoupment and sharing of overhead costs against the $238.5 million premium for U.S. manufacture produces an estimated premium cost of only $36 million for U.S. production. Moreover, it is my understanding that more recent estimates, related more directly to the program options now being considered, actually produce a premium in favor of U.S. production when tax recoupment and shared overheads are considered. And these estimates do not include the reduction of gold outflow, estimated to be $41 million in the first case, increased U.S. employment, estimated to be 17,000 man-years over a 6-year period, or the unquantified benefits gained by technological transfusion to a well-known U.S. manufacturer. Certainly this makes a sound case for purchasing the Harrier aircraft from a U.S. supplier.

One final factor we should consider in evaluating this decision is its effect on our domestic aircraft industry. The entire European aviation industry has been going through a period of mergers, consolidations, and joint development and production programs mostly at the initiative of their governments and always with full support of these governments. These actions have pulled their previously fragmented operations into a cohesive and very competitive production operation of 470,000 people. With the potential entry of the United Kingdom into the Common Market, European cooperation can be expected to grow and the European aviation industry, with the integration of the United Kingdom industry, can only become even more competitive with the United States, with obvious effects on the U.S. balance of payments.

On balance, the technological and production capability in the United States still leads that of Europe, but the gap is closing and we will be faced with the possible loss of the second largest aircraft market in the world in the mid-to-late 1970's, together with increasingly aggressive competition worldwide. Failure to permit the transfer of the Harrier production under a license program can only contribute to widening the lead the Europeans now have over us in V/STOL technology or force expenditure of large amounts of U.S. funds to permit us to close the lead. Either action would appear to be an illogical response to the challenge of the increasingly competitive European aircraft industry. While no weapons system can be justified on the basis of support for one industry or another, this is one final factor which must enter into the equation.

I am hopeful that my colleagues will agree that this decision must be very carefully considered and that the need to maintain a U.S. supplier for a major weapons system, the need to develop defense-related V/STOL technology in this country, as well as the economic aspects of the decision including tax recoupment, shared overhead costs, increased employment and balance-of-payments effects, not to mention effects on our domestic aircraft industry, argue persuasively for a reevaluation of the decision to purchase this major weapons system from a foreign supplier.

AMENDMENT OFFERED BY MR. COHELAN

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

The Clerk read as follows:

Amendment offered by Mr. COHELAN: On page 15, line 2, strike out "$2,933,100,000" and insert in lieu thereof "$2,282,100,000".

Mr. COHELAN. Mr. Chairman, I rise, as I have in the past, to oppose the deployment of the ABM.

The $1.07 billion appropriation in this bill for the ABM is to my mind money that is being wasted. We have heard over and over again the arguments both for and against this system. Yet, one fact stands out above them all: the ABM is not operational; it does not work as an integrated system. In my additional views in the committee report on this bill I noted that the central component of the ABM—the soft ware that is to link the radars and the missiles—is not completed and there is no indication of when this complex computer arrangement will be operational. On the other hand, many qualified and competent technicians have told me that the state of the art of computer technology is not capable of handling the demands required to link up the entire ABM system.

The Members of course know from where I come. I am sure they know with whom I have been talking. I suggest in all honesty that what we have here is a battle of the intellectual giants, because there are differing authorities on both sides of this question. I will say that I have been listening to men of the stature of Panofsky of Stanford and Drell of Stanford and many of the great physicists and mathematicians at my own university, and there is strong opposition to the deployment of the ABM system.

One of the most recent papers, by the distinguished Dr. York, was a book recently published on this very point. The whole thesis of the book is on the subject of extending the deployment of the ABM system because of the state of the technology.

So we can see that many qualified and competent technicians have suggested that the state of the art of computer technology is not capable of handling the demands required to link the entire ABM system.

We must remember, too, that none other than Secretary of Defense Laird has stated that the ABM is obsolete against a heavy Soviet attack. What followed from this candid admission was a desperate search for a new opponent and a new rationale for the ABM. Then first the Chinese threat was resurrected, and now the "bargaining chip" theory is being offered as a rationale for the deployment of the ABM. As I said in my additional views:

This latest rationale—the bargaining chip theory, i.e. we need the ABM to force the Soviet Union to negotiate at the SALT talks—assumes that the Soviets will be forced to negotiate by a weapon system that is not operational and which many knowledgeable specialists say will never work. This assumes incredible naivete on the part of the Soviets.

The cost of the ABM continues to escalate. I have the gravest fears that we are putting money into an illusory defense, a maginot line. It is important for the Members of this House to realize that even though there was a modification in the phase II ABM authorization, deployment is still going ahead as planned at Malmstrom and Grand Forks and Whiteman and we have advanced preparation at Warren Air Force Base. We are slowly approaching a full-scale ABM system whose total cost estimates range from $12 to $30 billion.

I might also point out that the ABM represents a major violation of the publicly announced fly-before-you-buy approach to procurement which Secretary Laird announced recently. It will take more than the contrived tests, such as those of August 31, to convince me that the ABM as an integrated system is operational. To go ahead with deployment seems to bode the same type of cost overruns and nonoperational capability problems as those of the C–5A and the RS–70 bomber. This type of oversight on the part of military planners should not be taken lightly because it will further undermine the confidence of many of our citizens in the ability of the Military Establishment to adequately provide for the defense of this Nation. Therefore, Mr. Chairman, I urge that this money for the deployment of the ABM be deleted from this bill and that the appropriations for the ABM be limited to research and development.

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

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

Mr. YATES. I support the gentleman's amendment. Did not Secretary Laird also admit the vulnerability of the radar proposed to be used in Safeguard? Did he not concede in the hearings before the committee the probability of having to move to small radars in order to protect our ICBM sites?

Mr. COHELAN. I agree with the gentleman. In his own great fashion in the House on many occasions he himself has made these arguments. If we only had the time to study these questions, there is so much in the record to support the view that we are arguing here at this moment.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the ABM issue has been debated many times, and we have voted on it many times. It has been approved many times by the Congress.

I ask that the amendment be defeated.

Mr. MINSHALL. Mr. Chairman, I, too, rise in opposition to the amendment.

If we are going to deal from a position of strength with the Russians in the SALT talks, we should have this as one of our bargaining points.

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

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

Mr. YATES. Does not the gentleman go along with the statement made by the gentleman from New Hampshire (Mr. WYMAN) earlier today in which he said that our real defense in this sort of a situation comes from our sea-based submarines armed with Polaris and Poseidon missiles?

Mr. MINSHALL. That is just one of the defenses we have in this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COHELAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PHILBIN

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

The Clerk read as follows:

Amendment offered by Mr. PHILBIN: On page 15, line 3, strike all after the colon and through line 8.

Mr. PHILBIN. Mr. Chairman, the House Armed Services Committee remains dissatisfied with the Army's management of the M–16 rifle program, and this necessitated the proviso contained in the procurement bill: namely:

That none of the funds authorized for appropriation by this Act shall be obligated for the procurement of M–16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources for supplying such weapons will continue to be available within the United States during fiscal year 1971.

Since 1964 both the House and Senate Armed Services Committees have urged the Army to acquire the patent rights to the M–16 rifle and establish additional production sources. Finally, in 1967, patent rights were acquired at a cost of $4.5 million plus 5.5 percent royalties on all rifles produced by sources other than Colts, Inc.

Production contracts were awarded in April 1968 to the Hydromatic Division of General Motors and to Harrington and Richardson, Inc., whose work force includes many people residing in my district. Also, during 1968, two additional production contracts were awarded to Colts, Inc. Thus, beginning in late 1968 and early 1969, the Army after a long wait finally enjoyed three production sources for this important weapon systems.

The cost to the Government for acquiring the rights-and-date package from the original producer of the rifle—Colts, Inc.—plus the cost of test equipment and facilities provided to the additional producer, exceeded $30 million.

Within less than a year after production began in these two new facilities the Army released proposals to procure an additional 687,000 rifles to meet worldwide requirements. Instead of awarding contracts to meet this requirement on a basis that would take advantage of the newly established capability, and maintain the broadest mobilization base, the Army chose to ward contracts to only two of the companies: one receiving a contract for over 458,000 rifles and the other, for 229,000 rifles.

On the basis of the award, one of the production sources was required to produce at a high rate of 40,000 per month, whereas the other was required to produce at 20,000 per month. It was obvious that it would have been to the advantage of the Government at that time to continue three production lines, each at a rate of 20,000, rather than to require the one source to produce at the high rate of 40,000 rifles per month. In fact, the requirement for the 40,000 rifle production rate—in effect—was a set-aside for one producer alone, since the other two sources did not have the capacity to produce at that high rate.

This year the Army has stated a requirement to the committee for addi-

tional M–16 rifles. Army witnesses testified that the M–16 rifle production capabilities would be reduced to one source after the award of the contract to meet these latest requirements.

Mr. Chairman, it does not make sense for the Government to spend more than $30 million to establish two additional production sources for a sophisticated weapon system that is in great demand to meet worldwide commitments for defense and then within 2 years time force the closing of one of these production lines before the military requirements have been fully met.

This is especially critical at this time of worldwide tension. The U.S. Government is committed to support a number of our allies in other areas of the world now experiencing great political tension.

Because of this world tension, I do not believe that we should allow the dismantling of even one capable production line, which would require a minimum of 1 year to reestablish, once the equipment is placed in mothballs, but insure the continued production at a minimum, economical rate until the requirements for the foreseeable future are fully met. The Government urgently needs three-source rifle procurement at this time.

The House approved three sources of production in the procurement authorization bill and this amendment was subsequently adopted in conference. It is now law.

I hope and urge that the committee may adopt this meritorious amendment.

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

Mr. PHILBIN. I am happy to yield to the very distinguished and able gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I support the amendment which has been offered by the gentleman from Massachusetts (Mr. PHILBIN).

As the gentleman has so well stated, all this amendment actually proposes to do is to provide for three sources for the production of the M–16 rifle.

I do not think the Members of this House and, certainly, the chairman of this committee and the ranking member of the committee have to be reminded of the problems which we have had in the production of rifles in the past several years, not only problems in the production of the M–16, but the M–14 as well.

It seems to me that what the gentleman from Massachusetts (Mr. PHILBIN) is attempting to do here is to say to the Department of Defense, "You have got to maintain three sources of production of the M–16 through fiscal year 1971."

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. PHILBIN) has expired.

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

Mr. Chairman, what we are saying through the amendment which has been offered by the gentleman from Massachusetts is that the Department of Defense is committed to maintain three sources of production of the M–16.

It is my understanding that the U.S. Government and the Department of Defense is now committed to supplying M–16's worldwide and that we have mothballed our M–14 production capability and that is gone. The only production capability we have is now for the M–16. Therefore, it would seem to me it would be the better part of wisdom to maintain three production lines.

My understanding is, and I can be corrected by the subcommittee, that it will cost just as much to mothball the third production line on the M–16 as it would to keep it in operation. If that is so, it would seem to me it would be wise to keep this production line in operation.

What are we doing here? We are saying there ought to be three production lines for the M–16 rifles. We are not going to give it to two companies, we are going to spread the competition around, and three companies will have the job. That is all we are doing.

That is what was done in the armed services authorization bill. And that bill, as the gentleman from Massachusetts pointed out, does for three sources for fiscal year 1971—and only through 1971.

Mr. Chairman, for years the Congress encouraged the establishment of more than one production source for the M–16 rifle.

The cost to the Government in establishing two additional sources exceeded $30 million.

In view of the present world uncertainties and tensions, we should not phase out or place these production lines in layaway at this time.

The Army contends that to sustain three producers at the minimum sustaining rate would increase the total program cost by $14.3 million. The average cost of rifles allegedly would be $163.50 instead of $107 each if all rifles are procured from one producer.

Mr. Chairman, both General Motors and Harrington & Richardson have assured the Armed Services Committee of the House that they can produce the rifle on a minimum sustaining rate, that is, 5,000 per month—which the Army indicated in their reclama letter as the rate for General Motors and Harrington & Richardson—at the cost of $107 per rifle or less. They have not been asked to submit a bid proposed on that minimum rate.

Based on these assurances by General Motors and Harrington & Richardson the armed services properly challenged the figures used by the Army in their reclama to the provision that was written into the authorizing legislation providing for three sources of production for the M–16 rifle.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

First let me say, Mr. Chairman, that it happens that none of the three sources of supply for the M–16 rifles are within hundreds of miles of the State in which I live.

My special interest in this matter is as a member of the Committee on Armed Services, and also that some years ago I was the ranking minority member of the subcommittee that made a thorough investigation on the M–16 rifle both as to its malfunctioning and the fact that its production was limited to one source of supply, say that for more than 3 years certain officials of the Army had been attempting to prevent the obtaining of additional sources of supply for the M–16's. It was only through the efforts of the Committee on Appropriations of the House and Senate and the authorizing committees of the House and Senate that we were finally able to work out additional sources of supply.

The additional sources of supply—two in number—were determined by the Army, and no one on the committee had anything to do with it. I was utterly disgusted not long ago when members of the Army came into my office and wanted to limit the production of the M–16 to one source of supply. And the fact of the matter is they are planning now to move one of the production lines outside of the United States, and do not let them tell you they are not planning to do so. And again I say that no part of my district is even close to these sources of supply.

We were told by the Army officials that to maintain the additional sources of supply was going to cost a lot of money. The chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. RIVERS) sent telegrams and found out that absolutely everything they said about the additional costs were absolutely false. The Army has already closed down the only other rifle production line, that is on the M–14, so that they are really trying to place all rifle production into two sources, and the Army wanted to limit it to one source.

Then they went to the Senate, and they got them to go along with a single source of supply, that is Colt. However, after the facts came to the attention of the Senate conferees, then they also went along with the House conferees.

Mr. Chairman, if this body allows the Army to close down one source of supply of the M–16, next the Army will attempt to manufacture their rifles abroad and reduce production in the United States to one source, that is Colt.

Mr. MINSHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I hold my friends from Massachusetts in the highest regard, and I can well also understand why they are interested in having three sources of supply for these rifles, but I would merely like to point out that our highest military men have advised us in committee that we have adequate supplies of the M–16 rifles, not only for our own use, but also adequate supplies of the M–16 rifles that we might need for our allies.

Furthermore, the addition of a third supplier will add 54 percent to the cost of producing this weapon at a time when we are trying to save money.

And in view of the fact that we have adequate M–16's on hand for the immediate future, I see no reason why we should have three sources of supply.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have the highest personal regard and respect for the distinguished gentleman from Massachusetts. He has been a dedicated Member of this body for a long time and has served diligently and well.

I realize he has in his district a plant that is one of the three sources for manufacture of the M–16 rifle. I can only give you what the facts are as I understand them.

Because of the provision adopted in the authorizing legislation, the Army would not have the freedom of awarding a competitive contract to the lowest bidder. The Army would have to award a noncompetitive contract to all three bidders in this country who are capable of making the M–16 rifle.

Therefore, under the authorization language which requires that the contract be split among three suppliers, I do not see how there could be any real competition because there are only three manufacturers that make the rifle. The provision in this bill will provide for not more than two manufactures of the M–16 and will provide for competition.

The gentleman from Massachusetts has one of the plants in his district in a position to compete for the proposed fiscal year 1971 buy of the M–16 rifle. So the gentleman's area is in the running, as I understand it, and under the provision in this bill at least two of the three firms could be selected. This will assure competition.

As chairman of the committee, I do not like to oppose any of my colleagues on amendments that are important to them in their district. I just want to point out that the M–16 rifle is estimated to cost about 50 percent more, if we follow the provision in the authorizing legislation. I think the Members are entitled to know that. However, I am perfectly willing for the House to work its will on this matter. This issue depends on how we look at the matter of spending taxpayers' dollars and related matters. My friends views should be carefully weighed by the House.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the chairman of the committee insofar as there are three at the present time and they bid and there is an award to two, then the one that has failed would have to go out of business. So you know when your contract is coming up next year that there would be no competition whatsoever, there would be just those two companies left.

Mr. Chairman, I too support the amendment offered by the gentleman from Massachusetts (Mr. PHILBIN).

Mr. HALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to this amendment as, indeed, I opposed it in the Committee on Armed Services, on the authorizing legislation.

I do this on the basis of a studied opinion long ago, of the M–16 rifle, having lived through but not served with the special subcommittee of our Committee on Armed Services on the M–16 rifle. But primarily because of the increased cost, I oppose it.

Insofar as the last gentleman's question is concerned, it might well be that if there are adequate stores in magazines and in the armamentarium of the country and around the world, we would in our wisdom see fit to reduce the "hot" lines to one in the future, so there would still be competition.

Competition is the key word here—keeping the requisite number only of assembly lines open is the secondary word.

Mr. Chairman, I think the members of the committee should know that if we wish to vent our spleen on one of the three armed services, that is one thing. But to prejudice our position of being able to award a contract at the lowest price and still keep the requisite number of assembly lines open for the production of automatic rifles is quite another thing.

I too was angry with the Army in 1961, when I was responsible for continuing work on the M–16 rifle, by a ruse, if you please, of having a "pilot buy" by the U.S. Air Force and their Air Police of 15,000 of these rifles after the second, third, and fourth Army evaluation board had rejected it as a new principle at the Aberdeen Proving Grounds, and in the Pentagon.

It turned out to be a great rifle. There is no question about the individual companies. As far as I am concerned, like the gentleman from Indiana, there is not one source of such manufacture within a thousand miles of the Ozark hills where I live, for this rifle. I have no interest or conflict involved herein. But I do know the cost of these rifles by lot and contract production. I know the production delivery capability of the companies. If you want to discover it, all you have to do is to read the special report of the subcommittee on the M–16 rifle when tested in the field.

They went to Vietnam and saw it used by the Marines, the Army, the Air Force, and anyone else who was equipped with it. The cost of the three, as far as production of one company being less than $100 per piece, the other being over $100, but none being as high as $164 per piece, except the one company, and that is unconscionable. I do hope that we adhere to the wisdom of the saving shown by the committee and do not vote for this amendment to strike lines 3 through 8 on page 15.

The amendment should be defeated.

The CHAIRMAN pro tempore (Mr. PRICE of Illinois). The question is on the amendment offered by the gentleman from Massachusetts (Mr. PHILBIN).

The question was taken; and on a division (demanded by Mr. PHILBIN) there were—ayes 24, noes 40.

So the amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. YATES. At what page of the bill is the Clerk reading, Mr. Chairman?

The CHAIRMAN. The Clerk read down to line 9 on page 15. The Clerk will read.

The Clerk read as follows:

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equiment, appliances, and machine tools in public or private plants; $3,005,800,000, to remain available for obligation until June 30, 1973.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 15, line 19, delete "$3,005,800,000" and insert in lieu thereof "$2,616,400,000".

The CHAIRMAN pro tempore. The gentleman from New York is recognized in support of his amendment .

Mr. BINGHAM. Mr. Chairman, on previous occasions, I have raised the question of the procurement funds for the F–14 aircraft. In the authorization bill this year and in the authorization bill last year I sought to delete the funds, not research and development for the F–14, but procurement funds for the F–14, and that is what this amendment does.

The F–14 has not yet been flight tested. It is scheduled for testing beginning in January of next year, and that testing will last for quite some time, so the procurement funds in this bill for the F–14 are contrary to the fly-before-you-buy principle. The Secretary of Defense has announced that he is in favor of the fly-before-you-buy principle, and this distinguished committee in its report has devoted considerable space to the fly-before-you-buy principle and upholds that principle at several points in the report.

So it is difficult for me to understand why it is that in this instance the committee is recommending procurement funds for this complex controversial aircraft before it has been tested. Last year the authorization bill included procurement funds. The Appropriations Committee in its wisdom deleted the procurement funds. This year, however, the Appropriations Committee has recommended the sum which is aimed at in this amendment, the sum of $389 million for procurement.

Mr. Chairman, we are not just talking about $389 million. We are talking about whether we are going to spend wisely a much larger sum for the projected purchase of these aircraft. The announced number of these aircraft to be purchased is at this time 722. The present estimates are that the total cost will run over $7 billion. It may run much higher before we are through. The question is: Is it wise to embark upon procurement of this complex and controversial aircraft before it has been thoroughly flight tested? It seems to me it is unwise to do so, that this runs contrary to the principle of fly-before-you-buy that the Secretary of Defense has announced, and contrary to the principle of fly-before-you-buy that is defended and encouraged in the committee report.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment. I want to say to the distinguished gentleman from

New York that I personally have a great deal of respect for the view which has been suggested that perhaps in this aircraft the contract was let too early, and that we should have had more of the fly-before-you-buy element in the contract.

However, the fact is that the contract has been let and that the Government is obligated, and we would necessarily under these circumstances have to proceed with this procurement. I think it would be very harmful and very wasteful and very disturbing for us to incur this great additional cost if we should not proceed with this aircraft.

The indications are that the aircraft will be completely successful. The first flight, I believe, will be late this year, earlier than had been predicted.

One of the reasons why the Navy—and I have great respect for the Navy and the people in the Pentagon who represent the Navy—has had a problem is that it was delayed for several years, because the Navy had planned to participate in the F–111 aircraft buy and it was tied to this program for a long time, but last year the Navy portion of the F–111 buy was canceled, with the concurrence of Congress, and so the Navy desperately needs to proceed with the F–14. That was one of the reasons why the contract was let and the funds provided last year, rather than proceeding with a more delayed approach.

The Navy was somewhat in desperation to get an aircraft to meet their needs in view of the fact that they were denied the use of the F–111.

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

Mr. MAHON. I yield to the gentleman from Minnesota.

Mr. FRASER. The question I am about to ask is to get a better understanding of the procurement policy of the Navy. As I understand what the chairman has said, there is a contract now for the procurement of the F–14 already outstanding.

Mr. MAHON. Right.

Mr. FRASER. There is a valid legal obligation on the part of the Navy.

Mr. MAHON. That is correct.

Mr. FRASER. Is the chairman saying that at the time that contract was entered into there were not the funds on hand to be obligated in support of that contract?

Mr. MAHON. The funds were on hand to support the contract, and funds were provided last year for the contract. There was nothing extraordinary about that.

That is one of the things we are trying to do in this bill. We are trying to prevent going on contract prematurely. We believe premature funding of programs is not good.

Under the circumstances, this development has already taken place. The plane is desperately needed by reason of the matters I have explained. There is nothing irregular. It is a matter of judgment. We cannot turn back now. We must proceed.

Mr. FRASER. If the funds were provided at the time the contract was signed, why in fiscal year 1971 are you asking for new funds?

Mr. MAHON. This is to carry out the contract. There were funds available for the initial phases of the contract last year. This was when the contract was entered into. This will carry on the program and provide for 26 additional airplanes. Otherwise the program would be suspended in midair and it would be a wasteful operation.

Mr. FRASER. How many planes did we contract to buy last year?

Mr. MAHON. My recollection is it was 12.

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

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

Mr. BINGHAM. I thank the gentleman.

Is it not true that the planes which were bought last year, which the Appropriations Committee approved, were for research and development purposes? There were no planes in the procurement line last year. This year $274 million is proposed for research and development planes, which my amendment would not touch.

Mr. MAHON. The gentleman is correct. Those were research and development planes which were on order and on contract. This would carry on the program into operational production.

Mr. BINGHAM. Is it not true that this is the first time the Appropriations Committee has approved appropriating funds for procurement of these aircraft, as distinct from research and development aircraft.

Mr. MAHON. This is the first contract for the operational version. For the research and development version, of course, we provided the funds last year.

Mr. BINGHAM. I thank the gentleman.

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

Mr. Chairman, I hope this amendment will not be agreed to.

The F–14 is, as the chairman of the committee said, a follow-on from the F–111B.

The reason for the haste in production has completely to do with the fact that the Navy in the next few years will have to have an airplane which is adequate for fleet defense and air superiority. The F–14 is an air-superiority fighter. In another version it has a capability of launching missiles which from long range will provide defense for the fleet.

It is needed not only next year; it is needed right now. It is too bad it is not available, but it is not.

It certainly would not be a good idea for us to hold back this program.

The plane will work. All the testimony we have had before the committee indicates it is a good airplane and that the plane will do the job it was intended to do.

The buy this year is for only phase 3 of the whole procurement program.

I say to my friend from New York and to my friend from Minnesota, this apparently is the policy which the Armed Services will be following in the future. At least, we have strongly indicated we want them to follow that policy. They are to buy as little hardware as possible and mitigate possible cancellation costs, until the performance has been proved by testing.

There is a necessity for keeping a production line going, but we do not intend that a production line be accelerated to the peak of production until there has been tests made and we know for certain the airplane not only will fly but also will do the job for which it is intended.

As the gentleman from New York pointed out, the airplane will be tested and there will be an evaluation made early next year. Certainly this will be available to the committee before we go beyond phase 3 of procurement.

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

Mr. RHODES. I yield to the gentleman from Florida.

Mr. SIKES. I believe it would be well, Mr. Chairman, for the members of the committee to bear in mind the fact that this is the first modern aircraft in its field the Navy has had since the F–4 was developed some 10 years ago.

The Navy had anticipated the use of the Navy version of the F–111B, but it did not work out satisfactorily. It had to be dropped, and the Navy had an entire generation gap in modern fighter-type aircraft. It is very important that we move ahead on the F–14 program without further delay. This is probably the most carefully planned and engineered aircraft in our history. The Navy has great hopes for its performance capabilities.

Mr. RHODES. The gentleman will agree with me when I say that the Navy needed this plane yesterday?

Mr. SIKES. Yes.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES. Yes. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, I take this opportunity to commend the Committee on Appropriations and its chairman, the gentleman from Texas, for presenting us with a Department of Defense appropriation bill for fiscal year 1971, which is more than $2.1 billion below that set forth in the budget estimates and more than $6 billion below that enacted for fiscal year 1970. However, I believe there is room and need for still more reductions in the military budget and I intend to support a number of the amendments proposed for that purpose.

I understand that an amendment will be offered to reduce U.S. forces in Europe by 50,000 troops by June 30, 1971. I do not believe that such a reduction will adversely affect our resolve or ability to meet our NATO obligations and will, therefore, support the amendment. I will also support the amendments to limit expenditures in South Vietnam and our military involvement in Indochina.

Mr. Chairman, as I said, I do believe that there is room for further reduction in the total dollars provided in this bill. I will support the amendment to put a total dollar ceiling of $65 billion on this act. This will allow the President and the Department of Defense to determine the specific areas where to apply the cuts.

Mr. Chairman, our domestic needs—the needs of our people here at home—must be squarely faced and met. And to meet these needs there must be a reduction in military spending. The Education and HEW appropriation bills were vetoed on the grounds of excessive spending. The dollars cut out of this bill can go to meet the domestic needs and used

in this manner will be less inflationary and more productive.

I urge my colleagues to support the proposed amendments to redirect the use of our Federal dollars; to cut military expenditures and increase the dollars available for our domestic needs.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. BYRNE of Pennsylvania. Mr. Chairman, I associate myself with the remarks of the gentleman from California (Mr. COHELAN) concerning the desirability of reducing funds for the ABM in this bill. As the Members of the House know, I was one of the leaders in the efforts to reduce the funds for the ABM during its consideration by the Committee on Armed Services; and I also opposed the ABM during House floor consideration of the authorization bill. I also opposed additional spending for the MIRV—Multiple Independently-Targeted Re-entry Vehicle—both in our committee and on the floor. I oppose these very expensive weapons systems because I believe they could very safely be eliminated and because I believe that it is necessary to put a higher portion of our national income into neglected domestic programs. Our school systems are in serious trouble. We need a higher level of spending on educational programs than has been approved.

The appropriation bill for the Office of Education was vetoed on the grounds that it was inflationary. That bill would have added $453 million to the national budget. More than three times that much could be saved by cutting back on expenditures on ABM and MIRV.

We also have a desperate need for housing in our cities; and representing, as I do, an urban district, I am keenly aware of the need for more housing. I have vigorously opposed the SST, the Supersonic Transport Aircraft program, because I think it represents a serious mistake in the ordering of national priorities. I cannot see why we should spend millions in taxpayers' money to provide an airplane that can zip businessmen to London and Paris in a few hours, where they will be immediately zapped by the time change anyhow. It would make a great deal more sense to put this money into far more pressing domestic purposes like housing, education, and job training. We should be spending more money on controlling pollution instead of spending money to seriously pollute the atmosphere as will be done by the SST.

I wish to express to the chairman of the Appropriations Committee, the gentleman from Texas, my appreciation for the efforts that his committee has made to reduce defense spending. The bill as reported by the Appropriations Committee is over $2 billion below the budget request of President Nixon and is $6 billion below the appropriation for the fiscal year 1970. No one is more aware than the gentleman from Texas of the need to provide a strong national defense. The fact that he is satisfied that these reductions can be made without endangering our national security is proof, I think, that those of us who have been calling for reduction in defense expenditures are correct.

Although I would like to see additional reductions in the ABM spending and in some other areas, I support the defense appropriation bill as I supported the defense procurement authorization bill reported from our Committee on Armed Services. In the times in which we live, facing the grave threat posed by Soviet military might and the continuous increase in Soviet strategic nuclear and naval capabilities, we must maintain a strong and modern military establishment that incorporates the latest technology. I have always supported a strong national defense and I continue to do so now.

I also wish to express to the chairman from Texas (Mr. MAHON) my appreciation and for the continued support for the Philadelphia Naval Shipyard and for the Frankfort Arsenal, both of which are in my congressional district. The gentleman is aware of how hard I have worked to maintain the high work loads in these vital military installations because both of them make an important contribution to our national defense and both of them have capabilities which should not be lost to our defense establishment.

I agree with the Committee on Appropriations that what we need is not more dollars for defense but more defense for the dollars. I believe we can improve our defense capabilities within the dollar limitations set by the committee, and I would like again to express my support for the bill as a whole.

Mr. MINSHALL. Will the gentleman yield to me?

Mr. RHODES. I am glad to yield to the gentleman from Ohio.

Mr. MINSHALL. I heartily concur with my colleague from Arizona that this amendment should be defeated. The F–14 program was initiated by this administration. It did not inherit the F–111B program which was fortunately finally canceled in June 1968 after a series of failures and mismanagements and flight failures throughout the years. I certainly think it is time that we go ahead with this program. I would merely say in passing that the Navy never did want the F–111B, but it was forced down their throat by the then Secretary McNamara.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RHODES. Yes. I yield to the gentleman.

Mr. EVANS of Colorado. I am sorely tempted to vote in favor of this amendment because of the experience we had with many other weapons systems, particularly the F–111, where a contractor had to take back 25 planes at one time because they did not pass the G test. We bought many of them at that time. But the fact that we have a contract signed—and I am sorry we do have—before we flew and tested this plane, but since we are obligated, I hope we can count on the assurance of the gentleman that the plane will be successful and we will not go through the same experience as we did with the famous F–111.

Mr. RHODES. Bear in mind that the contract only obligates us through phase 3. Before we get into the actual procurement phase, there will be another determination concerning performance and suitability.

Mr. FRASER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take my 5 minutes, but I want to make clear from what the chairman said we do not have a legal obligation to appropriate this money. There is no contract outstanding that this money is required to fund. The contract was entered into last year, as I understand it, to procure 12 airplanes. They have yet to be fully tested. Now what we are funding is a new contract to purchase 26 additional airplanes.

Mr. MAHON. Will the gentleman yield?

Mr. FRASER. I am glad to yield.

Mr. MAHON. The contract which was made last year was a contract with an option to buy the additional planes. This would be lot No. 3 of the aircraft buy. There is an option, but I do not question the fact——

Mr. FRASER. We are not under any legal obligation.

Mr. MAHON. Defense could cancel the contract, but I believe it would be most ill advised at this time.

Mr. RHODES. Will the gentleman yield?

Mr. FRASER. Yes. I am glad to yield to the gentleman.

Mr. RHODES. We are under a legal obligation in that if we cancel now we may be liable for cancellation charges which would have accrued through phase 3.

Mr. FRASER. Let me make clear my understanding. When the contract was entered into there were funds on hand to pay for the contract obligation which was incurred. What we are now doing, according to the chairman, is picking up an option to purchase 26 additional planes. We do not have to pick up that option. It is not the same thing as canceling a legal obligation already in force, as I understand it.

I do not want to prolong this point, but it seems difficult to imagine what scenario is in the minds of those who are planning at the Pentagon for a combat battle between aircraft flown off of our carriers and aircraft from some other country.

I do not know what scenario they have in mind. But I find it difficult to believe that we are in any imminent danger of the kind of air battle that would involve highly sophisticated foreign aircraft that would not move us very rapidly into a much higher level of warfare.

Mr. RHODES. Mr. Chairman, if the gentleman will yield further, of course the gentleman is correct in many ways. I have some doubt in visualizing an air battle between major fleets at the present time. However, this plane can operate in support of ground troops. Certainly, aerial superiority over the battlefield is very important and this airplane is designed to assure such air superiority.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield to me?

Mr. FRASER. I would be glad to yield to the gentleman.

Mr. BINGHAM. Is it not true that one of the problems in the design of this aircraft is that it is intended to cover so many roles, not only fleet defense but also as a missile-carrying aircraft which means additional weight and loss of maneuverability.

In the debate on the procurement of this aircraft last year, it was pointed out that a great many different operational responsibilities were being loaded on this aircraft and this was one of the reasons why it was considered controversial and in some quarters in the Pentagon they thought that the fleet would be better off with a lighter, much cheaper and more maneuverable aircraft in carrying out a fleet defense role.

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

Mr. FRASER. I yield further to the gentleman from Arizona.

Mr. RHODES. Actually, the airplane is much lighter than the F–111B. The reason it failed was because of the reasons that the gentleman from New York stated. It was overloaded. It was an airplane which was not qualified to carry out all the missions which were laid out for it. It couldn't even take off from a carrier, fully loaded. However, this airplane, if it is to be used as a fleet defense system, can carry the Phoenix missile. In other modes, it can be used for other purposes.

Mr. BINGHAM. Mr. Chairman, I would like to comment that I fully concur in the sentiments which have been expressed by the gentleman from Minnesota (Mr. FRASER), that this is not a desperately needed weapon at the present time. This is something the Navy feels it will need down the road somewhere. But I do not see how it can be justified as an emergency need.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; $3,203,000,000, to remain available for obligation until June 30, 1973.

AMENDMENT OFFERED BY MR. YATES

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

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 18, line 9, strike out "$3,203,000,000" and insert "$3,003,000,000."

Mr. YATES. Mr. Chairman, this amendment strikes out $200 million which the committee has gratuitously made available for the Lockheed Corporation in order to obtain delivery at someplace down the road of 81 C–5A aircraft.

I thought the House ought to take a look at this tragedy of errors which is known as the C–5A program.

The committee takes the position that we must have 81 C–5A planes for airlift purposes, no matter what it costs.

We have already paid the Lockheed Corp. under the original contract. There is appropriated under this contract which my amendment will not touch the sum of $344.4 million. This is for the accelerated costs of extras and various kinds of additions to the contract to which the company was not originally entitled, but which it has been given through its negotiations with the Pentagon.

Lockheed, however, has represented to the Department that it cannot deliver the planes unless it received additional money, and so the committee has gone along with a program under which there will be given to the Lockheed Corporation an additional $200 million this year, and another $200 million next year in the hope that this will bring delivery of the 81 planes. We have no assurances that even this extra $400 million will achieve delivery of the planes. If the past be any precedent, the $400 million will be followed by additional requests.

How much must we pay for the C–5A? Is there no limit to the purchase price? One gets the impression from reading the report, which appears on page 80, that the committee would have been willing to advance any sum of money to obtain the 81 planes from Lockheed, that the C–5A is so vital to national security it will pay any price.

The Pentagon says that in the event the money is not made available to Lockheed the corporation will be forced to go into bankruptcy. That was the same argument that was made with respect to the Penn Central when the amount of $200 million was requested in order to keep that corporation from going into receivership. Yet today, Mr. Chairman, the Penn Central is still continuing to operate, perhaps better under its receivers than before.

As was stated in the hearings, perhaps it would be the best thing for the corporation and for the Air Force if there were a receivership of this corporation. The Government might get the plane at a better price. As it stands now, this Government proposes to make a gratuitous donation of $400 million extra above the $344 million to the Lockheed Corp. in order that that company should keep going, and I do not think it ought to be done. That is the purpose of my amendment to strike the $200 million from the appropriation. I urge support of my amendment.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I want to thank the members of the Appropriations Committee for having given a great amount indeed of its time and thought to the question of providing $200 million as a reserve or contingency fund to assure continuous production of C–5A aircraft pending resolution of the differences between the Lockheed Aircraft Corp. and the Air Force.

I particularly want to emphasize the word "assure" and I want my colleagues to know that in my considered judgment, the word is accurate and the correctness of the amount needed is as well validated as men of integrity and experience can make it be.

It is a fact that the record of the Lockheed-Georgia aircraft factory as to meeting its production schedules, producing quality aircraft that fulfill Air Force specifications and staying within contract costs is better than any major company engaged in building aircraft for the Government.

There are too many people who blandly assume that the only problem involved in building larger and larger aircraft is simply to make a small aircraft longer and higher and wider. Nothing could be more fallacious and those who are victimized by such an assumption have unwittingly jeopardized the security of our country in the area of airlift.

The C–5A represents a whole new concept in airlift. Many, many systems and systems-components had to be invented and developed in the course of the building of this, the largest aircraft by far that mankind has ever made. This is not a case of building an aircraft which has been developed as a shelf item. In the instance of the C–5A there was no testing and no opportunity to test. There was no prototype. There was no shadow of acquired knowledge on the total cost of the bringing into being of such a behemoth.

True there was a cost overrun, but it is equally true that there has been a comparable cost overrun in the construction of the Interstate Highway System, an undertaking which lies well within the skills possessed by our highway builders for many decades and on which the cost should have been quite susceptible to accurate estimation in advance.

The gentleman from Illinois wonders how we know that $200 million is the right amount. I would say to the gentleman that we know it is right because the Lockheed folks say it is and no one can come forward to show that it is not. Not from the Air Force nor from anywhere else.

I would be the first to say that the action we take today needs to be in the best interest of the Air Force which is to say of the Nation—it needs to be fair to the American taxpayer which is again to say fair to the Nation—and it also needs to be fair to Lockheed where many, many thousands of my constituents work and where a reputation for integrity, fair play, and excellence of workmanship was not earned without long years of deserving work. Therefore, Mr. Chairman, I earnestly urge this committee to defeat the amendment.

Mr. MAHON. Mr. Chairman, page 80 of the report outlines this situation very well. If we want this aircraft in our inventory, we have to provide the additional funds. In the authorization bill

from the Committee on Armed Services certain provisions are laid down in the law which relate to this matter, and restrict the ways in which the $200 million can be used. It can only be used through strict policing of the Department of Defense by the Congress.

The Department of Defense has convinced the committee that we have no alternative under the circumstances. And I am sure it must have been disturbing to the people in the Department of Defense to ask for this money, to place these funds in the budget; but there appears to be no other alternative if we are to have these 81 aircraft, on which we have spent so much, and which are so vital and essential to our military airlift requirements.

Mr. YATES. Mr. Chairman, if the gentleman will yield, is it not the truth that to date we have spent over $2 billion for three aircraft?

Mr. MAHON. As of the time of our hearings in April 1970, 13 were flying, eight had been delivered, but only three had been accepted by the Government, and the other five had been accepted conditionally by the Air Force. If we cancel this program now and bankrupt the company, we will get only a relatively few aircraft for that money. If we proceed with this program, we will get the 81 airplanes which will be, of course, of great benefit to the country.

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

Mr. MAHON. Yes; I am glad to yield further to the gentleman.

Mr. YATES. Mr. Chairman, I would say to the gentleman that his argument amounts to this, that even if the $400 million is not adequate, the committee will then come forward with whatever appropriation is necessary to build the aircraft; is that so?

Mr. MAHON. No; the solution to this problem has not been resolved, as I understand it, between the Department of Defense and the Lockheed Corp.

There are negotiations that will be required. This seems to be the only sensible step that we can take at this time. I might point out that Lockheed has apparently overextended its financial position and there appears to have been a lot of bad judgment in this program. There is no doubt about that. But I am not going to undertake to fix the blame for the mistakes that have been made.

Lockheed is in the business of producing the Poseidon missile, building destroyer escort ships, the S–3A aircraft, and working on numerous other highly important defense programs. I hope that we can rely upon the assurance of the Defense Department that this situation will not be allowed to rise again in the future. As you know this contract and this project has been in operation for quite a number of years. This is the best that can be done about this situation at this moment. Maybe, if we look backward, we can see ways that the Defense Department could have done a better job.

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

Mr. MAHON. I yield to the gentleman.

Mr. YATES. However, the basic appropriation was in excess of the contract cost.

Now it is proposed to add another $400 million because the department is trying to negotiate some sort of settlement that may not be adequate. This goes on and on.

Mr. MAHON. If the gentleman would permit me to point out, Lockheed takes the position that the Government had ordered 120 planes and was so obligated under the contract.

This is a controversial question between the Government and Lockheed as to how this matter can be resolved.

In view of the reduction already made in the number of planes to be delivered, and in view of the dispute that has arisen, these additional funding requirements have arisen.

I am not undertaking to pass on the merits of the decision which has to be made by the Department of Defense. But this was the appropriation request that was presented to Congress. We had to approve this conditionally if we expect to get any substantial return for the funds spent on this program.

I would hope that additional funds beyond those which have been requested will not be required.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 11, noes 44.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. MINSHALL

Mr. MINSHALL. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. MINSHALL: On page 18, in line 9 strike out "$3,203,000,000" and insert in lieu thereof "$2,719,500,000"; and

On page 21, in line 1 strike out "$2,701,100,000" and insert in lieu thereof "$2,636,600,000".

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

The CHAIRMAN. The Chair will count.

Eighty-six Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 336]

Abbitt	Clancy	Farbstein
Adair	Clark	Feighan
Alexander	Clausen, Don H.	Fisher
Anderson, Tenn.	Clawson, Del	Flynt
Aspinall	Clay	Ford, Gerald R.
Baring	Cohelan	Foreman
Barrett	Corbett	Fulton, Tenn.
Beall, Md.	Cowger	Gilbert
Belcher	Cramer	Griffiths
Berry	Daddario	Hagan
Betts	Dawson	Haley
Biaggi	Derwinski	Halpern
Blackburn	Diggs	Hammer-schmidt
Blanton	Dingell	Harsha
Brock	Dorn	Harvey
Brooks	Dowdy	Hays
Broyhill, Va.	Dwyer	Hébert
Buchanan	Edwards, Calif.	Hollifield
Burlison, Mo.	Edwards, La.	Hosmer
Burton, Utah	Eilberg	Hungate
Bush	Esch	Jonas
Button	Evins, Tenn.	Jones, N.C.
Cabell	Fallon	Karth
Kastenmeier	Nix	Rousselot
Keith	O'Konski	Ruppe
King	Olsen	Ruth
Kleppe	O'Neal, Ga.	Satterfield
Kuykendall	Ottinger	Scheuer
Landrum	Patman	Shipley
Long, La.	Pirnie	Snyder
Lowenstein	Pollock	Stephens
Lujan	Powell	Stratton
Lukens	Price, Tex.	Stuckey
McClory	Purcell	Talcott
McCulloch	Quillen	Thompson, N.J.
McMillan	Reid, N.Y.	Tunney
MacGregor	Reifel	Watson
Maillliard	Rogers, Colo.	Weicker
Meskill	Rooney, N.Y.	Whitten
Mills	Rosenthal	Widnall
Morse	Rostenkowski	Wilson, Bob
Nedzi	Roudebush	Wold

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19590, and finding itself without a quorum, he had directed the roll to be called, when 303 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk had read through line 10 on page 18, and the Clerk had read the amendments offered by the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, I ask unanimous consent that my amendments be considered en bloc.

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

There was no objection.

Mr. MINSHALL. Mr. Chairman, I have offered an amendment which in very simple terms takes out $548 million for the F–111A program.

I want to point out that I am no newcomer or Johnny-come-lately in my opposition to the F–111A program.

I have here on the desk in front of me a file that goes back to 1962. It starts first with the F–111B program, which I opposed, and which, if I may quote from a speech I made on the very floor of this House. I first appeared in the well here in 1960 in opposition to what many of you remember as the Bomarc program.

That program was in the amount of some $347 million. At that time my amendment failed.

A short time later the Bomarc program was subsequently voluntarily curtailed by the Air Force. But before it did, it vanished into limbo, with nearly $3 billion of your tax dollars.

Again on June 13, 1967, when I quoted that statement, I spoke out against the F–111B program which is the Navy version of the F–111 program. At that time, I said, "In all candor, I feel that this will be the fate of the F–111B program," and I referred back, of course, to the Bomarc. Just 13 months later the Navy voluntarily abandoned that program after wasting billions on it.

Today we come up with the F–111A program, to the tune of $548 million of your tax dollars, $483 million of it for aircraft procurement, and $64.5 million for R.D.T. & E. This is turning out to be the biggest billion-dollar boondoggle

in this Nation's history. What started out to be an aircraft estimated to cost only $2.6 million, it is now costing, according to the very latest estimates—these are all facts and figures right here in the RECORD—it will cost the taxpayers nearly $14 million per aircraft. This is utter nonsense and I think we should give up on this program and scrub it before we go any farther down the road.

In the committee they said, "This is a buyout. This will be the end. It is only for 25 more aircraft. In addition there is $200 million in contract adjustments to the manufacturer."

I say to you it is not a buyout. I think it is a sellout of the American taxpayers to go ahead with this ridiculous program. Sixteen of these planes have crashed. The last one crashed, unfortunately, killing two men, only last night at 9:30 near Fort Worth, Tex. I know my friends on the other side of the aisle will say this aircraft has a good safety record compared to other test and evaluation programs. But this is the only program in which structural failure has been accounted for in 14 of these crashes. Two of the aircraft were never found that were lost over Vietnam, but in every case out of the 14 able to be investigated, the crash has been caused by structural failure and not by pilot error or any other cause.

I would like to read to the committee, rather than going through page after page of the testimony that we have, the salient remarks or the essence of the remarks I made when we had these hearings last June. At that time we had General Ferguson, the head of the Air Force R.D.T. & E. program before us. I said:

> I don't want to belabor the F-111 problem any further this morning, but for anyone who thinks that this committee has not inquired into the subject in detail, in previous years, all I ask them to do is refer to the past research and development hearings of the Navy and the Air Force and the hearings with the Secretary of Defense for the past several years. You will find we have inquired into the F-111 program very carefully and in much depth. Each time we have been given a lot of "sugar-coated pills" about how wonderful the program is going, and yet they come back and hang a "carrot" in front of our noses and say, "Give us a little more and everything will be all right." This has been going on too long as far as I am concerned. I have had it up to my eyeballs and I am sure the public feels the same way about spending this amount of money on things like this. It concerns me very much to have people come up here and say, "This will be all right. Just give us another chance." This is the history of the F-111 program.

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

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

Mr. MINSHALL. This is the history of a plane, 16 of which have crashed, one as recently as last night.

If I may for a moment, for the uninitiated, just give you some of the salient facts about this construction program. I gave you the cost figures. Let us look into the specifications that were originally made, and I refer now to a staff report which was completed 2 years ago.

On page 7 of the report, dated February 1968, they said:

> As denoted in the chart above, the F-111 aircraft has not met Specific Operational Requirements or contract specifications in several categories. The most significant degradations have occurred in areas of acceleration capability, ferry range, combat ceiling, and the low-low-high nuclear mission of the Air Force.

The report also goes on to say:

> From the above chart it is evident that the F-111A will not perform the Air Force mission for which it was designed, which is a low-low-high nuclear mission, with a total range of 1,600 nautical miles.

It goes along and describes in detail the shortcomings that this bird has had in its actual performance as compared to the contractual specifications that were given to the manufacturer. I could carry on and on and describe the shortcomings of this aircraft. In closing I think we have gone far enough down the road with what I consider to be the worst billion-dollar boondoggle in the history of our Defense Department. I emphasize this is another one of the numerous programs that Secretary Laird and his administration inherited from Secretary McNamara and the Johnson administration.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. TEAGUE of Texas. Mr. Chairman, I have just recently spent 24 hours with the commanding general of our Strategic Air Command in Omaha, Nebr. In the presence of a number of people the general praised this plane and said it was a great plane, and said the Air Force needed it and wanted it, and he said they had no plane to take its place before the B-1 was completed.

The gentleman has quoted himself quite a bit in this debate, but how do we know if we cannot trust the commanding general of the Strategic Air Command? Did the gentleman's committee have the general before the committee? He is the one who manages the flying of this plane.

Mr. MINSHALL. We have had generals and program managers before our committee in countless numbers. We have gone into the F-111A program in every detail.

As long as the gentleman has brought this up, I must admit the fellows who fly it say it is a nice handling plane when it stays in the air, but the trouble is the wings pull off and the skin peels off and they are still not flying at contract specifications. This is one thing I got from the Air Force a few minutes ago. I asked them if there were any restrictions on this bird. They said until they complete the structural integrity program they have an 80-percent flight load restriction on this aircraft today. Only some 80 are flying and over 400 are grounded.

Let me go a little further. Another F-111 incident:

> General Dynamics and the Air Force reported today—

That was about 3 months ago—

that a team of experts is currently investigating two incidents in which the leading edge of the horizontal tail surface of two F-111E's was damaged in flight while both aircraft were undergoing acceptance flight testing by Air Force crews.

Mr. TEAGUE of Texas. Has the gentleman compared this with any other plane?

Mr. MINSHALL. I certainly have, and it has the worst history of structural failure of any plane this country has tried to develop.

Mr. TEAGUE of Texas. Has the gentleman gone into this in any detail?

Mr. MINSHALL. We have gone into this in great detail, as we do on all military programs.

Mr. TEAGUE of Texas. If this is so, how does the gentleman account for the fact that the pilots are for it and want it?

Mr. MINSHALL. I just told the gentleman that those who fly it like it when it flies, and while it stays in the air, but unfortunately it has crashed because of structural deficiencies.

Mr. TEAGUE of Texas. I will take their point of view as against the gentleman's any time.

Mr. MINSHALL. It is a structurally bad airplane.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Ohio (Mr. MINSHALL) has offered an amendment which would completely eliminate all the moneys for the F-111 aircraft. The gentleman is correct in pointing out that he has been an opponent of this program from its inception.

It was born in stormy criticism. It has had a record of controversy, particularly in the other body.

But the people who ought to know, the Armed Services Committee of the House, which extensively investigated it this year, insisted on this floor only a few days ago that it is the best aircraft we have in our defense arsenal, that it is needed, and that we need to procure F-III's not only for this fiscal year but additional numbers in the years immediately ahead.

The people who fly it insist it is the best plane they have ever flown, and they need it.

Members of this House, including the gentleman from California (Mr. PETTIS) the gentleman from Texas (Mr. PRICE) and numerous gentlemen on my side of the aisle, including the distinguished chairman of the Armed Services Committee (Mr. RIVERS) have talked personally with pilots who fly it and with commanders who command it, and they are enthusiastic about the airplane.

Let us address ourselves to this question of safety. I have the figures here.

The gentleman from Ohio suggests that one of the reasons which motivates him to offer this amendment today is because there has been an accident. There has been an accident. It is the sixth fatal accident out of 285 airplanes that have been flown in the F-111 series. The sixth.

We lament each of them. Nobody gloats over an accident.

But, my friends, have we ever eliminated an entire program that the military says it needs simply because there has been an accident?

If we had adopted that policy, we would have no military aircraft. All of them have had accidents, tragic as that fact is.

Other aircraft of recent development have had more accidents, and more fatalities, than the F–111.

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

Mr. WRIGHT. Only if the gentleman will agree to let me get some more time after I complete my statement.

Mr. MINSHALL. I will do my best to do so.

Mr. WRIGHT. Then I will yield at this time.

Mr. MINSHALL. I do not believe the gentleman means to say six fatal accidents.

Mr. WRIGHT. I am saying that there were six aircraft accidents which resulted in fatalities.

Mr MINSHALL. Yes; but they have lost 16 "birds".

Mr. WRIGHT. That is correct. There is no argument about that.

Let us compare that with the record of every other aircraft in the century series. Let us compare that number of accidents with the number of accidents for every new aircraft we have built since the early 1950's, including the F–100 and since, at the equivalent number of hours flown.

I have here the figures for the same number of hours of actual flight, almost 60,000, which in the F–111 have produced according to the gentleman from Ohio 16 accidents, six of them fatal.

For the F–106 it is 22 accidents for the same number of flight hours which the F–111 now has logged.

For the F–105 it is 34.

For the F–102 it is 40.

For the F–104 it is 51.

For the F–100 it is 59, more than three times as many as for the F–111.

The difference is that each one of these F–111 accidents has produced a headline story in the news media. The others went largely unnoticed in public print.

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

Mr. WRIGHT. Of course I yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. In 1967 the greatest aircraft we have in cur inventory, the F–4 had 44 structural failures. It is the greatest airplane on earth today. We cannot get an airplane without some problem. It would be a mistake to change this program. It would be suicidal. The F–111 is the only aircraft we have to meet certain operational requirements.

Mr. WRIGHT. I thank the distinguished chairman for that comment. He is eminently qualified as a judge. The Committee on Armed Services has looked into this question exhaustively this year, and unanimously issued a report recommending not only this procurement for this fiscal year but also continued procurement so that we could secure the minimum of four wings the Air Force says are minimally necessary and hopefully the six wings it desires. So the question at issue here is not merely the procurement for fiscal 1971 but the continuing, on going program beyond fiscal 1971.

Let us look at one or two other matters, not just safety, so far as the comparative record for aircraft in the century series is concerned. Let us not limit our consideration simply to accidents and fatalities, the measurement of safety. Let us look at the really more significant question: Why do we need the F–111?

We need it because it is the only aircraft which is capable of low-level all-weather day-or-night interdiction. It is the only one we have.

The F–111 is an aircraft which will carry three times the bomb load for more than twice the distance as our next best tactical bomber.

It is the one aircraft which has been repeatedly mentioned by the Soviets, the only one they have mentioned, in the SALT talks. Obviously they are aware of its capability and concerned about its capability. It is being stationed in England now. Clearly the Russians are concerned about it.

I would call the attention of the distinguished gentleman from Ohio to the fact that only a few moments ago, addressing himself in opposition to the amendment relating to the ABM, he made the point that we need to be able to move from strength in the SALT talks. Why should we at this moment gratuitously give up the one aircraft about which the Soviets are obviously concerned? Why should we give that up if we want to move from strength?

This airplane has cost a lot of money. Let us make no bones about that. Of course it has. Every time we try to stretch the state of the art that much farther, for every new sophisticated aircraft, it will cost a lot of money—a lot of it. This will be true of the F–14. It will be true of the B–1. Each will cost more than the designers figured at the beginning. But the only way to get cost effectiveness from procurement of any new aircraft is to build enough of them to do the job.

The really big money in any new program is absorbed in the beginning, in the research and development phase. The F–111 is right now at the point where we can begin to capitalize on the original investment in lower unit costs. This is one reason why it is imperative not only that this year's procurement be approved, but that we continue procurement beyond the present fiscal year.

It is true that the F–111 has not met some of the most optimistic original hopes of its designers, but no aircraft has. The General Accounting Office report to which the gentleman from Ohio referred could be made on any aircraft with respect to what it will do compared with what its designers initially hoped that it would do.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minues.)

Mr. WRIGHT. Do you know that every aircraft would suffer by the same comparison? Every single one that we have ever developed would suffer by the same comparison. To compare what an aircraft will do ultimately with what its designer set out initially to do is like trying to compare any one of us mature mortals with the man his mother hoped he would be. I surely would not like to be judged by that kind of a yardstick. Could any man measure up?

It is true that this airplane, as pointed out in the GAO report, does not take off in quite as short a runway as its design specifications called for. It takes 770 more feet for takeoff than its planners had hoped. But what the critics do not tell you is that the F–111 requires only one-half—and get this—only one-half the takeoff distance consumed by any other combat aircraft in our arsenal with a single exception of the F–4, and it requires less takeoff distance than the F–4. Compare it with like things, and you will see that it compares very well. Compare it with everything else that we have in our arsenal, and you will find that it is needed. The Air Force says it is needed. They want not only this year's procurement, but they want four wings as a minimum.

The landing distance, equally important with the takeoff distance, is not mentioned by the GAO report, but how about this: equally significant, the distance for landing is 19 percent better than the specifications called for. Now, if you want to nit-pick any design we have, and if you want to talk about accidents, well there have been so-called short falls in all of them and there have been accidents in all of them.

There is one military aircraft which in a little more than 1 week, in a 9-day period—and I will not mention the aircraft by name, because I do not want to besmirch its reputation—had five major accidents in 9 days. Yet we did not hear anything about that because it did not get into the newspapers. And nobody tried to cancel the program.

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

Mr. WRIGHT. Of course I yield to the gentleman.

Mr. MINSHALL. If you will turn to page 753 of our hearings, part 5, in which we had the testimony of General Glasser, in that part of it on the point that the gentleman just mentioned, the landing distance, that is one of the spots where you are in error. The specifications were 2,250 feet for the landing distance. According to this, it is 2,500 feet.

Mr. WRIGHT. Will the gentleman compare that with any other existing military airplane?

Mr. MINSHALL. My point is—you said it was better than the specs.

Mr. WRIGHT. I understand that it is 19 percent better than the required specifications.

Mr. MINSHALL. No, it is not. It is actually over the specifications.

Mr. WRIGHT. Compare it with any other combat airplane that we have. Is there one that will land and take off in less distance?

Mr. MINSHALL. I was not comparing that, but you said that it was better than the specifications, and it is actually worse.

Mr. WRIGHT. The gentleman's figures and my figures are at variance, and I think that mine are accurate.

Mr. MINSHALL. These are Air Force figures not mine.

Mr. WRIGHT. Let us ask some Air Force generals. The gentleman from Ohio quotes General Glasser. General Glasser is for the F–111. Call General Thomas Power, former Air Force Chief of Staff, as a witness. General Power will tell you that it is a very badly needed aircraft in our arsenal today. Let us call Deputy Secretary of Defense David Packard, whose testimony was read into this RECORD only 10 days ago or so, who says that the F–111 will do everything that it was required to do with a reasonable life expectancy of one and one-half times the requirement.

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

Mr. WRIGHT. Of course I yield to the distinguished and beloved Speaker.

Mr. McCORMACK. I thank the distinguished gentleman from Texas for yielding.

I might say I remember when this matter was up before, the chairman of the Committee on Armed Services, a great American, was discussing it with me, but also another great American discussed it with me, the distinguished gentleman from Massachusetts (Mr. PHILBIN) who strongly supported this authorization. I want that fact to be noted.

Mr. WRIGHT. I am grateful to the distinguished Speaker for that statement.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield to me?

Mr. WRIGHT. Of course I yield to my good friend from Louisiana.

Mr. WAGGONNER. I think while we are talking about comparisons and costs, would it not be correct to say that in order to service this airplane with tankers, the C–135 tankers, we have to have a lot fewer than we do for one of the F–4 and, as is the case with the B–52's, and do we not save a lot of personnel with the F–111 as compared to all of our other planes that are designed for the same mission?

Mr. WRIGHT. The gentleman is absolutely correct. When we talk about the cost of operation, let us talk about the cost of maintaining and operating. Let us think about that. Four F–111's on a 1,000-mile trip, without refueling, can deliver bombs on an enemy target, in a specific number which is classified.

But in order to deliver that same number of bombs that same distance on an enemy target without the F–111 would require a total of 31 separate aircraft, including tankers, radar scramblers and fighter escorts. Now the four F–111's required to perform that mission can be maintained and operated at a cost of $5.2 million a year, but a year's maintenance and operation of the other aircraft necessary to perform that same identical mission is $37.8 million a year, or seven times as much when you consider the number of aircraft involved to maintain and operate.

I should simply like to say one additional thing, and that is with respect to cost. The F–111 has cost a lot of money. Every new aircraft has cost a lot of money and every other new aircraft that we bring into production is going to cost a lot of money because of the new metals involved, the developmental costs and the installation of new and sophisticated techniques. The only way to get our money's worth is by building the full four operational wings, and I hope the vote against this amendment will be a ringing affirmative on the part of the House that we want this program to continue through this fiscal year and beyond.

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

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

Mr. Chairman, I would like to call the attention of the House to some of the fiscal considerations that are involved. This bill contains $283 million for 24 F–111F aircraft and another $102.5 million for the cost of testing and improving the wing structure.

This latter sum is a constractual commitment which cannot be avoided by termination. The actual cost of terminating this contract—and I want you to hear this—is estimated to be $80 million to $100 million, and you get absolutely nothing to fill out that F–111 wing. For an equivalent amount to that $80 million to $100 million which is the estimated termination cost and for other unavoidable costs connected with termination, the Air Force would secure 24 additional new modern aircraft which they need very much.

Mr. Chairman, to kill the program now would cost our country much more in defense capability than the savings could possibly justify. The F–111 has been a hard-luck aircraft in that every accident it has had has made the headlines. Yet, and this has been said time and time again, the accident rate is comparatively low. It is lower than for most modern aircraft.

It is a costly aircraft, but so would any other advanced modern aircraft be costly today. This is a very advanced and very intricate aircraft and it does cost a lot of money. But it is the only modern aircraft we have in inventory. The F–4 is 10 years old. It is a great airplane, but it has been modernized in just about every way that we can possibly hope to modernize it.

In the period since we last developed a new aircraft, the Russians have developed two or three very good ones. Please remember, modernization is one of our serious shortcomings.

Mr. Chairman, the Air Force needs this aircraft. We cannot develop another aircraft for several years. The F–14 is moving along very satisfactorily, but procurement is just getting underway.

The F–15 is still under development and it will be years before that one is ready for operation.

Mr. Chairman, the men who fly the F–111 say they are satisfied with it. They call it a very good aircraft. That is the test. They know what the aircraft will do. They know it is the only modern aircraft we have. We now have a new advanced functional aircraft. To kill the program now would be costly, it would be unwise, it would be sacrificing the money and effort that has gone into it through all the years.

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

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

Mr. MAHON. I would like to say for the benefit of the Members of the House who have not lived as closely to this problem as some of us have, it is true that the gentleman from Ohio (Mr. MINSHALL) has long opposed the F–111. It is true that this aircraft has had a bad press, but it has a good safety record.

The design and manufacture of this aircraft stretched the state of the art; it was a big leap forward. It will be a valuable plane in our inventory for a decade or more. The plane is not manufactured in my district, far from there, but it is made in my State.

I want to say that the remarks made by the gentleman from Texas (Mr. WRIGHT), insofar as I know are corroborated generally speaking by the people who have appeared before us. As far as I know the members of the Committee on Appropriations generally are in favor of the F–111. Defense has problems with most of its programs, but I do not know of any ground swell of opposition to the F–111. I think we can go ahead and vote on the issue, because I believe we have all made up our minds, and I do not believe that we should force the Department of Defense to cancel the program at this time.

Mr. Chairman, I oppose the amendment.

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

Mr. Chairman, I rise in support of the procurement of this aircraft, and I join in the remarks of the gentleman from Texas. I do not believe this is necessarily just a Texas airplane. I think you have to keep in mind that when we decided to contract for this plane we were contracting for a vehicle far beyond the current state of the art, of supersonic high and supersonic low speed, and with a tremendous bomb carrying capacity.

I do not believe we have brought out the fact that it is 42 percent better in navigation than the Government asked for in the contract which inures to the use of the vehicle. It is 33 percent more available, as far as utilization, and it is 8 percent more reliable than the Government asked for. It meets the criteria for maximum speed at sea level, maintenance hours, it meets the maximum sustained speed at altitude, and it has the 800-mile primary mission radius that was required.

When you weigh those factors, I think that the Air Force is correct in making the determination that they have a good aircraft. I would certainly hope that we build these planes, and add them to our inventory.

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

Mr. LEGGETT. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I would ask the gentleman if it is not true that this is the only aircraft we have to follow on with the B–52, and the newest, the latest B–52's came off the line in

October 1962, and the age life of a bomber is 10 years, so the B–52's have about had it, and we cannot possibly have any other before the B–1, and during that time we could well wind up with no aircraft.

Mr. LEGGETT. The gentleman is correct.

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of California. Mr. Chairman, earlier the gentleman from Ohio announced that he would submit an anmendment to deny all funds designated to procure additional F–111 aircraft. Initially, and somewhat emotionally, since last night's accident this amendment may appear to be a wise one. However, under closer scrutiny I do not believe that to accept this amendment would be a wise decision. As in the development of every new fighter aircraft, the F–111 has had its share of development problems and as our colleague, the gentleman from Texas (Mr. WRIGHT), mentioned earlier today, the F–111 fares better in this category than other modern fighter aircraft. Thus, we should not let the emotion of last night's tragedy blind us to the very real capabilities and potentials this aircraft possesses.

The F–111 has evolved as an attack aircraft with speed and maneuver capability well beyond Mach 2, with adequate ferry range to deploy to Europe without refueling, equipped with advanced penetration aids that will substantially enhance survivability in a hostile environment. The F–111 penetrates hostile areas by hugging the terrain during night or zero visibility weather conditions. As a comparison with other U.S. Air Force and Navy fighter-bomber aircraft, an F–111 will carry three times the payload about twice as far and deliver weapons around the clock with greater accuracy.

This deep penetration weapons delivery capability I have just described will fulfill an urgent Department of Defense need for a long-range all-weather interdiction aircraft. This is by far the most prevalent role of tactical aviation. Historically, the combat sortie distribution for tactical aircraft indicates that the majority are against interdiction targets. These are strikes against airfield, surface-to-air missile sites, and aircraft-missile control and warning sites wherein the low-level delivery capabilities of the F–111 may be exploited. More importantly, these strikes must be made while avoiding enemy air defenses.

As a strategic bomber, the FB–111 displays even more virtues than the F–111 in an interdiction role. The FB–111 has additional navigation features and a later and more accurate navigation-bombing system. It exploits the other deep penetration features of the F–111 and can escape at high speed. It is the only supersonic bomber we have today or will have for many years to come.

We hear much about the F–111 accidents and cost growth, but little about the impressive performance characteristics of this aircraft. How does it compare on a day-to-day basis with similar aircraft? Let me give you some statistics.

Last year the 474th Tactical Fighter Wing at Nellis Air Force Base, Nev., flew 26,515 hours for an average utilization rate of 36 hours per month. Their average operationally ready rate was 75 percent. Is this good? Yes, it certainly is—comparable to the Air Force's most tactical fighters.

Again, much has been said about the dramatic cost growth which the F–111 has experienced. The critics have given little credit to the true reasons for this growth. Let me place this in, what I believe it to be, its proper context.

The initial procurement for the Air Force was 1,388 aircraft. This was subsequently reduced to 531 aircraft. That factor alone has accounted for almost half of the total of the increased cost per aircraft. To achieve increased operational effectiveness we have added an advanced avionics package at a cost of approximately $1 million per airplane, but this has bought us the most effective avionics capability in the world. Another 25 percent of the growth can be attributed directly to inflation.

The $16 million cost figure which has been publicized so highly in the recent past includes the support costs for these aircraft while they are in use by the Strategic and Tactical Air Forces through 1975. In other words, it is a figure far larger than the unit production cost of the aircraft which is the usual way to describe weapon system costs. Latest Air Force calculations on acquisition costs indicate a unit production figure of less than $11 million.

The inherent penetration capability, range, and payload of the F–111, coupled with its great accuracies and kill capability, make it an extremely effective and efficient weapon system. Since the budgets we are now considering will affect our defense capability for years to come, this fact cannot be overlooked.

Thus, I urge my colleagues to join me in voting against Mr. MINSHALL'S amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, what is the value of an inventory of F–111's if they are on the ground, and cannot be flown?

According to this morning's newspaper story they have been grounded since last year. Is that not correct? Except for test purposes?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, permit me to say there were some problems with the aircraft.

Mr. GROSS. I asked the question if they have not been grounded since last year?

Mr. MAHON. The answer is "No."

Mr. GROSS. Well, then the newspaper story is wrong that they are grounded?

Mr. MAHON. Some were grounded. They were given certain proof tests after which they were released. The planes used in the research and development test program were not grounded as long as were the others.

About 80 have been now released for flight. While we have funded about 500, only 230 had been delivered through fiscal year 1970. These aircraft have had the most rigorous tests of any other aircraft in history.

Mr. GROSS. Then the newspaper report is inaccurate? They are not grounded; is that correct?

Mr. MAHON. That report is not entirely correct. Some are flying, others are grounded.

Mr. GROSS. How many of them are flying?

Mr. MAHON. About 80 are now flying. The others are being proof tested, and undoubtedly they will be flying too.

Mr. GROSS. How many others, and what kind of security and defense can they contribute to this country if any appreciable number of these so-called planes are grounded as of today.

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

Mr. GROSS. I yield to the gentleman.

Mr. MINSHALL. The gentleman in the well is absolutely right. Some of these planes are grounded. There are 80 of them flying today, but are under restrictive weight limitations.

Eighty percent of the weight limitation is all that these 80 planes are allowed to carry.

Mr. GROSS. I am afflicted with at least a small-sized memory. I can remember when the deal for the F–111 was hatched in the Pentagon. The contract had to go to Texas and the General Dynamics Corp., irrespective of any other consideration, and at $400 million more than Boeing offered to build these planes.

General Dynamics was to furnish a dual purpose supersonic plane that would serve both the Air Force and the Navy. The Navy got out of the deal long ago when it found General Dynamics could not live up to its contract and produce a serviceable aircraft.

My memory also tells me that last year or 2 years ago the gentleman from South Carolina (Mr. RIVERS), the chairman of the Committee on Armed Services said the authorization that year would be the last contribution to the F–111. I do not know where or when he got F–111 religion or how he transmitted it to the distinguished Speaker of the House, because he told us then on the floor of the House and for the CONGRESSIONAL RECORD that this plane was going to be washed out and he admitted to having made that previous statement when the authorization bill was before the House a few days ago.

Yes; I remember when this F–111 deal was hatched and some of the principal characters who participated in it. They included a former Fort Worth, Tex., banker who became Secretary of the Navy; Deputy Secretary of Defense Gilpatrick, and last but not least Secretary of Defense Robert Strange McNamara.

It was the former Comptroller General of the United States, Joseph Campbell, testifying under oath before the McClellan Committee investigating the award of the F–111 contract, who said that when his investigators sought to obtain vital information as to the specifications and related costs, they were told by McNamara that he was carrying the information in his head.

This is one of the reasons why we now have the nonflying Edsel, and I reiterate that the original contract was awarded to the Texas-based firm at a cost of $400,000,000 above the cost figures submitted by Boeing.

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

Mr. GROSS. I yield to the gentleman.

Mr. MINSHALL. Mr. Chairman, for the gentleman's information, from the best current figures we have available here at the desk, some 300 of these planes are presently grounded and not allowed to fly. The other 80 in inventory are restricted in their weight-carrying limitation.

Mr. GROSS. Now I yield to the gentleman from South Carolina (Mr. RIVERS) if he wishes me to yield.

Mr. RIVERS. I told the gentleman plainly and simply, I had changed my mind.

Mr. GROSS. Yes.

Mr. RIVERS. Now just wait a second.

Mr. GROSS. I said you got religion of some sort.

Mr. RIVERS. And I have sense enough to admit when I get religion, too.

I went down to Texas on my own to talk to the young men flying this aircraft, and I sat in the cockpit. I checked them the best way I knew how with experts on the performance of this aircraft.

These planes were already built when I answered the gentleman. Today I have changed my mind. Originally, I did not like the way it was done, but the plane is now out of the woods. I defy anyone to contradict that statement.

Mr. GROSS. All right; I heard the gentleman, and, in view of what happened yesterday, I take issue with the gentleman. Let me say——

Mr. RIVERS. I will get the gentleman more time. You know we can get more time.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

Mr. RIVERS. Of course, if we have to get time, we can get plenty of time. People like to hear us talk anyway because you and I understand each other.

(By unanimous consent Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. RIVERS. Will the gentleman let me finish?

Mr. GROSS. Let me finish, please.

Mr. RIVERS. To finish what I started to say, this plane was the most tested aircraft in our defense and it cost more than it should have cost. But now it is out of the woods, so for heaven's sake, let us give it a chance. There is always the possibility of pilot errors causing accidents. But this is a sophisticated aircraft. I want to say to the gentleman from Iowa that he is as wrong as he can be on this aircraft.

Mr. GROSS. Let me say to the gentleman that there are two more test pilots from whom he will not get any information. They lost their lives yesterday in Texas test-flying one of these nonflying Edsels.

Much has been said this afternoon about the alleged low accident rate of this plane. It is impossible to have accidents when planes are grounded and cannot be flown except for test purposes.

Yes, we need a new plane for the security of the United States, but we do not need, nor should we depend upon a plane that will not stay in the air. I hope the amendment is adopted.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Ohio (Mr. MINSHALL).

The question was taken; and on a division (demanded by Mr. MINSHALL) there were—ayes 28, noes 89.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,156,200,000, to remain available for obligation until June 30, 1972.

Mr. HICKS. Mr. Chairman, I move to strike out the last word.

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

Mr. HICKS. Mr. Chairman, I wonder if I might have the attention of the chairman of the committee.

This is a picture of what is known as a surface effects ship. Two of them were authorized by the Armed Services Committee. On page 93 of the report of the Appropriations Committee. Members will find they have determined in their wisdom that one is sufficient. One is being built in Louisiana and one is being built in my district in Tacoma, Wash. This is being built by Aerojet and the one in Louisiana is being built by Bell. They are of different specifications and are different type ships.

With that background I would like to address some questions to the chairman of the committee, Mr. MAHON, if he would be so kind as to respond.

Has the Appropriations Committee determined that a surface effects ship is not a practicable project to pursue, Mr. Chairman?

Mr. MAHON. I would say that I, for one, have not determined that this is not a practicable project to pursue. As I understand the situation, this ship, which would more or less propel itself on top of the water rather than cut through the water like most ships, was a joint project of the Maritime Administration and the Navy. There was a 50–50 program cost sharing arrangement. This year, the funding was to have been $10 million by the Maritime Administration and $10 million by the Navy. But the Maritime Administration withdrew its financial support this year and the Navy is now saddled with this whole burden. Since the Navy needs more attack submarines, and possibly additional Polaris-type submarines, as well as so many other ships, aircraft, and weapons of all kinds it did not seem fair for the Navy to be forced to assume the full financial burden for this development.

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

Mr. HICKS. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I favor the development of this ship, for I think it can provide a useful new development. We must have new concepts and this appears to be a promising one. Nevertheless, it is the belief of the committee that the Navy can use the $10 million which is left in the budget to continue the effective development of one ship. This will be possible even though the Maritime Administration is no longer interested and has withdrawn its support. The construction of one ship should provide useful information.

The committee feels it is not necessary to have the two ships in order to determine its value.

Mr. HICKS. May I ask the gentleman, is he the one on the committee who is most familiar with this project?

Mr. SIKES. I doubt that I am. I know something about it.

Mr. HICKS. The gentleman was on the Appropriation Committee when the nuclear submarines were developed?

Mr. SIKES. Yes, that is correct.

Mr. HICKS. Is it not true that two were built, the *Sea Wolf* which contained a sodium-cooled reactor and the *Nautilus* with a water-cooled reactor, because they did not know which would be the better design?

Mr. SIKES. I think that is true, but nuclear submarines are a very different story than surface ships. The Navy and the Maritime Administration were working together to build two ships. Now the Maritime Administration has withdrawn its support. The committee does not feel it is necessary for the Navy to absorb an additional $10 million for the second ship.

Again, I support the concept of the ship. It is a matter whether or not we should spend $20 million, when we think we can learn a very considerable amount from the $10 million which is proposed in the bill.

Mr. HICKS. May I ask either the chairman of the committee or the gentleman from Florida (Mr. SIKES) if this is the position the other body took in the military procurement bill. Is that correct?

Mr. MAHON. Exactly. The Senate Armed Services Committee and the Senate took the same action as that which we propose.

Mr. HICKS. The position that the Appropriations Committee is taking now is the exact position that the other body took. This is not the position that the Armed Services Committee took in the authorization bill. Is that correct?

Mr. MAHON. I believe that is correct.

Mr. HICKS. The House Armed Services Committee in the conference prevailed on the other body to recede and report the full $20 million. Is that correct?

Mr. MAHON. In the conference report, yes; that is correct.

Mr. HICKS. But the Appropriations Committee in its wisdom has elected to go back to the other body's position. Is that correct?

Mr. MAHON. The committee supported only the $10 million program for the Navy.

Mr. HICKS. May I ask this question. Is it not true that the full $10 million, with the Navy operating under the con-

tinuing resolution, has been obligated already?

Mr. MAHON. It may have been obligated but it has not been expended.

Mr. HICKS. I understand; but it has been obligated.

Mr. MAHON. I believe so.

Mr. HICKS. Is it not true that this ship and the one built by Bell are both about 50 percent completed?

Mr. MAHON. I am not familiar with the accuracy of that statement. However, ships of this general type are not too unique, except that these two are of a larger size. As I understand it, there is a surface effect ship on scheduled commercial crossings of the English Channel.

Mr. HICKS. That is a hovercraft, Mr. Chairman. This is not the same.

Mr. MAHON. The gentleman is talking about a new ship which would provide a step forward in the state of the art. In many ways it is quite similiar to other ships throughout the world.

Mr. HICKS. If the Chairman please, I am on the Research and Development Subcommittee of the Committee on Armed Services, and that is not our understanding. That was not the testimony presented.

Let me go further. If this $10 million has been obligated, not expended but obligated, and if we will assume that this ship is 50 percent completed and the one in Louisiana is 50 percent completed, what would be the termination costs for each one of these contracts, if they decide not to go forward?

Mr. MAHON. I would think that the Maritime Administration, which agreed to the joint 50–50 program with the Navy, might very well work out some arrangement whereby it would continue this program if we stand firm. We just did not feel that the Navy ought to pick up the whole tab.

Some are saying that the Defense Department should not fund research which is not strictly for defense purposes. The committee felt that the $10 million for the Navy, as had been planned originally, was sufficient under the circumstances for the Navy portion of this program.

Mr. HICKS. The difference in expenditure is the difference between $20 million to finish it and $10 million to leave it half finished. It is the committee's position that the money will be found from some place by some other agency if they restrict the Navy.

It is true, is it not, Mr. Chairman, that the Navy is pushing hard for both ships to be completed? Is that not correct?

Mr. MAHON. The Navy requested the funds, of course.

Mr. HICKS. Let me ask a further question. If in the rare possibility that the other body should decide to put $10 million back in, making the total $20 million, would the committee take another look at it with a view to permitting that?

Mr. MAHON. The committee would certainly take a careful look at it. If the other body felt some change should be made in the program, it would be very closely considered.

Mr. HICKS. Let me ask one last question.

On page 93 of the report it is stated that there is $10 million from the budget and from the amount that the House had approved in an authorization bill for this particular item, is that not correct?

Mr. MAHON. The gentleman is correct. I hope I am making a good witness.

Mr. HICKS. The point is that I had intended to offer an amendment to put the $10 million back in. Then I found out that such an amendment would be subject to a point of order, based purely on the statement of the chairman, the gentleman from Texas (Mr. MAHON), who confused the gentleman from New York (Mr. BINGHAM), with me, and the chairman started to make a point of order. He did not give me the courtesy of telling me that my amendment was subject to a point of order.

I should like an explanation, if the chairman cares to give one, as to how the committee can cut $10 million and when one attempts to restore the cut, it is subject to a point of order. This is just for my own edification.

Mr. MAHON. I apologize to the gentleman. I was not at the desk, I believe, when the amendment of the gentleman was presented; it was some member of the staff.

I must say there is not an identical similarity between the distinguished gentleman and the gentleman from New York, but both are very handsome an attractive gentlemen.

Mr. HICKS. I appreciate the gentleman's comment.

Mr. MAHON. I did not have an opportunity to discuss the matter with the gentleman as to the point of order.

From actual experience, as a committee chairman, if one points out a defect in an amendment the Member generally goes back and drafts one that may possibly not be subject to a point of order.

Mr. HICKS. But not possible in this instance, Mr. Chairman, as I understand it.

Mr. MAHON. So one is required, if he is in charge of a bill, to try to see that the bill is passed. That is his responsibility, so long as he deals honestly and forthrightly with the Members.

Now, the reason why the amendment is not in order is that the Committee on Armed Services said that the S–3A, the antisubmarine aircraft, was not ready for production but should stay in research and development and that the funds should be transferred to the research and development account. However, they did not actually put the money in the research and development account. We put the money in research and development, where it was supposed to have been. That brought the amount of the appropriation to just under the authorization ceiling imposed by the gentleman's committee. So we are caught here by an authorization technicality.

Mr. HICKS. I thank the gentleman for his explanation, and I do hope that if the other body does happen to add the $10 million, so that both surface effect ships can be continued that the committee will accept it in conference.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VIII—GENERAL PROVISIONS

SEC. 801. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 23, line 24, delete the period and insert in lieu thereof the following: ", and no more than $15,000,000 of the funds appropriated by this Act shall be used for public affairs, public information, and public relations, including the personnel costs thereof."

Mr. BINGHAM. Mr. Chairman, last year I proposed an amendment to this appropriation bill which would limit the amount the armed services could spend for public information, public affairs, and public relations programs to $10 million.

My amendment this year calls for a limitation of $15 million, which is 50 percent more than I suggested last year and which represents about a 50-percent cut in the amount that the committee contemplates be spent for such purposes.

I would like to call the attention of the Members to page 24 of the committee report. At one time apparently the committee considered a limitation in the bill to about $30 million for this purpose, but that was apparently changed and there is no fixed limitation in the bill today for these purposes.

What is really striking about this whole matter is the enormous rate of increase that has prevailed here. The increase for these purposes over the last 10 years is about tenfold for the DOD as a whole. If you will look at the top of page 24 of the committee's report, just in the last 3 years the increase for public information, public relations, and public affairs programs is from $9 million to over $34 million. It seems all out of proportion. We are trying to save the taxpayers' money and trying to provide for the national defense. Do we need to provide for elaborate public information and public relations programs?

Some of these funds have been used in the past for the purpose of trying to persuade the American people to go along with controversial weapons systems, but it is not my purpose here to try to attack this particular activity. Certainly, there would be room for that sort of activity under a ceiling of $15 million.

Mr. Chairman, it seems to me that a ceiling of $15 million for public affairs purposes is adequate and the Pentagon ought to be able to operate within it.

I think the Members would be interested to know why the committee decided not to impose even a ceiling of $30,590,000, as apparently was the case, judging from an examination of the draft committee report.

Mr. Chairman, I hope the Members will support me in asking for a cut of approximately 50 percent in the elaborate and expensive public information and public relations programs of the armed services.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the budget request for public affairs—and there is a place for public affairs in the sprawling Defense Department with its more than $100 billion of available funds for expenditure for the security of the Nation—was $37,663,000. The committee recommended an appropriation of $30,590,000, a reduction of over $7 million.

Under the continuing resolution the Defense Department has probably expended approximately $10 million.

Under the amendment which has been offered by the gentleman from New York, there would perhaps only be $5 million left for the remaining 9 months of the fiscal year.

So, it would seem to me that this would tend to unduly restrict and contain, if not destroy, the program.

It is true that the public needs to know what is being done in defense. This program can be used and is used in most instances in a very helpful way in order that the American people can understand what is being accomplished and undertaken in the Defense Department.

I would hope that the amendment would be defeated.

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

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

Mr. RHODES. I am sure the chairman will agree with me that this activity in the last few months has been subjected to a very careful scrutiny by this subcommittee. We understand that as a result of that scrutiny, an accounting system to determine exactly how much is being spent for this activity is being installed and the correct figures will be known for fiscal year 1971.

I would hope that the gentleman from New York would trust the subcommittee to hold this activity down in future years. I agree it is an activity which is important but which can go awry if it is not subjected to rather close surveillance.

I feel that the subcommittee has put in a lumination which allows it to subject the activity to that surveillance and, therefore, I hope that the amendment which has been offered by the gentleman from New York will not be agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

AMENDMENT OFFERED BY MR. BIESTER

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

The Clerk read as follows:

Amendment offered by Mr. BIESTER: on page 45, line 5, insert the following new section and renumber succeeding sections:

"SEC. 844. After June 1, 1971, no part of the funds appropriated in this Act shall be expended for the support of United States Armed Forces assigned to the United States European Command in excess of 270,000 members."

Mr. BIESTER. Mr. Chairman, I have in conjunction with several other Members sent a "Dear Colleague" letter to the members of the committee with respect to this particular amendment. This amendment is offered in order to provide a limitation of the numbers of American Armed Forces stationed for the most part in Western Europe.

I need not remind the Members of the Committee that for over two decades the subject of the numbers of American forces stationed in Western Europe has been a subject which has vexed both the Congress and one administration after another. If I may do so I could refer back even to an article by former President Eisenhower appearing in the Saturday Evening Post magazine in 1963 which he indicated that it was essential that there be a reduction of American Armed Forces in Europe, and that he had indicated during his 8 years in office as President that the time when that should occur would be when the nations in Western Europe had recovered economically sufficiently to afford their own forces.

There is no question but that those countries have now recovered economically.

Western Europe has a gross national product collectively of over $600 billion annually and, therefore, is one of the major economic powers in the world.

Yet, compared to the sacrifices that the American people make in the diversion of our resources and of our manpower, they divert a very small portion of their considerable gross national product to the defense of that sector of the world which they occupy.

For example, it is estimated that the American taxpayers and the American economy spend out of our gross national product approximately 8 percent for defense including the support of American forces in Western Europe.

While the countries in Western Europe are enjoying one of the greatest economic booms of all times, they spend about an average of 2.8 percent to 4.5 percent of their gross national product in the same effort.

If one wishes to analyze the tax rates paid by the taxpayers of those countries compared to the tax rates paid by the American taxpayers, one sees a similarly cheaper picture in terms of the defense commitment of many European taxpayers.

I realize the need for sustaining an interest on the part of the United States in the defense of Western Europe. I understand the need for the presence of American troops and American forces in Europe. But I also appreciate the need for the diminution in the numbers of those forces.

What we need in Western Europe and around the world are partners not clients.

What we need are allies and friends—and not dependents whom we patronize.

The American taxpayers and the American people are willing to share the burden of defense of Western Europe, but the American people will no longer carry that burden essentially alone.

We cannot forever divert our priorities away from the needs of the American people while those whom we protect decline to make the same kind of sacrifices at the same level of intensity.

Mr. Chairman, the amendment I have offered is a modest amendment. It reduces the number of forces between 30,000 and 50,000 men depending on the size of forces at the moment at which the amendment takes effect.

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

Mr. BIESTER. I yield to the gentleman.

Mr. BROOMFIELD. Mr. Chairman, I support the amendment to the Defense appropriations bill which would place a limit of 270,000 on the number of American troops in Western Europe. I believe, Mr. Chairman, that we should reassess our military commitment to NATO in a light vastly brighter than the shadow of cold war in the fifties: the light of an era of negotiation.

With the rebirth of Western Europe over the past two decades the relationship of the United States to its NATO allies should have undergone a fundamental change; it has not. We still maintain a 300,000-plus man force in the area—that is to say, our troop commitment has remained relatively stable for the past 20 years. At the same time, the basic political reasons for maintaining this force no longer seem valid.

Within the NATO alliance there has been major political growth: First, with the support of American financial aid Western Europe has recovered economically from the destruction of World War II. The Atlantic nations have established strong and stable governments founded on just this prosperity, so that American men in Europe no longer protect a fragile and disjointed wartime alliance, but a sound and united bloc of nations, capable of a greater role in their own defense.

Second, the magnitude of the American NATO force in the fifties was a demonstration to our European allies that we really were concerned with the threat of Communist aggression and that we would not again withdraw into the shell of our traditional isolationism. The proof has been given. I do not believe any European government need fear a total American withdrawal in the near future.

Third, as is still the case, most of our European-based troops were centered in West Germany. The reasons for this were at that time quite sound: a fear that Germany would rebuild militarily under a vengeful new government or the possibility that it could be overrun by a Communist assault. Under the protection of American forces West Germany has developed a strong economy—perhaps the strongest in Europe—and a stable, democratic government. There is little danger, I believe, of a complete German collapse—with or without all 210,000 American soldiers.

Just as there have been real changes within the countries of the NATO alliance, so there have been substantial changes in the relationship of the alli-

ance with the Soviet bloc. And both encourage the reduction of American forces in Europe.

Militarily, Mr. Chairman, I doubt that there is at the present time much reason to fear a major Soviet assault on the Atlantic community. Certainly, there was in the fifties, when the West was weak and the American commitment unsure. A more plausible threat of massive retaliation by the West has since been developed with the installation of our broad nuclear umbrella around Europe. The Soviet Union will rely in the future on smaller, more localized actions against individual countries, making inroads all the time, but careful not to touch off a nuclear confrontation.

This new military situation will demand a more mobile and more flexible NATO force, but it will permit troop reductions as well. We know that there is only the most remote chance of a huge attack on the heart of Europe; we might bolster our forces in the Mediterranean area, where surely there is more danger of an explosion. But even here, the 6th Fleet seems sufficient.

On the diplomatic front we have seen a considerable easing of tensions between the NATO allies and Eastern Europe. Perhaps the most encouraging sign was the recent West German-Soviet Nonaggression Treaty; but our own SALT talks and the interest of the Warsaw Pact in discussions for mutual troop reductions have both contributed to the new atmosphere of reconciliation across the continent. The chances of talks with the Warsaw Pact nations would be, I might add, greatly improved if we were to announce a withdrawal of American troops.

My argument so far has been based on the assumption that our withdrawal would actually reduce the NATO troop level. I think that I have shown that this will not impair the strength of the Atlantic alliance. But there is no assurance that this has to happen: the European nations could and probably will increase their own military commitments. This would be in line, of course, with the President's call for our allies to take upon themselves a greater share of their own defense. It should at the same time enhance the spirit of unity and cooperation that now infuses all of Western Europe.

Mr. BIESTER. I thank the gentleman.

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

Mr. BIESTER. I yield to the gentleman.

Mr. WIGGINS. Mr. Chairman, I wish to commend the gentleman in the well for the position that he has taken on this matter, and I wish to associate myself with his remarks.

Mr. BIESTER. I thank the gentleman.

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

Mr. BIESTER. I yield to the gentleman.

Mr. RAILSBACK. Mr. Chairman, I also want to join together with our colleague in commending the gentleman from Pennsylvania, and I hope the amendment he has offered is adopted.

Mr. BIESTER. I thank the gentleman.

Mr. Chairman, I would close by simply saying that if you are concerned about the balance of payments and if you are concerned about the distortion of the priorities in this country and if you are concerned about the inequities in America carrying this tremendous defense load in all parts of the world, then join in support of this amendment to call upon the people of Western Europe to stand up in their own defense and that the burden is going to have to be more fairly shared.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think most of us feel that we have been providing a disproportionate share of the costs and burdens of defense in Europe as well as in other parts of the world.

Nevertheless, we have made commitments, and we honor them. We help to uphold NATO which has been a very important factor for the preservation of peace in Europe.

I can state that efforts have been in progress to try to resolve the question of troop strength in Europe more favorably from our standpoint. I feel that some progress has been made and it is true that we have been able to bring some forces back. There also have been changes in the deployment programs to permit a lesser number of U.S. forces to be stationed in Europe. The President has made it very clear that he is earnestly seeking to reduce the number of American forces as rapidly as he can from all parts of the world.

I just do not think that this is a time when we should require that a cutback be made in the number of U.S. forces in Europe by law. I think it would be precipitous and unwise. It would be interpreted in a most unfavorable light to us in other parts of the world.

There are other reasons. I do not think we should rock the boat during the SALT talks. We should lead from strength rather than weakness during our negotiations with the Soviets while we seek reasonable arms limitations.

I would like to leave one more thought. There is a crisis in the Middle East. It is a very serious crisis. We do not plan to get involved. We know the American people do not want another war. We are not prepared, either mentally or militarily, for another war. But trouble may come that is not of our choosing. We could find ourselves forced into action in that part of the world, and if that time should come—and again, we do not plan it; we hope that it does not come—but if the time should come when we would find ourselves militarily involved, it would be Europe that would be used for the deployment of American forces. A staging area would be necessary and Europe would provide a logical springboard. Regardless of this, the fact that our forces are there and that we are prepared for emergency should have a quieting effect on events in the Middle East.

Mr. Chairman, we would like to have our share of the costs reduced to a less disproportionate level, but from every standpoint I must hold that, to require by law that Americans be brought back at this time would be most unwise, and I ask for a vote against the amendment.

Mr. FINDLEY. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. FINDLEY. I am glad to yield to the gentleman from Delaware.

Mr. ROTH. Mr. Chairman, I rise today in opposition to the amendment offered by my distinguished colleague and good friend, the gentleman from Pennsylvania.

I agree that there should be a substantial reduction of American troops in the very near future. However, I do not believe that a matter of such delicacy should be handled through an amendment to this bill.

I have long believed that a greater contribution in terms of manpower and money should be made by our NATO allies in Western Europe. However, at this critical point in time, when the President is seeking to negotiate peaceful solutions to the Near East and Indochina conflicts, I believe we must not, through legislative action of cutting off funds, give any impression of tying the President's hands by weakening our military capability. To me, it is not wise to require by law that a set number of American troops must be withdrawn by a fixed day when future events may require flexibility.

Western Europe is of critical importance to American security and we must maintain our NATO treaty commitments. Our basic contribution should be primarily sea and air power as well as providing a nuclear umbrella, but the Europeans should provide the land forces themselves.

Moving our troops out should be handled with great care. I oppose the imposition of a deadline because the withdrawal of ground troops could have an adverse effect in Europe. It is most important that the reduction of American forces be offset by additional troops of the western democracies. Unless handled properly, the opposite reaction could occur, the Europeans further decreasing their contribution.

I believe the proper course of action is for the Congress to pass a resolution recommending to the President that there should be a substantial reduction of U.S. troops in Europe but leaving to the President the flexibility to determine the rate and timing of these withdrawals. I would hope this expression of congressional intent would help set the stage for mutual pullback of troops by Russia and ourselves and not hinder this prospect, as I fear would be the case under the present proposal.

As a member of the Subcommittee on Europe of the House Committee on Foreign Affairs, I benefited from the hearings held between February 17 and April 9, 1970, on the subject of "United States Relations with Europe in the Decade of the Seventies." I urge the committee to recommend the policy I cited before of withdrawing a very substantial number of troops from Europe, but leaving the specifics of time and number to the discretion of the President.

It is my hope that no later than next year the United States can begin reducing its forces in Europe. I would hope that the number of troops to be

withdrawn could be substantially in excess of 50,000, within the next 2 or 3 years. I believe that this policy should be executed to the maximum extent consistent with our security.

It is readily apparent that 25 years after the conclusion of World War II, the time has come for our NATO allies to assume a greater burden of the responsibility for maintaining a conventional warfare capability in their homelands.

Our NATO allies, especially the members of the Common Market, are enjoying vigorous, prosperous economies which could very well absorb higher levels of military expenditures.

In 1969 the United States spent 9.2 percent of our gross national product for defense while the 13 other NATO powers spent an average of 3.6 percent of their gross national products.

In 1969 the United States spent $78.47 billion on defense while 13 of our NATO allies together spent a total of $23.29 billion or an average of $1.79 billion for each country.

We now have 310,000 troops in the U.S. European Command area costing at least $2.9 billion annually. This is the price for maintaining military and civilian personnel in Western Europe and the operating cost of the 6th Fleet in the Mediterranean.

I would hope that the President would make it clear to our European allies what action we will take so that they can make plans to build up their troops. I also hope that this debate in the House today would help put on notice our European allies that they must assume a greater share of the burden.

I believe that the best interests of all nations concerned would be best served by this restructuring of the present arrangements so as to provide new vigor for the Atlantic alliance by increasing the strength of our NATO partners.

Mr. FINDLEY. Mr. Chairman, in considering this amendment, proposing to reduce U.S. troops in Europe by 50,000 we must keep in mind several fundamental factors.

First, most of the major movements in NATO in the past decade have been setbacks. This amendment would be viewed as one more—and a major one.

This interpretation, I am sure, is not accepted by the author of the amendment or by many of his supporters. No doubt they view the amendment as fully justified in military, as well as financial terms.

However, in the context in which it is now being considered the cutback will certainly be considered by many significant people worldwide as a major setback. It will be viewed as one more unhappy event in a rather persistent chain of melancholy events in NATO. At the same time it will be related by some to withdrawal patterns elsewhere—the British pullback from east of Suez, U.S. withdrawal from Vietnam—and to signs of isolationism here.

Let me mention some of the negative developments within the NATO community in recent years.

These include: withdrawal of France from the integrated command; reductions in forces by the United States, Canada, and Britain—partly offset by a recent brigade return; elimination—under NPT—of the NATO nuclear option; loss of naval and air advantages in the Mediterranean, with contrasting Soviet gains; disadvantage resulting from advance positioning of eight more Soviet divisions in Eastern Europe; commencement of the 1-year withdrawal stage under the basic alliance treaty. Positive developments include: NATO North Sea fleet coordination, consultation on SALT, NATO satellite, environmental discussions, additions to the U.S. 6th Fleet.

This amendment is a symptom of trouble ahead.

Domestic pressure for a major cutback in U.S. troops in Europe will increase, keep the administration on the defensive, and eventually prevail. Unless effected with great care, the cutback will enhance substantially Soviet influence throughout the continent. This amendment would not effect a cut with the needed care.

Making U.S. cuts likely are these factors: the general and growing demand for a lower U.S. military profile, a demand that will be intensified as our withdrawal from Vietnam proceeds; the requirements of fiscal and monetary policy; the knowledge that the most essential U.S. contribution to European defense is nuclear, not conventional arms; the belief that Europeans are not doing their share—U.S. NATO cost equals two-third of total defense outlay by other 14 nations.

The second prime fact I will cite is this: If U.S. troops are reduced, other nations will not pick up the slack.

Substantial increases in quantity of military forces from any quarter are unlikely. Quite the contrary. Quality improvements also will not be striking. Bleeding away of forces could quickly become a hemorrhage fatal to the integrated command.

For several reasons Germany will not increase substantially its own troops, nor is it apt to provide direct financing of U.S. troops.

Other allies either do not see a need for stronger military forces or feel an increase in their own conventional forces would have little real importance.

We should recognize, too, that divisive strains within the NATO community over trade, monetary, and political matters will persist, if not intensify.

Protectionist sentiment is rising sharply on both sides of the Atlantic. Northern "Socialist" states are increasingly hostile to Greece. The Italian Government is unstable. Turkey is almost isolated between the explosive Middle East and Soviet seapower. The Common Market is taking on greater protectionist character. Britain is now divided over the wisdom of seeking entry.

Germany's insecurity shows no sign of abating.

Chancellor Brandt's own future depends on gains through "east-politics," but at best he can win only very limited objectives. Under no circumstance will Russia yield control over Eastern Europe, including East Germany. German reunification, at least in the foreseeable future, is unattainable. If West Germany senses that U.S. troops are on the way out, it may lose all confidence in the credibility of U.S. nuclear deterrence and seek accommodation to growing Soviet dominance of the entire continent. This could eventually yield a continent of "Finlands."

In mentioning these factors, I do not argue for the status quo. I believe U.S. troops in Europe can be reduced substantially and safely.

To be safe to our national interest, as well as those of our allies, the reduction must occur in the proper context and setting. Today's deliberations hardly qualify.

When U.S. troops are reduced, the change must occur in a context which will show advance, not retreat.

This amendment simply cuts back on troops. It is stark and bare. This is true because of the restrictions under which amendments to appropriation bills can be considered.

If the U.S. troop cut were announced as a part of a broad long-term plan for NATO, a plan which would include substantial positive features as well as this negative one, a plan formulated within the councils of the alliance and announced as an alliance product—not unilaterally—then the cutback would not harm the cohesion and vitality of NATO. It would not be viewed as a setback.

In fact, I strongly support a troop cutback in such a context. I recently had the privilege of proposing such personally in a discussion with President Nixon. My proposal was that the heads of government of NATO negotiate a 5-year compact, binding—to the extent that the executive can do—member states to these items for the entire 5-year period; that is, minimum force levels, financial arrangements for expenses of common nature, and improvement of purely national character.

In my proposal I suggest the minimum U.S. troop level be two divisions.

Because of the long-term, joint sharing characteristics of the compact, the net effect would be advance for NATO, not retreat, even though U.S. troop cutback would be substantial—more than contemplated in this amendment.

The compact would deal with:

First. Minimum forces to be pledged to the NATO integrated command or otherwise—as with France—kept available for treaty purposes.

For the United States this should include modernization of our nuclear commitment. As the minimum for U.S. troops, I suggest two divisions but recommend that three be maintained for at least 2 years.

France would, I think, agree to maintain forces at certain minimums even though outside the integrated command.

Second. Financial arrangements for meeting expenses of common nature.

The main objective would be to establish a 5-year moratorium on divisive wrangling over offset purchases, budget contributions, intramural debts.

The unpaid claim dating from the transfer of NATO military hearquarters from France to Belgium hopefully could be settled in exchange for French agree-

ment to specific natonal improvements and to long-term NATO use of French air space.

Third. Improvements in airfields, communications, port facilities, highways, railroads, distribution, and expeditionary force facilities.

These would serve civilian as well as military interests on both community-wide and national scales, and help to give the community a nonmilitary dimension of great appeal and value without subordinating national authority.

The treaty provision under which any member-state may withdraw on 1 year's notice would of course remain in effect—providing each nation with an ultimate way to terminate completely the provisions of the compact. Nevertheless, an executive understanding expressed through this compact would have great force—indeed, a force entirely adequate for the 5-year period.

These are predictable results of the compact:

It would give NATO a powerful, peaceful forward thrust.

It would deal effectively with all of the major factors now working against community interests, that is, by lowering our European military profile, easing our monetary and fiscal problems, putting our NATO contribution on a basis more balanced with that of our allies, retaining undiminished the most essential U.S. contribution—nuclear arms.

It would relieve anxieties—most critical in Germany—about the continuity and effectiveness of alliance deterrence.

It would provide a solid base from which the United States, Germany, and others can proceed, with minimum worry to their allies, in the "era of negotiation" with Communist governments.

It would bring France more prominently and usefully into community affairs, military as well as nonmilitary.

It would tide the alliance over the Vietnam-withdrawal period, one which may develop strong isolationist currents.

It would halt the internal bleeding of forces committed to the integrated command.

It would please powerful segments of public opinion on both sides of the Atlantic who wish NATO to exhibit a lower military profile and broaden activity in nonmilitary areas.

But, troop cuts taken unilaterally, as proposed in this amendment, would be a grave mistake, conceivably triggering a chain of other unilateral cutbacks.

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

Mr. Chairman, I compliment the gentleman from Pennsylvania for his diligence in putting forth this amendment.

We have heard in opposition to the amendment that this is not the time. This is an argument that has been made for exactly the last 25 years—every time this subject has been proposed. Some time we have to ask: if not now, then when?

Every time the question of reducing the troop force in Europe has been brought up, immediately some country or other, usually West Germany, has said, "Oh, no, this is not the time."

My hat is off to Willy Brandt and his Finance Minister. I think at this point that they are the slickest bargainers in all Europe. They have certainly outslicked us. When we suggested as an opener that they might possibly start paying the cost of our troops, they said "Oh, horrors, we cannot do that. We cannot even afford to continue to buy our arms in the United States; we may have to buy them in Czechoslovakia." The Members know how our military people responded to that. It could be termed a Pavlovian response.

Then when we suggested that we would call back some of our troops, Mr. Brandt has said, "Of course, we will have to build up a German Army instead." I admit that raises the hackles of many people in Europe and many people in this country—including mine.

But all in all, it results in the fact that we have left over 300,000 hostages in Europe for 25 years, hostages to the question of whether we mean our support of the NATO countries. We have been supporting the NATO countries; unfortunately, West Germany has not been supporting the NATO countries. When Senator MANSFIELD was over in Europe last year, he discovered that some two West German NATO divisions, according to his observations, were not being maintained at full strength.

As Senator MANSFIELD pointed out in his April statement last year:

> West Germany has a lower per capita defense expenditure than Britain, France and the U.S. To make another comparison, West Germany's defense budget constitutes a lower percentage of gross national product than that of 5 other NATO countries (Britain, France, the U.S., Greece, and Portugal.)

They make a lower contribution of their gross national product than any other NATO country to the defense of Europe.

This is not a proposal to pull the American troops precipitously out of Europe. This is not a proposal to cut and run. But if Vietnamization makes sense in Southeast Asia, it certainly makes sense to have a much more gradual Europeanization in Europe.

What the amendment offered by the gentleman from Pennsylvania suggests is that we pull a very modest, almost symbolic beginning of our troops back from Europe, to suggest to West Germany and some of our NATO allies that if the Guam doctrine makes sense in Southeast Asia, it also ought to have some application in Europe.

The gentleman from Florida made reference to the fact that there is a crisis in the Middle East. I can say again that over these 25 years there have been crises in every part of the world. However, I do not believe the presence of troops in Europe can necessarily be relevant to the Middle East crisis at this time unless we propose that they swim across the Mediterranean.

I do not know why Europe would be any better staging area than here, if the troops were here. More important, I do not know why we should even contemplate "staging areas" as solutions to the Middle East crises.

This is not an overall troop cut; it is a cut in the number of troops stationed in Europe. It is a modest amendment. It is a modest amendment that can have a symbolic and significant impact on our NATO allies in terms of their recognizing their responsibility for troop coverage.

It can involve a very substantial cut in our budget here at a time when we need it desperately.

I urge support of the Members.

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

Mr. Chairman, I hope the amendment will not be adopted for various reasons. First I shall address myself to the statement made by the gentleman from Illinois, who preceded me, that this amendment would somehow reduce the expenditures of the Federal Government. I refer to page 355 of part one of the hearings, to the testimony given by the Secretary of Defense on this very matter. I read a part of it:

> However, if we return all U.S. forces to the United States and kept them intact and ready for rapid return to Europe, our budget costs would be greater than those we incur by keeping the forces in Europe. It would be necessary to provide the forces two sets of equipment, one set in their hands in the United States to enable them to maintain their combat readiness, and another set in Europe for our use in combat. In fact, because of the practical limits on the prepositioning of equipment and on the feasibility of acquiring all the necessary mobility forces we would have very limited capability for war unless we had a warning time of several months.

So, Mr. Chairman, the idea that returning troops to the continental United States would not inhibit our defense in Europe, the defense of NATO, is a myth. Of course, it would inhibit it.

It seems to me this is not a time to be attacking the very integrity of NATO, as I am afraid this amendment would do.

The President of the United States has justly recently made a trip to the continent of Europe for the very purpose of assuring our allies in NATO that the United States still stands firmly behind its commitments and we are resolute in our support of NATO. I am afraid the adoption of this amendment at this time would undercut the good work of the President.

I have great respect for the gentleman from Pennsylvania, who has offered this amendment. I congratulate him on an amendment which is well prepared and well documented.

I should also say that I share the opinion of many who have spoken here that the nations of Europe should be doing more toward their own defense. I hope they will. However, this is not the way to achieve that end. The way to achieve it is by negotiations between our Government and their governments. The matter should be handled at a diplomatic level and not on the floor of a legislative body, as this amendment seeks to do.

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

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. I thank the gentleman for his kind words. I appreciate them a great deal.

In fairness I believe we should also point out that the cost impact to which the gentleman referred is only one of several possible cost impacts. If in fact the troops withdrawn were no longer rotated as a part of the military unit, that division would close down and there would be a substantial saving.

Mr. RHODES. Of course, the gentleman is presupposing the troop level of the entire armed services would be reduced, and that is not necessarily a fact, because our NATO commitments would still be extant and must be honored.

I should inform the gentleman that much of our NATO commitment is met here in the United States with troops and naval forces stationed here but nevertheless committed to NATO. The only thing that would happen is that the troops the gentleman wishes to reduce would be brought home but would still be a part of the NATO commitment.

I am sorry to say that in my opinion this would not reduce the cost of the armed services but would actually increase them.

I hope the amendment will not be agreed to.

Mr. MONAGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment. There are two reasons why. One is long-range and the other is immediate.

So far as the immediate reason is concerned, it seems to me that it is not good policy for us here on the floor of the House to set a specific limit on the number of troops in any given theater. We have been through this in other areas of the world as well as Europe. I think, too, it is true that this is not the time to take any precipitate action of this type. Today, more than has been the case for a long time, what the United States does, what we do in a particular area on the matter of the withdrawal of our forces has implications that can be read in a certain way by those in the world who are our adversaries. Therefore, we should think very seriously before we take any step such as this.

It is interesting to look at the actual experience of what has happened to troop levels in Europe over the last 10 or 12 years. Actually, since 1961, the number of troops has been reduced from 417,000 to 300,000. That is a reduction of 117,000 over that period. So, as far as the factual situation is concerned then, there has been movement on the part of our Government in two administrations in this direction. We certainly should retain a safe number for the psychological reason, as has already been suggested; namely, the effect that the presence of U.S. troops in Europe has on other nations throughout the world and particularly behind the curtain.

Reference has been made to the visit of President Nixon to the Middle East. We know that some doubts have been raised about the readiness status of our 6th Fleet. Certainly we should not add any further doubt to that question in the minds of those who are making policy in the U.S.S.R. or elsewhere.

There is one other important factor, Mr. Chairman, which is that there is no suggestion of reciprocity here. If we do make reductions here, what about the troops in Poland, the troops in Hungary, the troops that have gone into Czechoslovakia; what about the Soviet fleet in the Mediterranean and also the new adventures that now are taking place in the Caribbean.

It is true that we could have more assistance from the countries of Europe. I think the Germans have done more than most. In fact, I am sure they would be willing to do even more. The fact is that there are offsets of some $800 million of purchases that the Germans are making here at the request of the Treasury Department. But something more in this direction, I am sure, could be achieved.

With the effect that this declaration of Congress would have, with the unfortunate effect that it would have at this time, I suggest we should not take this action and that the amendment ought to be defeated.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT OFFERED BY MR. BIESTER

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment offered by Mr. BIESTER: Delete the period at the end of the sentence and insert: "except that this limitation shall not apply if the President shall determine, after the United States Armed Forces assigned to the United States European Command have been reduced to the level of 290,000, that the Soviet Union has made no comparable withdrawal of forces from the countries of Eastern Europe to the territory of the Soviet Union itself."

Mr. MAHON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas reserves a point of order against the amendment.

The gentleman from New York (Mr. BINGHAM) is now recognized.

Mr. BINGHAM. Mr. Chairman, the purpose of this amendment is to seek to introduce some element of reciprocity into the proposed troop reduction. I am in sympathy with the objective of the gentleman from Pennsylvania, but I think there should be some reciprocity. If the Soviet Union shows no inclination to withdraw its forces from the front lines in Eastern Europe, then the full carrying out of this proposed reduction should not be required.

Any substantial reduction of NATO forces cannot be made unless there is a corresponding reduction on the Warsaw pact side.

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment on the ground that it requires a determination on the part of the President.

The CHAIRMAN pro tempore (Mr. PRICE of Illinois). The Chair has read the amendment and is of the opinion that it does require determinations and additional duties on the part of the President and, therefore, the Chair sustains the point of order.

The Chair recognizes the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I wish to compliment the gentleman from Pennsylvania (Mr. BIESTER) for his leadership in offering this amendment. I feel that my sponsorship of it should not be interpreted in any sense as a lessening of our commitment to NATO.

I consider the NATO alliance to be a very important part of our commitment in terms of world affairs. At the same time this amendment, a modest one, is designed to recognize the changing realties in Europe and the changing priorities at home. We can hardly be accused of forsaking our commitment to Western Europe so long as America's nuclear arsenal remains the single most important deterrent to overt Soviet aggression. In fact, this small reduction of U.S. forces is insignificant when we consider today's astonishing mobility of troop units, which can be rushed to any part of the world within hours.

Beyond that, I believe this step is responsive to our domestic concerns and the reassessment of national priorities. The deficit in balance of payments resulting from our military presence in Europe is a major strain on the budget and an economy which is sorely pressed by inflation. The burden of the estimated $14 billion annual cost of U.S. support to NATO can be lessened progressively to the advantage of programs to provide urgently needed remedies for domestic ills.

The American taxpayer and citizen is best served, Mr. Chairman, as we prudently unravel the skeins of U.S. military involvement abroad. I might add that I am pleased we have the support of the Friends Committee for National Legislation for this very important and desirable amendment.

I believe that a phased withdrawal of our NATO forces can be begun, without damaging our ability to resist Communist aggression but with immense gain for our people and our Nation. Therefore, Mr. Chairman, I urge the adoption of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

(Mr. FARBSTEIN, at the request of Mr. MIKVA, was granted permission to extend his remarks at this point in the RECORD.)

Mr. FARBSTEIN. Mr. Chairman, as chairman of the Subcommittee on Europe of the Committee on Foreign Affairs, this spring I held extensive hearings on U.S. relations with Europe in the decade of the 1970's. We heard from such expert witnesses as George Kennan, Marshall Shulman, General Goodpaster, General Lemnitzer, and others of equal expertise. It was their opinion that precipitous, unilateral and substantial

reduction of U.S. forces in Europe at this time would weaken NATO's conventional capability and could have an unraveling effect upon the strength, unity, and cohesion of the NATO alliance.

It is my opinion that although a reduction of 50,000 of our forces in Europe would not be a substantial reduction, yet I must oppose this amendment because it fixes a date within which this reduction must be effected. I do not believe that this is advisable.

I expect shortly to issue a report based upon an investigation made by a member of the staff of the subcommittee which will call for a reduction of our forces in Europe of at least 50,000 and perhaps as high as 75,000. However, no date is set within which this reduction should take place.

Furthermore, I do not believe that the Congress should, at this time, direct either the time or the extent of such reduction. This is what the amendment would do. I believe that this judgment should be left to the President.

I do not believe that the President should be mandated to order a precipitous and unilateral reduction.

The situation in the Middle East and the increasing Soviet naval power in the Mediterranean could result in a Soviet-American confrontation over the next several months. Hence I do not believe that now is the time to direct the reduction of American military forces in Europe prior to June 30, 1971.

The report that I expect to issue will delineate specifically where I believe there should be such reduction. I might say that the recommendations call for reduction, not of combat troops, but of logistic and support troops and also the turning over of certain missions and functions to our European allies.

Mr. Chairman, the United States today has approximately 300,000 military personnel in Europe and not 330,000. The bulk of these are in West Germany and it is estimated that the cost of maintaining these troops and civilian personnel in Western Europe, Greece, Turkey, and the 6th Fleet is approximately $2.9 billion annually.

There is no suggestion that the reduction of forces recommended in the amendment would result in a demobilization of these troops. Were they merely to be returned to the United States and retained in the force structure, the budgetary cost would remain the same or even, perhaps, increase.

Our NATO allies realize that because of the crisis in the cities and on the campuses, and the need to reorder our national priorities, they must do more to provide for the defense of Europe. In my opinion, they are willing to do this. As a matter of fact, a NATO study is being made to develop ways and means of offsetting some of the budgetary and balance-of-payments costs resulting from our military presence in Europe. Their report is due in early December. If we were to adopt that amendment, at this time, it could seriously affect the outcome of these negotiations.

There is no doubt that the United States will require a substantial military establishment during the decade of the seventies. These forces will be located either in the United States or in other areas of the world where the presence of U.S. forces is considered to be in the national interest. Reductions in the overall strength of U.S. defense forces are taking place as Vietnamization of the Indochina war continues. It is not likely that greater reductions would take place if the United States were to return forces from Europe. The United States has commitments around the world. The most important of these commitments is the NATO commitment.

I believe that any reduction of American forces in Europe should be done in an orderly and unhurried manner. This amendment, if passed, would not permit that.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I find myself in great sympathy with the objectives of the amendment to reduce American troop strength in Europe by a substantial number by next June 30. I have expressed my support for such a reduction on previous occasions in this Chamber, and on one such occasion I quoted from an interview with former President Eisenhower in 1966, in which he said, and I quote:

> I do not believe that today the common security requires in American ground strength the six divisions now present in Europe. A fair and logical contribution would be no more than one corps of two divisions with reinforcing artillery and a reconnaissance regiment.

I do not think there are many Americans who realize that today, some 25 years after the allied victory in Europe, there are still 535,000 American personnel in Europe, some 330,000 of which are military personnel, and that the American taxpayer is footing a $2.9 billion annual bill to maintain that presence.

My good friend and colleague, the gentleman from California (Mr. GUBSER), after returning from the biennial military tour of the NATO Assembly, drew this conclusion, and I quote:

> Unless European nations and other members of the NATO Alliance are willing to make commitment of men, materiel, and money, to the extent necesary to make "flexible response" more than a myth, the tremendous U.S. presence and expense to the taxpayer is a waste.

Mr. Chairman, I fully concur with that assessment and think the time has come to serve notice on our NATO allies that they must contribute a greater share to their own defense, that America has been shouldering a disproportionate share of that burden for too long, and that a reduction in American resources and manpower is therefore imminent.

While I strongly feel that we must move in this direction with regards to our NATO commitment, I do not feel that an appropriations bill is the proper vehicle for initiating such a substantive policy change, especially when the change affects our good friends and allies. Serving notice through proper diplomatic channels and negotiations is one thing; serving notice on friends through an amendment to an appropriations bill is quite another and would understandably be interpreted by our allies as a slap in the face.

I am, therefore, reluctantly opposing this amendment and suggesting instead that the administration proceed to negotiate this type of an agreement through normal diplomatic channels. I know from my own discussions with administration officials that this objective is supported by the administration and that work has already begun to achieve it. I therefore urge defeat of this amendment with that understanding firmly in mind.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I have some reservations about this amendment. I say this because I do believe that the security which these troops afford to Western Europe as a result of the commitment of U.S. forces to NATO is an integral part of the effort by West Germany to build bridges to the East.

I feel that if we unilaterally begin to pull our forces back it may undercut the efforts being made by the political leaders of West Germany to open up a further dialog with Eastern Europe. At the same time I must say I am deeply disappointed at the administration's move to restore full military aid to Greece. That kind of action will erode NATO faster than any other kind of action we might take. It is time that the American people demand that our Government have a decent regard for the political nature of the governments to whom we grant military assistance. Greece should not qualify for such aid under any standards of common decency.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, it is a great deal of expense to the American taxpayers to keep 200,000 troops or more in Germany, and it adversely affects our balance of payments. I think it is time when a progressive and wealthy nation like Germany can take on its own defense. In other words, let the German boys do such fighting as is necessary for Germany to do. Shall we let our own boys be mercenaries, be hired guns for Germany?

I think it is time for us to put this present method of doing things to an end. Germany is a prosperous nation, and can well afford this expense, and at the present time it has reached an agreement, a nonaggression pact with East Germany.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, about 4 years ago the United States unilaterally cut back on its troops assigned to NATO. About 3 years ago Great Britain did the same thing, and last year Canada unilaterally cut its NATO forces in Europe in half. If the United States through this amendment should unilaterally cut its forces still further, doing it on the basis instead of as a result of negotiations through NATO institu-

tions, we would well trigger a hemorrhage fatal to this most essential alliance.

Mr. Chairman, I urge that we oppose the amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, the NATO alliance has a reason for being, and its reason for being is recognized by all of the NATO countries. It is that reason for being that will lead them to fill the gap created by our withdrawal of troops. And if the reason for being is so fragile that our withdrawal of that modest number of troops would lead to a wholesale withdrawal from the system itself, then it is more fragile than any of us in this House would suppose it might be.

With respect to the fiscal impact of my amendment I would refer the Members to pages 89 and 90 of the committee hearings, part 1.

Mr. Chairman, I believe that there has been enough said here by me, the hour is late and therefore I will yield back the balance of my time, and urge a vote in favor of my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON) to close debate on the amendment.

Mr. MAHON. Mr. Chairman, I will yield back the balance of my time and ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BIESTER).

The question was taken; and on a division (demanded by Mr. BIESTER) there were—ayes 32, noes 77.

So the amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 844. None of the funds appropriated in this Act shall be available for the purposes which would be authorized by section 610 of the Military Construction Authorization Act, 1971, as passed by the Senate.

AMENDMENT OFFERED BY MR. RIEGLE

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

The Clerk read as follows:

Amendment offered by Mr. RIEGLE: On page 45, after line 8, insert the following:

"SEC. 845. Notwithstanding any other provision of this Act, of the aggregate amount appropriated pursuant to titles I, III, IV, and VI of this Act, not more than $15,000,000,000 shall be available for expenditure for military personnel, operation and maintenance, procurement, defense readiness, or any other purpose in support of United States, South Vietnamese, and other allied armed forces in Vietnam."

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, this is a very simple amendment.

I think it is a good amendment. It would establish an expenditure limitation for all military expenditures in Vietnam for the fiscal year 1971 at $15 billion.

I would hasten to add that $15 billion is slightly more than the administration has apparently requested in this appropriation which is now before us, as was indicated in the full committee during consideration of this bill.

Let me just say at the outset—some people may ask "well, is this an appropriate amendment to offer today after we heard the President's new peace initiative last night on television?" I think it is. I support the President's peace initiative as I think most people here do.

In fact, this amendment does not interfere with that peace initiative in any way. In fact, it is entirely consistent with it, because, as you know, the administration has said all along it has a two-track policy in Vietnam.

One track is negotiation—and now we have the new set of proposals to advance on that track.

The other track, should negotiation not lead to a settlement, is Vietnamization.

Mr. Chairman, what we are talking about today with this amendment is that second track. We are just talking about Vietnamization. The money that is in this bill with respect to Vietnam is money which the administration has requested to implement its Vietnamization program.

In the defense budget, although it is not specified by line item, the administration is asking for a figure of approximately some $14.5 billion. With my amendment we would establish an expenditure limitation ceiling of $15 billion. So it would provide all the money that is being requested.

But the problem we have with defense appropriations is that over the course of the years of this war, we have not had specific appropriations for Vietnam. Part of the reason for this is that the Congress has been afraid to face up to the issue of Vietnam. In not wanting to face up to the war issue, we, as a Congress, have not wanted to talk in terms of specific amounts to fund the war. By some estimates of the total cost of the war to date, we have spent something on the order of $120 billion, not to mention the 50,000 American lives that have been lost.

So that we are suffering from the same problem today; namely, we do not have a line item amount to spell out the cost for the war in Vietnam.

But, in the light of the budget estimates that have been made, we have reason to believe that $15 billion will cover the program as envisioned by the administration.

What we do with this amendment is to say to the President, "Yes, we understand the request you are making and, under the existing circumstances, we will accede to that request. But we want to lock it in. We want to become coequal partners in this process as the Constitution requires. We want to make sure that you do not spend more than that, unless additional specific congressional authority is sought and granted."

If there is a need later to spend more than that, the President can then properly come back to the Congress and seek an additional amount.

So this amendment that I offer is consistent with the President's Vietnamization program. It is consistent with the constitutional provisions with respect to the declaration of and the sharing and carrying on of war activities.

It provides adequate flexibility as the President can come back to seek additional spending authority in the spring of next year, if he needs it.

Some might say that this is going to tie the hands of the President. This is not so. In fact, if we pass this amendment, we will be granting all the funds that have been requested, but we will be imposing a ceiling.

I would ask that you support this amendment. I think it is a reasonable amendment.

Mr. MAHON. Mr. Chairman, the figure that the gentleman referred to, $15 billion, is not the budget figure for the cost of maintaining our forces in Vietnam this year. The cost this year is in excess of $15 billion. The spending rate at the end of the year will be much lower than the rate at the beginning of the year, but the expenditures for the current fiscal year will be above the $15 billion figure. I do not think we should hamper the efforts of the President to bring this war to a satisfactory conclusion. I oppose the amendment and ask for a vote.

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

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I take this time to ask the chairman of the Appropriations Committee whether any of the funds contained in this bill may be used to hire mercenaries. In other words, we were paying all the costs of some 2,000 Filipino noncombat troops. I understand that we spent about $40 million and we got no fighting out of them. We extended them PX privileges, and reportedly they did a land-office business at our PX's in Vietnam and black-marketed the products. Can any of the funds in this bill be used to hire mercenaries such as Filipinos and Thais? I understand that we hired a division of Thais who have not done much fighting. I do not know whether the South Koreans have done much fighting over there, either. But are there any funds in this bill for the hiring of mercenaries?

Mr. MAHON. I think the word "mercenaries" is not the word applicable here. I would say there are no funds in the bill to hire mercenaries. But there are funds in the bill to help pay our allies who support us and help carry the burden of the war, giving them a part, or enabling them to carry out a part in order to reduce the responsibilities of our own fighting men. We would appreciate more assistance of this type.

Mr. GROSS. Is the gentleman saying—and surely he cannot be saying—that 2,000 Filipino noncombat troops have saved our troops from fighting in Vietnam? The gentleman surely cannot be saying that?

Mr. MAHON. We have many types of allied troops in Vietnam and, of course, they have made a contribution. To what extent, that may be a matter of discussion. Some are being withdrawn, as I understand it.

Mr. GROSS. As Stevedores and as purchasers of supplies from our PX's, which they promptly black market? Is

this the kind of help that we are getting over there from our so-called allies?

Mr. MAHON. I understand they are support troops and they are contributing to the effort in South Vietnam.

Mr. GROSS. They are stevedores, I guess, and I question the support any of them have given us.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in view of the fact that there is apparently less enthusiasm than the gentleman from Michigan (Mr. RIEGLE) would have wanted in connection with this very important amendment, especially in view of the recently stated posture of the President, I am pleased to go on record in support of this amendment. It is as significant as any consideration we have discussed here today. I have read the gentleman's separate views. I think they are cogent, direct, and I endorse them as well.

We have a House of Representatives that has been voting appropriations for Vietnam for a number of years consistently in violation of the Constitution of the United States, in my judgment. If that is what the gentleman from Michigan was saying in his separate views, I think a number of constitutional authorities will agree with him. I am very pleased to support the gentleman's amendment. I commend him for having not only the good commonsense but the courage to bring it up in this House.

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

Mr. CONYERS. I yield to the gentleman from Michigan.

Mr. RIEGLE. First, let me say I appreciate the kind remarks of my friend, the gentleman from Michigan. To make sure that the record is clear, let me address the issue of the amount of expenditure that the administration anticipates spending on military operations in Vietnam for fiscal year 1971.

It was my understanding from the discussion of this issue within the full Appropriations Committee that we were talking about a figure of some $14.5 billion. But let us assume for a moment that is not the exact figure. Then I would like to be enlightened by the chairman, or anyone else, as to what a more accurate figure would be for the coming year, because $14.5 billion was the figure that was used in the midst of those proceedings. What is the likely figure we will spend in Vietnam for all military operations for 1971?

Mr. CONYERS. If the gentleman is a member of the committee and he has not found it out until now, I wonder if he is going to get it on the floor today.

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

Mr. Chairman, I simply have this question. The distinguished chairman of the Appropriations Committee did say that the cost of the war would be in excess of $15 billion by a great deal. Would the Chairman enlighten us and tell us what the cost of the war will be in fiscal year 1971?

Mr. MAHON. Mr. Chairman, there are several ways of calculating the cost of the war in Vietnam, and there are many figures that have been used. The cost of the war at one time was about $30 billion, according to the best estimate—and frankly, I do not have too much confidence in these estimates. It all depends on what factors are taken into consideration in arriving at the estimates. The Secretary of Defense gave the committee a figure as to the cost of the war in Vietnam for fiscal year 1971. That figure was classified, but I can say—and I do not know why it should be classified—it is something less than $20 billion and something above $15 billion, which I hope would be satisfactory for our purpose. That is the best I can do under the circumstances.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

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

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 45, after line 8, insert the following:

"SEC. 845. (a) None of the funds appropriated by this Act shall be used to finance in any manner whatsoever any combat or support operations by any United States armed force in Vietnam other than those such operations which are necessary to carry out the safe and orderly withdrawal of United States forces and United States prisoners of war from Vietnam: *Provided*, That the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated.

"(b) Notwithstanding any other provisions of this Act, none of the funds appropriated by this Act shall be available for expenditure nor shall be obligated for expenditure after June 29, 1971 to finance United States military personnel, other than advisors, in Vietnam: *Provided*, That the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated."

Mr. FRASER. Mr. Chairman, this is the amendment which, in effect, would carry out the intent of H.R. 1000. It is similar in its thrust to the so-called Hatfield-McGovern amendment in its earlier form, which was discussed in the other body.

What this amendment would do, if accepted by the Congress, is to provide that money for fiscal year 1971 could only be spent for the safe and orderly withdrawal of all U.S. forces from Vietnam, with the withdrawal to be completed by the end of the fiscal year.

It also seeks to obtain the return of American prisoners of war in Vietnam.

Mr. Chairman, since this amendment was first discussed, I think it is fair to acknowledge that the public concern has diminished. In the light of the President's address to the American people last night, it could be argued that this is not a timely proposal to submit to the House. I do not want to be a critic of what the President had to say last night. If what he had to say makes the flickering light of the candle which shows the way to peace a little stronger, I am 100 percent in support of that effort.

There are many uncertainties about what the President had to say last night. There are many unanswered questions, questions which may be explored and I hope will be explored at the negotiating table.

But one thing the President called for was the negotiation of the withdrawal of American troops from Vietnam. Why should the United States negotiate for the withdrawal of American troops? What accountability do we have to Hanoi when we decide the time has come for the United States to disengage from this costly, this ghastly mistake, perhaps one of the most serious mistakes in American foreign policy?

The United States has been in Vietnam longer than it has fought in any other war. The lives lost, the casualties suffered, the billions expended are known to every Member of this Chamber.

I frankly do not have confidence in the possibility of a negotiated political settlement to end American involvement in that war. I hope I am wrong. One has to recognize the nature of this war—to embrace fully the realities—before one can claim with any force or any conviction that a political settlement is in fact a likely way to terminate that war.

Here we have the appropriation bill, which is the jugular vein supplying the money that keeps American troops in Vietnam. Day in and day out I am asked by my constituents, "What are you doing to bring American involvement to an end?" I have to answer that there is only one power in the House, really, with respect to the continuation of our involvement, and that is over the funding of the military operations in Vietnam itself. That is why this amendment becomes the appropriate vehicle to say that the time has come for the United States to recognize that whether we stay there another 12 months or 24 months or 48 months the outcome in Vietnam is very likely to be the same. We cannot write the future history of Vietnam. That has to be settled by the Vietnamese themselves.

So I urge support of an amendment which says the time has come for the United States to begin an orderly and safe withdrawal of its forces and to leave to the Vietnamese the settlement of the future of their nation.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not think the facts have been stated properly on the cost in terms of American lives as well as dollars of the vague withdrawal plans of the Nixon administration. Recently Arnold Kuzmack, an analyst of the Brookings Institution in Washington, made estimates of the casualties and costs for different withdrawal plans from Vietnam. Nixon has neither set a date for withdrawal nor specified the number of men he would leave in Vietnam for technical, logistic, artillery, and air support after the main part of our force has been withdrawn.

Apparently he believes a weekly casualty rate of 50, 70, or 100 Americans is acceptable to the American people. When total estimates of American deaths and dollars are made for different withdrawal rates the results should shock the American people into putting more pressure on the President and the Congress to end this war.

For example, this analyst estimated that withdrawal at the current rate with a residual force of 50,000 men would cost the United States—between fiscal year 1971 and fiscal year 1795—$25.7 billion, 7,400 additional American lives and 65,450 additional casualties. If the administration—as Secretary Laird has been quoted—left a residual force of 200,000 men the cost to the United States would be $46.4 billion, an additional 14,700 American lives and 130,300 additional casualties.

Now the relevant question that has to be put to the American people is how many more American lives are we willing to invest in this ill-conceived operation—how much more of this Nation's resources and how many more of our boys are we willing to bring home maimed? Is our national interest in Vietnam worth another 14,000 more American lives? I think not.

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

Mr. Chairman, it shocks me to hear that the very able chairman of the Committee on Appropriations, who I know has been most diligent in determining all of the facts that are available to him, cannot find out, with reasonable precision, what the war in Vietnam costs and cannot reveal to this body on the floor the cost, estimated by the Pentagon, because it is classified. Article I of the Constitution of the United States provides that the Congress shall have the power to levy and collect taxes, to pay the debts, and provide for the common defense. It, solely, has the right to declare war. Yet, when it is called upon to levy the taxes and pay the debts, it cannot know how much the cost of the war is which incurs that debt, because apparently the Pentagon will not tell the Congress what that cost is. I think that is shocking. This body alone makes a decision about levying taxes and making war against our enemies and it alone has the power to initiate taxes to pay those debts, and it has the responsibility of paying those debts. Its great power in the three branches of Government is the power of the purse. Yet we cannot know the amount of the debt involved in a war which we alone can authorize.

Mr. MAHON. Mr. Chairman, will the gentleman yield to me?

Mr. ECKHARDT. I yield to the chairman of the committee.

Mr. MAHON. I would say to my dear colleague from Texas that the Secretary of Defense gave us the precise figure as to his estimated cost of the war in Vietnam this year. He said it was a classified figure, so we did not put it in the record. I have said that it was somewhere between $15 billion and $20 billion. I am not aware of the reason for classifying the figure. But dealing as the committee does with so many of these defense matters, when the Secretary of Defense says it is classified, you hesitate to make the figure public.

Mr. ECKHARDT. I certainly want my colleagues to understand this is in no sense a criticism of the chairman, but I most strongly criticize the Department of Defense for even implying that this is classified, because I see no way in the world that the enemy can gain any advantage by knowing the total amount that we are paying for the war in Vietnam.

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

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

Mr. RIEGLE. I think we have to emphasize the fact that this may be their estimate, but if we pass this bill today the Department of Defense has a blank check. It can spend $17 billion or $27 billion or $47 billion in Vietnam. The fact of the matter is that we have no control over it, because we do not want it. We are giving away that control here, as we have with every previous appropriation bill before this Congress, by not specifying the amount of money for Vietnam. It is a blank check. That is what we are doing. We are issuing a blank check for Vietnam, which is wrong, and I object to it.

Mr. ECKHARDT. I certainly agree with my colleague, but what shocks me more than that is that a body of the Government under our control comes to us and tells us that we cannot have for debate on the floor the dollar figure that the Pentagon knows concerning a matter that affects very importantly the welfare of our country.

Mr. CONYERS. Mr. Chairman, will the gentleman yield to me?

Mr. ECKHARDT. Yes. I am glad to yield to the gentleman.

Mr. CONYERS. I am pleased to know that the gentleman does not feel the chairman of the committee is at fault in this matter. Perhaps he is not. But I will say every Member of this body is at fault if they go on record as supporting this continuing acceptance of an unspecified figure when the chairman makes it clear to us that there is no reasonable notion put forward to support why we should not know the exact figure.

Now, Mr. Chairman, I want the gentleman in the well to be assured that whatever that figure when it is revealed turns out to be it would in no way change my opposition to this entire bill and the fact that I am going to vote against it.

Mr. ECKHARDT. Mr. Chairman, I might add that I appreciate the Chairman's estimate between $15 and $20 billion, but in most matters I would like to know within a closer figure than $5 billion what we are spending.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONYERS. Mr. Chairman, I object.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONYERS. Mr. Chairman, I object.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONYERS. Mr. Chairman, reserving the right to object, for about 6 years I have seen this procedure go on in the House, and I think there should be some mention of it at this time.

First of all, it seems more than coincidental that a Thursday was selected to bring up a measure of this significance. I can understand the pressure under which the Members are to return to their districts to meet their obligations to which they are already committed.

Mr. ARENDS. Mr. Chairman, regular order.

Mr. CONYERS. It would seem to me that we might be able on a subject of this magnitude——

Mr. ARENDS. Mr. Chairman, regular order.

The CHAIRMAN pro tempore. The gentleman from Michigan will address himself to the question under consideration.

Mr. CONYERS. Mr. Chairman, I am hopeful that the chairman of the committee will at least extend this to 25 minutes before we close off debate and, if not, I shall continue my objection.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I rise in support of the Fraser amendment which has been rightly called the end-the-war amendment. If adopted, the President's efforts to arrive at a negotiated peaceful settlement in Indochina, would in my judgment be furthered, not frustrated by this amendment.

Considering the buildup for President Nixon's address of last night, and his own characterization of his proposals as moving us closer to a time of peace in the world, the specifics of his proposals came as a distinct anticlimax. What was new was certainly not startling, and I am very much afraid the President's approach is not going to produce the results he deeply desires.

Nevertheless, President Nixon's new proposals for an approach to peace in Indochina should not be dismissed out of hand as a purely political preelection gesture. They are, I am convinced, serious proposals, which come as the result of a great deal of labor in the executive branch, and I hope they will be treated as serious proposals by Hanoi and the NLF and their supporters. If taken together with the eight-point plan put forward the other day by the Communist side they should provide a basis for serious talks, especially if those talks can be held in private.

The President's proposal for a standstill cease-fire is one that the United States should have made a long time ago, not so much because it will succeed—I

doubt that it will—but because it puts the United States in the positon of wanting to stop the killing. Even more encouraging for the future of the negotiations is the fact that the steady opposition of the Saigon regime to a standstill cease-fire has been finally overridden, and Messrs. Thieu and Ky were apparently told that they had to accept it, no matter how grudgingly.

If this sets a precedent for the future, and if the Nixon administration will continue to be prepared to insist on following what the United States regards as a reasonable course toward a fair settlement, without allowing the Thieu-Ky regime to exercise a veto power, the prospects for peace will be enormously enhanced.

The President's proposal is also to be welcomed because it contains a clearer commitment than he has made before to the principle of a total American withdrawal of troops once a settlement is arrived at. In addition, the speech was also significant for some of the things it did not contain; for example, President Nixon omitted what has become a customary condemnation of the idea of a coalition government.

On the other hand, surely the administration must recognize that the proposals in their present form will not be acceptable to the other side. A key point in the Communist position is that the government that dominates South Vietnam when elections are to be held must not be the Thieu-Ky regime, and the President gave no hint that he would in any way abandon his full support for that regime. Indeed, the President exaggerated and distorted the Communist position in this regard, making it sound is if the Communists were reverting to their position of 4 or 5 years ago when they were insisting that the NLF must be accepted as the sole representative of the South Vietnamese people.

Also, the President did not make any substantive move toward the Communist position that any cease-fire should follow, rather than precede, a political settlement. However, his speech was subject to the interpretation that the negotiation for a cease-fire and the political negotiations could go forward simultaneously. In this respect, as in other respects, it is to be hoped that the Communist side will choose to interpret the American proposals in their best possible light, as President Kennedy did the proposals of Mr. Khrushchev at the time of the Cuban missile crisis.

Nothing in the President's speech has altered my view that the United States should embark on a fixed and rapid program of total troop withdrawal as the amendment before us would require. To announce such a program would make the Saigon regime recognize the necessity of being much more flexible and amenable to a reasonable political settlement than it has been so far. And it is quite possible that the announcement of such a program would loosen up the other side as well: There is good reason to believe that Hanoi does not really want American forces fully withdrawn until a settlement has been reached.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I think all of us applaud the views that the President of the United States expressed last night, and I see nothing inconsistent in the proposal with the goals and purposes and hopes that the President expressed to the American people.

This war has gone on too long, and it has cost far too much in lives and resources. It has accomplished far too little, and its futility is abundantly evident. It has caused frustration at home and abroad with our national goals and purposes, and it is high time that Congress asserted the warmaking power, and expressed the will of the American people to end this ghastly affair.

Mr. Chairman, I wholeheartedly support the amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I hope that the Members will consider the fact that we are legislating on an amendment that could bring an end to the war, a war for which there has been no constitutional authority, a war for which a great number of the American people have continued to express their opposition in a number of ways. And that here at this late hour in the evening we are now engaged in the practice of cutting off debate by majority consent, so that there is something less than a full discussion on the part of the Members on a bill that requires expenditures of $66.6 billion by the American taxpayers.

Mr. Chairman, I do not think we can legislate under this kind of time restriction in a reflective or responsible manner.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I do not know how I could say anything useful in 45 seconds, so I will yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, it seems to me that at the very least this could be called a meaningless amendment, and that at its worst it is a highly mischievous one, for it raises a question as to just what orderly withdrawal means.

Does orderly withdrawal permit the sending out of armed patrols? Does it permit reconnaissance flights? Does it permit the sending in of supplies for those who are in the process of withdrawing? I think these are questions that need to be answered much more clearly than through consideration of this very general amendment.

I question what those who favor this amendment mean by questioning the constitutional authority of our presence in Vietnam. They seem to concede that it is constitutional if it is within the limits they place, and that they seek to impose, but that it is unconstitutional if it goes below their so-called standards, and I think that is a false premise.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise to support the amendment offered by the gentleman from Minnesota (Mr. FRASER).

Everybody in this House has reached the point where they state they are for orderly withdrawal and for ending the war. I do not know of anyway we can do that better than to support this amendment.

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

Mr. KOCH. I yield to the gentleman.

Mr. CONYERS. I would beg to correct the gentleman—because everybody here is not for the withdrawal.

Mr. KOCH. They say they are—they say they are. This amendment puts them to the test.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I would just like to comment on the question raised as to why anyone would wonder about the constitutionality of this war.

As I read the Constitution, the President is not at liberty to send this country into war or to keep it at war for 2 years or 4 years or 6 years or 8 years.

But we are at war and there has been no formal declaration of it and I know of no other congressional authority that would constitute a proper constitutional authorization.

If someone here can cite such constitutional authorization I would like to hear it.

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

Mr. RYAN. Mr. Chairman, as a cosponsor of the McGovern-Hatfield amendment to end the war—House Resolution 1000—I support the similar amendment offered today by our colleague from Minnesota (Mr. FRASER). This amendment sets a deadline for the termination of U.S. involvement in the conflict in Vietnam—June 30, 1971.

The only way to end the death, destruction, and devastation in Southeast Asia is for Congress to exercise its constitutional power over the purse and cease appropriating the money which permits the war to continue.

It is shocking that Members of the House are asked to vote money to finance the war and at the same time are told that the specific amount to be spent is classified. All we have learned from the chairman is that between one-fourth and one-third of the $66.6 billion bill before us is estimated to be for the war.

As one of those seven Members who voted against the first supplemental appropriation bill for Vietnam in 1965, and who has voted against every Vietnam appropriation bill since, I believe the amendment offers Congress an opportunity to begin to end the tragic conflict which has taken some 43,775 American lives in combat. That's the least the House can do. Otherwise the administration will be handed another blank check.

The CHAIRMAN pro tempore. The

Chair recognizes the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, we have been talking about negotiation—and we all wish that there could be a negotiated end of this war.

Let me remind you that the only things we have agreed upon after 2 years of negotiation are the place, the time, and the size of the table.

I suggest to you that tying the hands of the President of the United States the way this amendment would do is no way to get a negotiation.

Obviously, the North Vietnamese would only wait then until all American troops have gone out at a time certain, and they would try to move in on the South Vietnamese.

No, gentlemen, the only way to get this war over with is to deal through strength, and this amendment is certainly not doing that. I hope the amendment will be defeated.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I think it ought to be perfectly clear from the wording of the amendment that it would authorize such operations which are necessary to carry out the safe and orderly withdrawal of U.S. forces.

This leaves it up to the President. All we are asking is that he establish a schedule to bring the troops out by the end of the fiscal year.

If we propose to stay in Vietnam and deal from strength, we are not going to accomplish that either under the President's policy, as it has been followed in the past or under the President's policy, as it was enunciated last night.

The President is taking some troops out, but I think what we need to do is to set a schedule and be sure that we get out within a reasonable time.

(Mr. COHELAN, at the request of Mr. FRASER, was granted permission to extend his remarks at this point in the RECORD.)

Mr. COHELAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Minnesota (Mr. FRASER).

In the aftermath of the Cambodian incursion, a few Members of the House and the Senate began planning to legislate in a manner that would reassert congressional prerogatives in the area of foreign policy, specifically in extricating the United States from the Vietnam quagmire. The result of this action in the Senate was the Hatfield-McGovern amendment and the House is now considering the amendment to assure an end to large-scale U.S. military presence in Vietnam.

Mr. Chairman, the time has long passed to attempt to obscure the issues of this tragic war. Most of the rhetoric about troop withdrawals has been covered in terms of "combat" and "support" troops. When all of the semantic definitions are removed this point remains: after combat troops are removed the United States will still have a manpower commitment of over 200,000 in Vietnam. This, to my mind, is not fulfilling the announced intention to end the direct U.S. military involvement as enunciated in the Nixon doctrine.

In addition, Mr. Chairman, I am not so cynical as to believe that the opponents of the war accept the large-scale U.S. presence even though it does not include draftees as recently announced by the Secretary of Defense. The social and political cost both to our Nation and in Southeast Asia precludes acceptance of such course of action.

I strongly endorse the amendment which has been called the amendment to end the war. In fact the amendment is narrower than that: it provides for the end of the direct participation of the U.S. forces in this war and could pave the way for a realistic settlement in Southeast Asia.

I was pleased with the President's statement on Vietnam last evening and I share the hope that these proposals will contribute to the formulation of a negotiated settlement. In the meantime, however, we must continue to limit our direct military involvement. We must not lose sight of the fact that the Vietnamese war is basically a civil war—one that must be resolved by the Vietnamese themselves. Given this central fact, the United States should continue to remove its troops. This assertion of congressional authority will assure that our troops are withdrawn.

I urge my colleagues to vote for this amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. MAHON) to close debate on the pending amendment.

Mr. MAHON. Mr. Chairman, we all want to see the war brought to an honorable and satisfactory conclusion at the earliest possible moment. I believe that opinion is widely shared by the American people and by this House.

But this amendment would not operate in the best interest of the United States and it would not help us to move toward a satisfactory conclusion of the war.

In my opinion, this amendment complicates the problems and makes the problems of the President more difficult.

I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 23, noes 65.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RIEGLE

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

The Clerk read as follows:

Amendment offered by Mr. RIEGLE: On page 45, after line 8, insert the following:

"SEC. 845. Notwithstanding any other provision of this Act, none of the funds appropriated by this Act shall be available to finance United States ground combat forces in Vietnam after June 20, 1971: *Provided*, That any funds not expended or obligated because of the limitation in this section shall not be otherwise expended or obligated."

The CHAIRMAN pro tempore. The gentleman from Michigan is recognized in support of his amendment.

Mr. RIEGLE. Mr. Chairman, I recognize the lateness of the hour, so I shall not use all my time. I will be as brief as I can in explaining exactly what this amendment would do.

If you read the formal presentation of the plans of the Department of Defense prepared by Secretary of Defense Laird, the most up-to-date formulation of those plans, you will read that it is the announced plan of the administration to completely phase out all American ground combat forces from Vietnam by July 1, 1971. That document is here, and anybody who wants to read it is welcome to do so. Phase 1 of the administration's Vietnamization program, which is the conclusion of all American ground combat operations, is to be concluded by July 1971.

My amendment would provide the funds necessary to complete that transfer of responsibility to the South Vietnamese, and would establish a date of June 20, 1971, to have that job done, and beyond that date there would be no funds provided in this bill to continue American ground combat operations.

The reason the date of June 20 is selected is that it does create a 10-day lag before fiscal year 1972 money would be available to continue American ground combat operations.

We are preparing, with this bill, to sign a blank check for the war. I happen to think that this is a mistake, in the absence of any specific constitutional authority to carry this war forward. Because this war is not declared, not authorized, not over, and it is not in the strategic interest of this country. It is an accidental war. It has been a mistake for our country.

Through this amendment we can put a limitation on how long the dying will continue, and I mean deaths of American troops in ground combat operations. I am saying: Let us take the President's plan; let us take exactly what the administration has said it wishes to do; and let us lock-in that promise and lock-in that commitment, and let us share the responsibility for it. That is what the Constitution of the United States says we ought to do, but which we have avoided successfully, to the peril of this country, for 8 long years. But let us sign up today and shoulder our share of this constitutional responsibility by establishing an expenditure limitation that says: Yes, we will accept your timetable through Phase 1. We want that promise kept, because American boys, if they have to die for another 9 months, that is long enough. But beyond that time we expect that promise to be kept.

So I ask for your support of this amendment because it is consistent with what the President has asked for. It is his plan. It is flexible. It is within the Constitution. And if he wants additional authority, let him come and ask for it next spring, and let us consider it as a body, and at least, at that time, squarely face the issue and not slip out the side door as we have done for 8 years.

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

Mr. ROBISON. Mr. Chairman, I

warmly welcomed the new initiatives toward peace in Indochina as announced last night by President Nixon. The package put forth by Mr. Nixon is a reasonable—even generous—offer, and constitutes a sound basis for hope, even despite the anticipated public rejection of it this morning by the Communist side at Paris, that the end of this long and tragic war may, indeed, be in sight.

All of us want that war to end—and at the earliest possible date. No one, I am sure, desires its termination more fervently than Mr. Nixon; and no one of us, today, would wish to do anything that might, in any conceivable way, disrupt or impede whatever chance of success the President's new initiatives may have.

However, I find myself, at this moment, in a considerable quandary. As a member of the Select Committee on United States Involvement in Southeast Asia that this House sent to the former Indochina area in June of this year, I saw, for myself, the great strides we have been making, with our South Vietnamese allies, toward Vietnamizing what remains of this war. I returned home especially impressed with the South Vietnamese capability, and willingness, to assume an ever greater share of the burden of all phases of combat in the continuing conflict, but particularly with their present capacity—and their immediate potential—for assuming almost the full burden of ground combat in what remains, as it has always been, a war for them to win or lose.

Though they will have to speak for themselves, I also believe a majority of our committee was similarly impressed and that nearly all of us were hopeful that, by spring or early summer of next year, it would no longer be necessary for American boys to risk their lives and limbs in ground combat missions anywhere in South Vietnam except insofar as such participation might still be required to defend either themselves or their positions. After having viewed nearly every aspect of the Vietnamization program, as being carried out by the several branches of service, some of us even offered a number of recommendations as to how that program might be expedited in various ways, and I think it is safe to say that some of those recommendations have been, or are being, implemented.

In any event, upon my return I offered a resolution—House Concurrent Resolution 698, which was later reintroduced with some other sponsors as House Concurrent Resolution 703, and has since again been reintroduced in a stripped down version, as House Concurrent Resolution 756. In doing so, I had several purposes in mind, primary among which—though I recognized it as too late to redeem past Congresses from the stigma of standing idly by while the buildup in Vietnam went on—was my desire to have this Congress share with the President the burden of framing a proper withdrawal policy, for it is clear, come what may, that we are now withdrawing from Vietnam.

A secondary purpose was to point up the self-evident fact that, while U.S. troop withdrawals can Vietnamize the war, they cannot end it for, as many South Vietnamese said to me while I was over there:

> Vietnamization is a fine thing, and we support the concept since this is our war, but while it means the end of the war for you, for us it means the war will go on and on.

My keener appreciation of this fact, as gained during my visit, and my concern over whether or not the American people are really willing to support a continuing, costly military assistance program to Saigon even after Vietnamization is complete, are complementary reasons why, for me, the President's new initiatives were so welcome.

In any event, my resolution—or resolutions—avoid the fatal defect as I saw it in either the McGovern-Hatfield resolution in the other body or House Resolution 1000 in this; the defect being the attempt to mandate an overall withdrawal deadline on the President through a cutoff of funds. In lieu of that unwise approach. I suggested that Congress should fulfill its advisory capacity toward our Commander in Chief—and thus fulfill in part its shared role with him in framing foreign policy, generally—by recommending, as the "sense of Congress," a withdrawal time frame. I believe we have the capacity, and certainly the responsibility, for going that far. Accordingly, my proposal embodied a recommendation to the President for an end, first, of our participation in ground combat anywhere in Indochina by May 1, 1971, and, second, for an end of our other combat-support activities there by July 1, 1972. Please note, again, whether you agree with my target dates or not, that these were "sense of Congress" recommendations—not mandated deadlines.

Now, I have just voted to help defeat House Resolution 1000, as offered by way of amendment to this bill. I have voted against it because there are so many ambiguities in the present military situation in former Indochina, and the President stands—particularly at this moment—so much in need of all the flexibility and negotiating room he can manage, as to make it most unwise to attempt to force him to what would amount to a total, unilateral withdrawal from Vietnam by next July 1.

But the pending amendment, limited as it is to our continued participation in ground combat, is quite another thing. I still do not like a mandated deadline—via a cutoff of funds—even for this specific purpose and, if the rules of the House permitted, would now be offering that part of my resolution which pertains to ground combat as a substitute for the pending amendment. Such a substitute might have a fair chance of success, since I believe many Members here feel as I do on this point.

Since that door is closed to me, however, I believe I have—in good conscience—no other course to follow but to support the pending amendment.

And I will do so because I believe—very strongly—that we now have, at great cost to ourselves, done about all we can for the people of South Vietnam, and won for them all that was ever winnable in this conflict—which is a chance to stand on their own two feet; and further because, in line with such thoughts, and my own personal observation of the situation in Vietnam, we certainly can, and should—and probably will, anyway—be out of all direct participation in ground combat anywhere in South Vietnam well before next July 1.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MOORHEAD

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

The Clerk read as follows:

> Amendment offered by Mr. MOORHEAD: On page 45, following line 8, insert a new section as follows:
>
> "SEC. 845. Notwithstanding the foregoing provisions of this Act, the aggregate amount to be appropriated by this Act shall not exceed $65,000,000,000."

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment which I offer on my own behalf and for the gentleman from Ohio. I believe that the committee, under the able leadership of the gentleman from Texas (Mr. MAHON) is highly deserving of praise. Reviewing and scrutinizing a bill of the size and complexity of this one is a monumental task. The staff of this committee deserves our sympathy.

I understand that there is a total of only six staff members on the subcommittee assigned to scrutinize the $66 billion in appropriations contained in this bill—nearly half of all the appropriations that the House will act on this year. It is not only a technical area to deal with but the mountain of budget justification material is unbelievable. I would submit, Mr. Chairman, that it is impossible for one man to adequately examine $10 billion worth of programs.

I think the American people would applaud an increased expenditure for additional staff to aid the already competent staff of the Appropriations subcommittee.

Yet even with these handicaps the committee, under the able leadership of the chairman, has managed to prune $2.089 billion from the Pentagon's $68.754 billion. This is a notable achievement considering the fact that the Pentagon has claimed this was a "rock-bottom, bare-bones budget."

Many of us in Congress over the last year and a half have called for a new realism in our defense budget and a shift in our national priorities. Today, we have the opportunity to begin to implement these recommendations. Their amendment provides for a sensible ceiling on Pentagon appropriations. It is a major contribution to the fight against inflation and a first step toward reordering our national priorities.

Just a short while ago, the President vetoed significant education and housing bills on the grounds that they were inflationary. But military expenditures are the most inflationary of all government expenditures because they do not supply Americans with any of the goods and services they desire.

The aid to education bill was vetoed because it contained $453 million above the administration request. This bill con-

tains $435 million above the administration's request for Navy ship construction.

But there are even more pressing reasons to reduce and reallocate military spending. Every American knows what these reasons are—crime, poverty, pollution, inadequate schools, inadequate housing, inadequate transportation. The $1.6 billion saved by this amendment could go a long way toward meeting these domestic problems.

Of course, no reduction in defense outlays would be acceptable if it impaired our national security. But this 2 percent reduction does not do so. There are many areas where substantial cuts can be made without jeopardizing our military posture.

From the information developed by the committee itself, from experts testifying before the Congress and from other studies conducted by Members of Congress as well as the GAO, I still believe the Congress can cut this bill further. And I believe the Moorhead-Whalen limit on appropriations is the way to do it. While the Defense Department should be able to set priorities within the limits of their expertise, only Congress is charged with maintaining a broader view of the Nation's needs. And today our needs are many.

With a $10 to $15 billion or more Federal deficit predicted for fiscal year 1971, and urgent nonmilitary needs to be met, Congress should decide where cuts should be made in the overall Federal budget. We must remain militarily strong—and we will.

A recent Gallup poll indicated that a majority of the Nation's voters would like their Congressman to vote for a reduction in military spending. The committee has cut appropriations by 3 percent. Many experts and especially Charles Schultze, the former Budget Director, has testified that we can cut $10 to $14 billion without adversely affecting our national security. It seems to me that a real change in national priorities as reflected in changes in congressional appropriations demands more of a cut than 3 percent.

Our amendment proposes a cut of an additional 2 percent in appropriations.

The amendment is very simple. It sets a limit of $65 billion on appropriations—a $1.6 billion or a 2-percent cut.

The amendment leaves the specific determination of where to cut up to the President and Department of Defense. We have been opposed in the past on specific cuts on the grounds that only the Pentagon knew where to make the cuts—this amendment overcomes the criticism.

It seems to me that this is a chance for the House of Representatives to work its will in effecting a change in our national priorities.

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

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

Mr. MAHON. It should be further pointed out that we have an investigative staff of about 35 individuals who are constantly looking into expenditures of the Government, including Defense expenditures.

Mr. MOORHEAD. I would say to the chairman, I believe the American people would applaud increased expenditures for additional staff to aid the already competent staff of the Appropriations Subcommittee.

(Mr. COHELAN, at the request of Mr. MOORHEAD, was granted permission to extend his remarks at this point in the RECORD.)

Mr. COHELAN. Mr. Chairman, I rise in support of the Moorhead-Whalen amendment to reduce the Department of Defense appropriations for fiscal 1971 to $65 billion.

My support of this amendment will be no surprise to all Members who know of my opposition to the high level of defense expenditures, and my active efforts to delete the unnecessary weapons system.

As we all realize, there have been some significant cuts by the Appropriations Committee, on which I am privileged to serve, yet more remains to be done. I feel that this small reduction of the Moorhead-Whalen amendment of $1.6 billion is a necessary additional cut.

As many Members are aware, the President has impounded much of the educational funds that this Congress overwhelmingly approved over the Presidential veto. Yet the President has no qualms about asking for increases for nonessential defense expenditures. I think by accepting these cuts the Congress will be in a better position to demonstrate that it is committed not only to an adequate defense budget but also to programs that permit our necessary domestic programs to be fully funded.

The budget reductions, as it is well known, are usually taken from necessary domestic programs. It is gratifying to find that some cuts have been taken from our excessive defense budget. It is important, however, to realize that the suggested cuts made in the Moorhead-Whalen amendment will be made by the Department of Defense itself, but I do not think the Department will find the choices very difficult because there are many projects that could be cut without any diminution of our security. For example, the overruns on 38 major weapon systems is estimated to be $23 billion. This is only overruns—not the cost of the total system. With the implementation of new procurement procedures announced with the requisite fanfare by the Department of Defense, it should be easy to make up the $1.6 billion that is mandated by the pending amendment.

Other areas:

ABM, $1.07 billion could be saved by allowing research and development to continue while halting deployment of the ABM until the system is fully operational.

B–1, $75 million could be saved by cancellation of the money for the B–1 because the F–111 could perform the same function as the proposed B–1 bomber. In fact, the entire logic of a manned strategic bomber should be analyzed.

MIRV, there could be the deferment of the production and deployment of the multiple independently targeted reentry vehicle—MIRV—for the Minuteman III land-based missile pending the SALT talks, which could save $474.7 million.

Aircraft carriers, the reduction of a single carrier with its intended logistic support could save $1.5 billion. Indeed, some strategists suggest that in a nuclear age there is very little reason for a 15 aircraft carrier force.

The "one war plus" strategy recently adopted by the administration should reduce defense expenditures by $14 billion according to Charles Schultz, former Director of the Bureau of the Budget.

There are other examples but I am sure that the officials of the Department of Defense can better allocate the defense dollar. Cutbacks in manpower and in other areas commend themselves immediately to mind.

I commend the work of the gentleman from Pennsylvania (Mr. MOORHEAD) and the gentleman from Ohio (Mr. WHALEN) for offering this constructive amendment to support this small but necessary reduction.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WHALEN. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas

There was no objection.

The CHAIRMAN pro tempore. Members standing at the time the unanimous-consent request was agreed to will be recognized for approximately a minute and a half each.

The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, the Appropriations Committee is to be commended for its efforts to weed out unnecessary expenditures from the Defense appropriations bill. The committee's $2.1 billion cut made in the budget request of $68.7 billion is encouraging. Further, this reduction, when coupled with the cuts proposed by the administration, brings the fiscal year 1971 budget $6 billion below last year's appropriations. This clearly indicates the commencement of a reordering of our national priorities.

Perhaps there are two pertinent questions which you, my colleagues, may have regarding the Moorhead-Whalen amendment, which proposes still further cuts.

First, why do we recommend an additional reduction in the military appropriations bill of $1.6 billion? We do so simply because we feel that stringent guidelines must be extended to all areas of Government spending, including military appropriations, in the battle against inflation. As President Nixon has suggested, we must avoid those expenditures which are questionable or unnecessary.

Second, will the proposed $1.6 billion reduction weaken our national security? It will not. In fact, over $600 million of this $1.6 billion can be found in two highly questionable items.

First, the $200,000,000 which will be used to bail out a private corporation can be eliminated. The Appropriations Committee is not convinced of the necessity of expending these funds. Moreover, the authorization legislation, as well as this appropriations bill, requires that the $200,000,000 not be obligated until the Armed Services and Appropriations Committees are thoroughly briefed on the details of any resolution. It is further stipulated in this bill that such notification will be made at least 30 days prior to the intended commitment or obligation of these funds. Since the committees obviously express some doubt as to the expenditure of this money, I believe we should await this proposed congressional review before the money is appropriated.

There is a second area in which the Appropriations Committee, in its report, clearly expresses uncertainty. The committee states that it has always been sympathetic to the needs of the Navy and wholly endorses the absolute necessity to modernize our aging fleet. The report continues:

It (the committee) is not completely convinced, however, that the answer lies in numbers of ships alone.

Several paragraphs later, the committee clarifies in what other area it believes the answer lies:

The committee is firmly convinced that what is needed, therefore, is an immediate, energetic, and concentrated effort to improve the planning and management of the ship building and conversion program of the Navy, rather than continuing to add funds above the President's budget.

The report concludes:

Additional money for more ships does not improve management.

It would appear to me that a logical way of achieving better management would be to keep within the President's budget request for naval vessels rather than hand the Navy an admonition and an additional $417 million.

I cite the above two examples only to demonstrate that our proposed additional cut of $1.6 billion can be made within the context of our goal to provide a defense fully adequate to our national security needs. Our amendment does not specify, however, the areas from which these funds should be made. Rather, by imposing the $65 billion ceiling, we give the Department of Defense itself and its various agencies a share of the responsibility for reordering its own and the Nation's priorities.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. RHODES).

(By unanimous consent, Mr. RHODES yielded his time to Mr. BOW.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Chairman, this amendment is very familiar to me. It is similar to the old Bow amendment that we have considered many times in the past. But may I say to you, Mr. Chairman, and to my colleagues that this amendment was never offered by me or by those who believed in this kind of amendment when our national defense or our national security was involved. It seems to me that it is improper at this time, after the committee has studied long and hard and has reduced this bill by substantial amounts, to arbitrarily question the defense of our Nation. Therefore, I believe the amendment should be voted down.

Now, on the issue of national priorities, I ask what good is antipollution or the other things talked about if we sacrificed our defense and the Nation could not defend itself? It seems to me the No. 1 priority today is the proper defense of the United States of America.

We have a President who is doing everything he can to stop the war in Vietnam so that we might have an era of peace—as he has said, a generation of peace. If we achieve this generation of peace, then these priorities can assume their proper place, but until that day comes our defense must remain strong. To arbitrarily make this cut, Mr. Chairman, is a dangerous thing. It is not only dangerous to the defense of our country, but also to these other priorities so often discussed. If we lose the country, we lose the opportunity to establish these priorities.

Mr. Chairman, I hope this amendment will be defeated.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield to me?

Mr. BOW. I yield to the distinguished Speaker, the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, may I make the additional observation that we will never have another opportunity of preparing ourselves after the fact. World War II, after the attack at Pearl Harbor, was the last time that we will ever have that opportunity. That means that we now have to be prepared before the fact.

Mr. BOW. I thank the distinguished Speaker.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, I rise in opposition to this amendment.

As has been pointed out here earlier today, we on the subcommittee have worked hard and diligently and spent many, many hundreds of hours in interrogating witnesses and examining this Defense budget. We did not use a meat ax approach. That we made selected cuts and I think they were good reductions for that the Defense Department can live with. If for good cause they show us they can not we will take another look at their requests.

I should also like again to point out to the committee that this committee not only cut $2 billion plus out of this bill but, as I pointed out earlier this afternoon, we have taken out of Defense budgets over $14.5 billion over the period of the last 4 years. This is a record of saving the taxpayer a lot money.

Mr. Chairman, this is a great tribute not only to the subcommittee but to the excellent staff that we have.

Their hard work and dedication to duty certainly deserves the plaudits of this entire House. They are the unsung heroes of this tremendously important piece of legislation.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. MAHON) to close debate on this amendment.

Mr. MAHON. Mr. Chairman, I would like to repeat that I am dedicated, as I am sure the majority of the Members of this House—a great majority—are dedicated to maintaining the military superiority of the United States. We would be ill-advised to cut this bill by an additional $1.8 billion.

Mr. Chairman, I urge the defeat of the pending amendment.

Mr. GUDE. Mr. Chairman, I rise in support of the Moorhead-Whalen amendment to limit military appropriations to $65 billion.

I am reminded today of Secretary Richardson's comment when he returned to head the Department of Health, Education, and Welfare, where he had once been employed. He said it was like meeting an old friend who had grown very fat.

Our military budget has grown even fatter, and it is past time to restore some tone. The administration, the Fitzhugh Commission, and the Appropriations Committee have all recognized that the principle of economy and efficiency in Government cannot stop at the steps of the Pentagon. A spendthrift approach to the military budget weakens our defenses, and it undermines the real foundation of our military strength, the American economy.

The modest cut proposed in the amendment can safely be made by a number of means, such as cutbacks in unnecessary overseas bases and personnel, and strict adherence to a sensible research and testing program before billion-dollar buying programs are begun. We are supporting a supermarket full of gold-plated weaponry, when we should be concentrating on the programs that will really do the job. This is a luxury no nation can afford, and an inexcusable indulgence in the face of our urgent civilian needs.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The question was taken; and on a division (demanded by Mr. MOORHEAD) there were—ayes 33, noes 72.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. VANIK

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

The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 45, line 8, the following new section:

"None of the funds appropriated in this Act shall be used to insure assets or loans on the repayment of the obligations of any corporation or individual."

Mr. RHODES. Mr. Chairman, I reserve a point of order against the amendment.

Mr. VANIK. Mr. Chairman, I would simply like the Clerk to reread the amendment. All I want to do with this

amendment is to put the following language in the bill:

None of the funds appropriated in this Act shall be used to insure assets or guarantee loans or the repayment of the obligations of any corporation or individual.

Mr. Chairman, what I am talking about here should be obvious to every Member of the Committee. I am talking about the open-ended authority which the President of the United States has under the long-gone Korean emergency to commit this country—and he almost did—to guarantee $900 million in loans that were held by the banks on certain assets of the Penn Central Railroad.

I think this is a very dangerous power. Within the last 30 days the Secretary of the Department of Transportation, with a stroke of his pen, committed the taxpayers of the United States to insure America's international airlines a fleet of some 344 planes, to the tune of $3.2 billion. No bill was pending in the Congress to permit this, no hearings took place before any committee. As a matter of fact, the Congress of the United States was not even an information addressee of the administration's decision.

Mr. Chairman, I think this is a very dangerous power. I do not think it should be allowed or that we should permit this bill to provide resources out of which the Federal Government can provide guarantees that are not considered by this Congress and which are not discussed in any committee of this Congress. I think this is a power which must be curtailed at least in an appropriation bill, until we can do something about the blanket, open-ended authority which rests in the Executive to commit the taxpayers of America to billions of dollars of obligations and commitments without asking and without seeking the approval of the people or their representatives.

I think this is a dangerous power. There may be an argument for it with respect to the airline emergency, and I do not argue about that. However, if the Government of the United States is going to be an insurer of last resort then what about the people who cannot buy insurance on their homes because of where they live. What about the people who cannot buy insurance on their automobile or on their automobile driving? Or what about the citizens of this country who are not able to buy health insurance?

If we are going into insurance programs let us do it properly, with legislation before the Congress which we can debate, so that we can measure the cost, and measure the extent of the commitment.

I ask the Members of this Committee to support this amendment. The language is very simple. It does not interfere with any proper defense need or expenditure. It is a perfectly right and decent thing to do to insist that these commitments and guarantees be submitted to the Congress before they become the obligation of the American people.

The CHAIRMAN pro tempore. Does the gentleman from Arizona (Mr. RHODES) insist on his point of order?

Mr. RHODES. Mr. Chairman, I do not insist on my point of order.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The question was taken; and on a division (demanded by Mr. VANIK) there were—ayes 50, noes 59.

Mr. VANIK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman pro tempore appointed as tellers Mr. VANIK and Mr. MAHON.

The Committee again divided, and the tellers reported that there were—ayes 70, noes 82.

So the amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk concluded the reading of the bill.

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

Mr. MAHON. Mr. Chairman, as we come to the close of consideration of this all-important bill, I want especially to express my deep thanks and appreciation to the members of the committee who worked so long, so diligently, and so effectively in bringing this bill and report to the House. They were cooperative and helpful every step of the way. They labored through weeks and months of committee hearings, probing, testing, questioning, and analyzing the many defense programs and the budgets for them.

The membership of the Subcommittee on Defense Appropriations—the gentleman from Florida (Mr. SIKES), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from Alabama (Mr. ANDREWS), the gentleman from Pennsylvania (Mr. FLOOD), the gentleman from West Virginia (Mr. SLACK), the gentleman from New York (Mr. ADDABBO), the gentleman from Ohio (Mr. MINSHALL), the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New Hampshire (Mr. WYMAN)—these men deserve our thanks for their diligence and their devotion to the long, hard task of sifting the countless ramifications of a $68 billion budget.

And, Mr. Chairman, I want to make public note of the wonderful dedication and splendid work of the committee staff assigned to this bill. They have labored day and night for weeks and months on end. They have performed effectively and brilliantly. The Committee on Appropriations is fortunate in having a very able staff. The Defense staff, under the able direction of Ralph Preston, also includes John Garrity, Peter Murphy, Robert Foster, and Gary Michalak, assisted generally by Austin Smith.

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committtee, having had under consideration the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. 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.

MOTION TO RECOMMIT OFFERED BY MR. RIEGLE

Mr. RIEGLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RIEGLE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RIEGLE moves to recommit H.R. 19590 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 46, nays 264, answered "present" 1, not voting 119, as follows:

[Roll No. 337]

YEAS—46

Ashley	Harrington	Podell
Bingham	Hawkins	Rees
Brasco	Hechler, W. Va.	Reid, N.Y.
Burton, Calif.	Helstoski	Reuss
Carey	Kastenmeier	Riegle
Chisholm	Koch	Rosenthal
Conte	Lowenstein	Roybal
Conyers	McCarthy	Ryan
Donohue	McCloskey	Scheuer
Eckhardt	Macdonald, Mass.	Stokes
Edwards, Calif.	Mikva	Vanik
Fraser	Moorhead	Waldie
Friedel	Mosher	Whalen
Gilbert	O'Neill, Mass.	Wolff
Green, Pa.	Philbin	Yates
Gude		

NAYS—264

Abernethy	Andrews, Ala.	Bevill
Adams	Andrews, N. Dak.	Biaggi
Addabbo	Annunzio	Biester
Albert	Arends	Blatnik
Anderson, Calif.	Baring	Boggs
Anderson, Ill.	Beall, Md.	Boland
Anderson, Tenn.	Bell, Calif.	Bow
	Bennett	Brademas
		Bray

Brinkley	Hanna	Poage
Broomfield	Hansen, Idaho	Poff
Brotzman	Hansen, Wash.	Price, Ill.
Brown, Mich.	Hastings	Price, Tex.
Brown, Ohio	Hathaway	Pryor, Ark.
Broyhill, N.C.	Heckler, Mass.	Pucinski
Buchanan	Henderson	Quie
Burke, Fla.	Hicks	Railsback
Burke, Mass.	Hogan	Randall
Burleson, Tex.	Holifield	Rarick
Byrnes, Wis.	Horton	Reid, Ill.
Caffery	Hosmer	Rhodes
Camp	Howard	Rivers
Carter	Hull	Roberts
Casey	Hunt	Robison
Cederberg	Hutchinson	Rodino
Chamberlain	Ichord	Roe
Chappell	Jacobs	Rogers, Colo.
Cleveland	Jarman	Rogers, Fla.
Collier	Johnson, Pa.	Rooney, N.Y.
Collins	Jones, Ala.	Rooney, Pa.
Colmer	Jones, Tenn.	Roth
Conable	Kazen	Rousselot
Corman	Kee	St Germain
Coughlin	Kuykendall	Sandman
Crane	Kyl	Saylor
Culver	Kyros	Schadeberg
Cunningham	Landgrebe	Scherle
Daniel, Va.	Langen	Schmitz
Daniels, N.J.	Latta	Schneebeli
Davis, Ga.	Leggett	Schwengel
Davis, Wis.	Lennon	Scott
de la Garza	Lloyd	Sebelius
Delaney	Long, La.	Shriver
Dellenback	Long, Md.	Sikes
Denney	Lukens	Sisk
Dennis	McCulloch	Skubitz
Dent	McDade	Slack
Dickinson	McDonald, Mich.	Smith, Calif.
Diggs	McEwen	Smith, Iowa
Downing	McFall	Smith, N.Y.
Dulski	McKneally	Springer
Duncan	Madden	Stafford
Edmondson	Mahon	Stanton
Edwards, Ala.	Mann	Steed
Erlenborn	Marsh	Steiger, Ariz.
Evans, Colo.	Martin	Steiger, Wis.
Evins, Tenn.	Mathias	Stubblefield
Fascell	Matsunaga	Stuckey
Findley	May	Sullivan
Fish	Mayne	Symington
Flood	Melcher	Taft
Flowers	Michel	Taylor
Foley	Miller, Calif.	Teague, Calif.
Ford, William D.	Miller, Ohio	Thompson, Ga.
Fountain	Minish	Thomson, Wis.
Frelinghuysen	Mink	Tiernan
Frey	Minshall	Ullman
Fulton, Pa.	Mize	Van Deerlin
Fulton, Tenn.	Mizell	Vander Jagt
Galifianakis	Mollohan	Vigorito
Gallagher	Monagan	Waggonner
Garmatz	Montgomery	Wampler
Gaydos	Morgan	Watts
Gettys	Murphy, Ill.	Whalley
Gialmo	Murphy, N.Y.	White
Gibbons	Myers	Whitehurst
Goldwater	Natcher	Whitten
Gonzalez	Nelsen	Widnall
Goodling	Nichols	Wiggins
Gray	Obey	Williams
Green, Oreg.	O'Hara	Wilson, Charles H.
Griffin	Passman	Winn
Gross	Patten	Wright
Grover	Pelly	Wylie
Gubser	Pepper	Wyman
Hall	Perkins	Yatron
Halpern	Pettis	Young
Hamilton	Pickle	Zablocki
Hanley	Pike	Zwach

ANSWERED "PRESENT"—1

Brown, Calif.

NOT VOTING—119

Abbitt	Cabell	Eilberg
Adair	Celler	Esch
Alexander	Clancy	Eshleman
Ashbrook	Clark	Fallon
Aspinall	Clausen, Don H.	Farbstein
Ayres	Clawson, Del	Feighan
Barrett	Clay	Fisher
Belcher	Cohelan	Flynt
Berry	Conte	Ford, Gerald R.
Betts	Corbett	Foreman
Blackburn	Cowger	Fuqua
Blanton	Cramer	Griffiths
Bolling	Daddario	Hagan
Brock	Dawson	Haley
Brooks	Derwinski	Hammer-schmidt
Broyhill, Va.	Devine	Harsha
Burlison, Mo.	Dingell	Harvey
Burton, Utah	Dorn	Hays
Bush	Dowdy	Hébert
Button	Dwyer	Hungate
Byrne, Pa.	Edwards, La.	Johnson, Calif.
Jonas	Morton	Ruth
Jones, N.C.	Moss	Satterfield
Karth	Nedzi	Shipley
Keith	Nix	Snyder
King	O'Konski	Staggers
Kleppe	Olsen	Stephens
Kluczynski	O'Neal, Ga.	Stratton
Landrum	Ottinger	Talcott
Lujan	Patman	Teague, Tex.
McClory	Pirnie	Thompson, N.J.
McClure	Pollock	Tunney
McMillan	Powell	Udall
MacGregor	Preyer, N.C.	Watson
Mailliard	Purcell	Weicker
Meeds	Quillen	Wilson, Bob
Meskill	Reifel	Wold
Mills	Rostenkowski	Wyatt
Morse	Roudebush	Wydler
	Ruppe	Zion

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Hays with Mr. Ayres.
Mr. Teague of Texas with Mr. Morton.
Mr. Thompson of New Jersey with Mr. Talcott.
Mr. Staggers with Mr. Adair.
Mr. Preyer of North Carolina with Mr. Jones.
Mr. Fuqua with Mr. Harvey.
Mr. Ellberg with Mr. Don Clausen.
Mr. Cabell with Mr. Derwinski.
Mr. Shipley with Mr. Betts.
Mr. Burlison of Missouri with Mr. Keith.
Mr. Nedzi with Mr. O'Konski.
Mr. Patman with Mr. Belcher.
Mr. Mills with Mr. Morse.
Mr. Stratton with Mr. Button.
Mr. Blanton with Mr. Quillen.
Mr. Satterfield with Mr. Broyhill of Virginia.
Mr. Olsen with Mr. Ashbrook.
Mr. Dingell with Mr. Mailliard.
Mr. Clark with Mr. Corbett.
Mr. Johnson of California with Mr. Del Clawson.
Mr. Hungate with Mr. Kleppe.
Mr. Barrett with Mr. Clancy.
Mr. Celler with Mr. Prince.
Mr. Brooks with Mr. Berry.
Mr. Byrne of Pennsylvania with Mr. King.
Mr. Meeds with Mr. McClure.
Mr. Moss with Mr. Snyder.
Mr. Nix with Mr. Ottinger.
Mr. Purcell with Mr. Reifel.
Mr. Rostenkowski with Mr. Bob Wilson.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Flynt with Mr. Roudebush.
Mr. Fisher with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Ruth.
Mr. Kluczynski with Mr. Harsha.
Mr. Jones of North Carolina with Mr. MacGregor.
Mr. Aspinall with Mr. Devine.
Mr. Landrum with Mr. Brock.
Mr. Karth with Mr. Esch.
Mr. Daddario with Mr. Meskill.
Mr. Dowdy with Mr. Burton of Utah.
Mr. Farbstein with Mr. Clay.
Mr. McMillan with Mr. Cowger.
Mr. Abbitt with Mr. Bush.
Mr. Tunney with Mr. Powell.
Mr. Alexander with Mr. Ruppe.
Mr. O'Neal of Georgia with Mr. McClory.
Mr. Stephens with Mr. Foreman.
Mr. Haley with Mr. Watson.
Mr. Hogan with Mr. Weicker.
Mr. Fallon with Mr. Wydler.
Mr. Cohelan with Mr. Wold.
Mr. Dorn with Mr. Hammerschmidt.
Mr. Udall with Mr. Zion.
Mr. Feighan with Mr. Eschleman.
Mr. Lujan with Mr. Pollock.
Mr. Blackburn with Mr. Wyatt.

Mr. TIERNAN changed his vote from "yea" to "nay."

Mr. BROWN of California. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Moss). If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 274, nays 31, answered "present" 2, not voting 123, as follows:

[Roll No. 338]

YEAS—274

Abernethy	Fountain	Minish
Adams	Frelinghuysen	Mink
Addabbo	Frey	Minshall
Albert	Friedel	Mize
Anderson, Calif.	Fulton, Pa.	Mizell
Anderson, Ill.	Fulton, Tenn.	Mollohan
Anderson, Tenn.	Galifianakis	Monagan
Andrews, Ala.	Gallagher	Montgomery
Andrews, N. Dak.	Garmatz	Moorhead
Annunzio	Gaydos	Morgan
Arends	Gettys	Murphy, Ill.
Ashley	Gialmo	Murphy, N.Y.
Baring	Gibbons	Myers
Beall, Md.	Goldwater	Natcher
Bell, Calif.	Gonzalez	Nelsen
Bennett	Goodling	Nichols
Bevill	Gray	Obey
Biaggi	Green, Oreg.	O'Hara
Biester	Griffin	O'Neill, Mass.
Blatnik	Gross	Passman
Boggs	Grover	Patten
Boland	Gubser	Pelly
Bow	Hall	Pepper
Brademas	Halpern	Perkins
Bray	Hamilton	Philbin
Brinkley	Hanley	Pickle
Broomfield	Hanna	Pike
Brotzman	Hansen, Idaho	Poage
Brown, Mich.	Hansen, Wash.	Poff
Brown, Ohio	Hastings	Price, Ill.
Broyhill, N.C.	Hathaway	Price, Tex.
Buchanan	Heckler, Mass.	Pryor, Ark.
Burke, Fla.	Helstoski	Pucinski
Burke, Mass.	Henderson	Quie
Burleson, Tex.	Hicks	Randall
Byrnes, Wis.	Hogan	Rarick
Caffery	Holifield	Reid, Ill.
Camp	Horton	Reid, N.Y.
Carey	Hosmer	Rhodes
Carter	Howard	Rivers
Casey	Hull	Roberts
Cederberg	Hunt	Robison
Chamberlain	Hutchinson	Rodino
Chappell	Jacobs	Roe
Cleveland	Jarman	Rogers, Colo.
Collier	Johnson, Pa.	Rogers, Fla.
Collins	Jones, Ala.	Rooney, N.Y.
Colmer	Jones, Tenn.	Rooney, Pa.
Conable	Kazen	Roth
Conte	Kee	Rousselot
Corman	Kuykendal	St Germain
Coughlin	Kyl	Sandman
Crane	Kyros	Saylor
Culver	Landgrebe	Schadeberg
Cunningham	Langen	Scherle
Daniel, Va.	Latta	Schmitz
Daniels, N.J.	Leggett	Schneebeli
Davis, Ga.	Lennon	Schwengel
Davis, Wis.	Lloyd	Scott
de la Garza	Long, La.	Sebelius
Delaney	Long, Md.	Shriver
Dellenback	Lukens	Sikes
Dennis	McCarthy	Sisk
Dent	McCloskey	Skubitz
Diggs	McCulloch	Slack
Donohue	McDade	Smith, Calif.
Downing	McDonald, Mich.	Smith, Iowa
Dulski	McEwen	Smith, N.Y.
Duncan	McFall	Springer
Eckhardt	McKneally	Stafford
Edmondson	Macdonald, Mass.	Stanton
Edwards, Ala.	Madden	Steed
Erlenborn	Mahon	Steiger, Ariz.
Evans, Colo.	Mann	Steiger, Wis.
Evins, Tenn.	Marsh	Stubblefield
Fascell	Martin	Stuckey
Findley	Mathias	Sullivan
Fish	Matsunaga	Symington
Flood	May	Taft
Flowers	Mayne	Talcott
Foley	Melcher	Taylor
Ford, William D.	Michel	Teague, Calif.
	Miller, Calif.	Thompson, Ga.
	Miller, Ohio	Thomson, Wis.
		Tiernan
		Ullman

Van Deerlin	Whitehurst	Wright
Vander Jagt	Whitten	Wylie
Vigorito	Widnall	Wyman
Waggonner	Wiggins	Yatron
Wampler	Williams	Young
Watts	Wilson,	Zablocki
Whalley	Charles H.	Zwach
White	Winn	

NAYS—31

Bingham	Hawkins	Roybal
Brasco	Hechler, W. Va.	Ryan
Burton, Calif.	Kastenmeier	Scheuer
Chisholm	Koch	Stokes
Conyers	Lowenstein	Vanik
Edwards, Calif.	Mikva	Waldie
Fraser	Mosher	Whalen
Gilbert	Podell	Wolff
Green, Pa.	Rees	Yates
Gude	Reuss	
Harrington	Rosenthal	

ANSWERED "PRESENT"—2

Brown, Calif.	Riegle

NOT VOTING—123

Abbitt	Dwyer	Morse
Adair	Edwards, La.	Morton
Alexander	Ellberg	Moss
Ashbrook	Esch	Nedzi
Aspinall	Eshleman	Nix
Ayres	Fallon	O'Konski
Barrett	Farbstein	Olsen
Belcher	Feighan	O'Neal, Ga.
Berry	Fisher	Ottinger
Betts	Flynt	Patman
Blackburn	Ford, Gerald R.	Pettis
Blanton	Foreman	Pirnie
Bolling	Fuqua	Pollock
Brock	Griffiths	Powell
Brooks	Hagan	Preyer, N.C.
Broyhill, Va.	Haley	Purcell
Burlison, Mo.	Hammer-	Quillen
Burton, Utah	schmidt	Railsback
Bush	Harsha	Reifel
Button	Harvey	Rostenkowski
Byrne, Pa.	Hays	Roudebush
Cabell	Hébert	Ruppe
Celler	Hungate	Ruth
Clancy	Ichord	Satterfield
Clark	Johnson, Calif.	Shipley
Clausen,	Jonas	Snyder
Don H.	Jones, N.C	Staggers
Clawson, Del	Karth	Stephens
Clay	Keith	Stratton
Cohelan	King	Teague, Tex.
Corbett	Kleppe	Thompson, N.J.
Cowger	Kluczynski	Tunney
Cramer	Landrum	Udall
Daddario	Lujan	Watson
Dawson	McClory	Weicker
Denney	McClure	Wilson, Bob
Derwinski	McMillan	Wold
Devine	MacGregor	Wyatt
Dickinson	Mailliard	Wydler
Dingell	Meeds	Zion
Dorn	Meskill	
Dowdy	Mills	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Moss for, with Mr. Brown of California against.

Until further notice:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Hays with Mr. Ayres.
Mr. Teague of Texas with Mr. Morton.
Mr. Thompson of New Jersey with Mr. Denney.
Mr. Staggers with Mr. Adair.
Mr. Preyer of North Carolina with Mr. Jonas.
Mr. Fuqua with Mr. Harvey.
Mr. Ellberg with Mr. Don H. Clausen.
Mr. Cabell with Mr. Derwinski.
Mr. Shipley with Mr. Betts.
Mr. Burlison with Mr. Keith.
Mr. Nedzi with Mr. O'Konski.
Mr. Patman with Mr. Belcher.
Mr. Mills with Mr. Morse.
Mr. Statton with Mr. Button.
Mr. Blanton with Mr. Quillen.
Mr. Satterfield with Mr. Broyhill of Virginia.
Mr. Olsen with Mr. Ashbrook.
Mr. Dingell with Mr. Mailliard.
Mr. Clark with Mr. Corbett.
Mr. Johnson of California with Mr. Del Clawson.
Mr. Hungate with Mr. Kleppe.
Mr. Barrett with Mr. Clancy.
Mr. Celler with Mr. Pirnie.
Mr. Brooks with Mr. Berry.
Mr. Byrne of Pennsylvania with Mr. King.
Mr. Meeds with Mr. McClure.
Mr. Ichord with Mr. Snyder.
Mr. Nix with Mr. Ottinger.
Mr. Purcell with Mr. Reifel.
Mr. Rostenkowski with Mr. Bob Wilson.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Flynt with Mr. Roudebush.
Mr. Fisher with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Ruth.
Mr. Kluczynski with Mr. Harsha.
Mr. Jones of North Carolina with Mr. MacGregor.
Mr. Aspinall with Mr. Devine.
Mr. Landrum with Mr. Brock.
Mr. Karth with Mr. Esch.
Mr. Daddario with Mr. Meskill.
Mr. Dowdy with Mr. Burton of Utah.
Mr. Farbstein with Mr. Clay.
Mr. McMillan with Mr. Cowger.
Mr. Abbitt with Mr. Bush.
Mr. Tunney with Mr. Powell.
Mr. Alexander with Mr. Ruppe.
Mr. O'Neal of Georgia with Mr. McClory.
Mr. Stephens with Mr. Foreman.
Mr. Haley with Mr. Watson.
Mr. Hogan with Mr. Weicker.
Mr. Fallon with Mr. Wydler.
Mr. Cohelan with Mr. Wold.
Mr. Dorn with Mr. Hammerschmidt.
Mr. Udall with Mr. Zion.
Mr. Feighan with Mr. Eshleman.
Mr. Railsback with Mr. Pollock.
Mr. Pettis with Mr. Wyatt.
Mr. Blackburn with Mr. Lujan.

Mr. HELSTOSKI changed his vote from "nay" to "yea."

Mr. BROWN of California. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Moss). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 1396. Joint resolution to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

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

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18583) entitled "An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HUGHES, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. EASTLAND, Mr. MCCLELLAN, Mr. DODD, Mr. JAVITS, Mr. DOMINICK, Mr. HRUSKA, and Mr. THURMOND to be the conferees on the part of the Senate.

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

S. 60. An act to create a catalog of Federal assistance programs, and for other purposes;

S. 3389. An act to provide for the protection, development, and enhancement of the public recreation values of the public lands; and

S. 4090. An act to preserve and promote the resources of the Connecticut River Valley, and for other purposes.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, in the table of contents, strike out "Sec. 110. Committee funds."

and insert:

"Sec. 110. Committee funds and Senate Appropriations Committee exception."

Page 2, in the table of contents, after the item which reads:

"Sec. 129. Clarification of certain provisions and elimination of obsolete language in certain House Rules."

insert:

"Sec. 130. Senate committee rules.
"Sec. 131. Jurisdiction of standing committees of the Senate.
"Sec. 132. Membership of standing committees of the Senate."

Page 3, in the table of contents, after the item which reads:

"Sec. 235. Assignments of employees of General Accounting Office to duty with committees of Congress."

insert:

"Sec. 236. Agency reports."

Page 3, in the table of contents, strike out

"PART 3—JOINT COMMITTEE ON THE LIBRARY AND CONGRESSIONAL RESEARCH

"Sec. 331. Functions and operations of Joint Committee.
"Sec. 332. Related changes in existing law.

"PART 4—PARLIAMENTARY PRECEDENTS OF THE HOUSE OF REPRESENTATIVES

"Sec. 341. Periodic compilation of parliamentary precedents of the House of Representatives.

"Sec. 342. Periodic preparation by House Parliamentarian of condensed and simplified versions of House precedents."

and insert:

"PART 3—PARLIAMENTARY PRECEDENTS OF THE HOUSE OF REPRESENTATIVES

"Sec. 331. Periodic compilation of parliamentary precedents of the House of Representatives.

"Sec. 332. Periodic preparation by House Parliamentarian of condensed and simplified versions of House precedents."

Page 6, lines 23 and 24, strike out "(except the Committee on Appropriations)".

Page 9, lines 24 and 25, strike out "(except the Committee on Appropriations)".

Page 11, line 24, strike out "(except the Committee on Appropriations)".

Page 13, line 14, strike out "except" and insert: "including".

Page 15, lines 14 and 15, strike out "(except the Committee on Appropriations)".

Page 18, line 8, strike out "except" and insert: "including".

Page 20, after line 16, insert:

"(d) Section 139(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190f(a)) is repealed.".

Page 21, strike out line 7, and insert:

"COMMITTEE FUNDS AND SENATE APPROPRIATIONS COMMITTEE EXCEPTION"

Page 21, line 11, strike out "subsection" and insert: "subsections".

Page 21, lines 12 and 13, strike out "(except the Committee on Appropriations)".

Page 22, line 24, strike out "resolution."." and insert: "resolution.".

Page 22, after line 24, insert:

"(h) Except as otherwise specifically provided by this section, the foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate.".

Page 39, lines 8 and 9, strike out "January 2 of each odd-numbered year beginning on or after" and insert: "March 31 of each odd-numbered year beginning on and after".

Page 55, after line 3, insert:

SENATE COMMITTEE RULES

SEC. 130. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is further amended by adding after section 133A of such Act, as enacted by this title, the following new section:

"SENATE COMMITTEE RULES

"SEC. 133B. Each standing, select, or special committee of the Senate shall adopt rules (not inconsistent with the Standing Rules of the Senate or with those provisions of law having the force and effect of Standing Rules of the Senate) governing the procedure of such committee. The rules of each such committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period during which the rules of any such committee, or an amendment to those rules, is required to be published in the Congressional Record by this section, such rules or amendment shall be published in the first daily edition of the Congressional Record published following such day."

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 is amended by inserting, immediately below the item relating to section 133A contained in that title (as added by section 111(a)(2) of this Act), the following:

"Sec. 133B. Senate Committee Rules."

Page 55, after line 3, insert:

JURISDICTION OF STANDING COMMITTEES OF THE SENATE

SEC. 131. Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out in subparagraph (e)—

"Committee on Banking and Currency,"

and inserting in lieu thereof—

"Committee on Banking, Housing and Urban Affairs,";

(2) by adding at the end of subparagraph (e) the following item:

"10. Urban affairs generally.";

(3) by striking out in subparagraph (h) (relating to the Committee on Finance) the following numbered items—

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.";

(4) by striking out in subparagraph (m) (relating to the Committee on Labor and Public Welfare)—

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medical care and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.";

(5) by adding at the end thereof the following new subparagraph—

"(q) Committee on Veterans' Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures generally.

"2. Pensions of all wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life.

"9. National cemeteries."; and

(6) by striking out in subparagraph (k) (relating to the Committee on Interior and Insular Affairs) the following item—

"5. Military parks and battlefields, and national cemeteries."

and inserting in lieu thereof—

"5. Military parks and battlefields."

Page 55, after line 3, insert:

MEMBERSHIP OF STANDING COMMITTEES OF THE SENATE

SEC. 132. (a) Paragraph 1 of Rule XXV of the Standing Rules of the Senate, as such paragraph existed on the day preceding the effective date of this section, is amended—

(1) by striking out in subparagraph (a) the words "to consist of fifteen Senators,";

(2) by striking out in subparagraph (b) the words "to consist of thirteen Senators,";

(3) by striking out in subparagraph (c) the words "to consist of twenty-four Senators,";

(4) by striking out in subparagraph (d) the words "to consist of eighteen Senators,";

(5) by striking out in subparagraph (e) the words "to consist of fifteen Senators,";

(6) by striking out in subparagraph (f) the words "to consist of nineteen Senators,";

(7) by striking out in subparagraph (g) the words "to consist of seven Senators,";

(8) by striking out in subparagraph (h) the words "to consist of seventeen Senators,";

(9) by striking out in subparagraph (i) the words "to consist of fifteen Senators,";

(10) by striking out in subparagraph (j) (1) the words "to consist of fifteen Senators,";

(11) by striking out in subparagraph (k) the words "to consist of seventeen Senators,";

(12) by striking out in subparagraph (l) the words "to consist of seventeen Senators,";

(13) by striking out in subparagraph (m) the words "to consist of seventeen Senators,";

(14) by striking out in subparagraph (n) the words "to consist of twelve Senators,";

(15) by striking out in subparagraph (o) the words "to consist of fifteen Senators,"; and

(16) by striking out in subparagraph (p) (1) the words "to consist of nine Senators,".

(b) Paragraphs 2, 3, 4, and 5 of Rule XXV of the Standing Rules of the Senate are redesignated as paragraphs 4, 5, 6, and 7 thereof, respectively.

(c) Rule XXV of the Standing Rules of the Senate is amended by inserting therein, immediately after paragraph 1, the following new paragraphs:

"2. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
"Aeronautical and Space Sciences	14
"Agriculture and Forestry	13
"Appropriations	24
"Armed Services	15
"Banking, Housing, and Urban Affairs	15
"Commerce	17
"Finance	15
"Foreign Relations	15
"Government Operations	14
"Interior and Insular Affairs	14
"Judiciary	15
"Labor and Public Welfare	15
"Public Works	14.

"3. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
"District of Columbia	7
"Post Office and Civil Service	9
"Rules and Administration	9
"Veterans' Affairs	9.".

(d) Paragraph 6 of Rule XXV of the Standing Rules of the Senate (as redesignated) is amended to read as follows:

"6. (a) Except as otherwise provided by this paragraph, each Senator shall serve on two and no more of the standing committees named in paragraph 2. Except as otherwise provided by this paragraph, no Senator shall serve on more than one committee included within the following classes: standing committees named in paragraph 3; select and special committees of the Senate; and joint committees of the Congress.

"(b) Each Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was serving as a member of any standing committee shall be entitled to continue to serve on each such committee of which he was a member on that day as long as his

service as a member of such committee remains continuous after that day. Each Senator who (1) on that day was serving as a member of the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, (2) on that date was entitled, under the proviso contained in the first sentence of paragraph 4 of this rule as such rule existed on that day, to serve on three committees named in that sentence, and (3) on June 30, 1971, is serving on three such committees, of which at least one is the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, shall be entitled to continue to serve on each of the committees of which he is a member on June 30, 1971, so long as his service as a member of each such committee remains continuous thereafter. Each Senator who, on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970, was a member of more than one committee of the classes described in the second sentence of subparagraph (a) shall be entitled to serve on each such committee of which he was a member on that day as long as his service as a member of that committee remains continuous after that day. Notwithstanding the provisions of paragraphs 2 and 3, each committee of the Senate shall be temporarily increased in membership by such number as may be required to carry into effect the provisions of this subparagraph.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more of the standing committees named in paragraph 2 or paragraph 3 of this rule may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees named in paragraph 2. No such temporary increase in the membership of one or more standing committees under this subparagraph or subparagraph (a) shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph or subparagraph (a) by more than four members in excess of the number prescribed for that committee by paragraph 2 or paragraph 3 of this rule.

"(d) Notwithstanding the limitations contained in subparagraph (a), a Senator may serve at any time on one additional committee included within the following classes: a temporary committee of the Senate or a temporary joint committee of the Congress which, by the terms of the measure by which it was established as initially agreed to, will not continue in existence for more than one Congress; or a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 3 of which that Senator is a member.

"(e) No Senator shall serve at any time on more than one of the following committees: Committee on Appropriations, Committee on Armed Services, Committee on Finance, and Committee on Foreign Relations. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was a member of more than one such committee may continue to serve as a member of each such committee of which he was a member on that day as long as his service on that committee remains continuous after that day.

"(f) No Senator shall serve at any time as chairman of more than one committee included within the following classes: standing, select, and special committees of the Senate; and joint committees of the Congress except that—

"(1) A Senator may serve as chairman of a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 2 or paragraph 3 of which that Senator is the chairman;

"(2) A Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was serving as chairman of more than one committee included within the classes described in this subparagraph may continue to serve as chairman of each such committee of which he was chairman on that day as long as his service as chairman of that committee remains continuous after that day; and

"(3) A Senator who is serving at any time as chairman of a committee included within the classes described in this subparagraph may at the same time serve also as chairman of one temporary committee of the Senate or temporary joint committee of the Congress which, by the terms of the measure by which it was established as originally agreed to, will not continue in existence for more than one Congress.

"(g) No Senator shall serve at any time as chairman of more than one subcommittee of the same committee if that committee is named in paragraph 2. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was serving as chairman of more than one such subcommittee may continue to serve as chairman of each such subcommittee of which he was chairman on that day as long as his service as chairman of that subcommittee remains continuous after that day.".

Page 65, after line 16, insert:

"AGENCY REPORTS

"SEC. 236. Whenever the General Accounting Office has made a report which contains recommedations to the head of any Federal agency, such agency shall—

"(1) not later than sixty days after the date of such report, submit a written statement to the Committees on Government Operations of the House of Representatives and the Senate of the action taken by such agency with respect to such recommendations; and

"(2) in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House of Representatives and the Senate of the action taken by such agency with respect to such recommendations."

Page 67, strike out all after line 2 over to and including line 4 on page 68.

Page 68, line 5, strike out "(f)(1)" and insert: "(b)(1)".

Page 68, line 10, strike out "(g)(1)" and insert: "(c)(1)".

Page 88, lines 14 and 15, strike out ", including payment of such rates for necessary travel time".

Page 91, line 14, strike out "$17,301 to $30,879" and insert: "$18,328 to $32,712".

Page 91, line 20, strike out "$7,446 to $30,879" and insert "$7,888 to $32,712".

Page 91, line 21, strike out "$7,446 to $12,921" and insert: "$7,888 to $13,688".

Page 91, line 25, strike out "$19,272 to $30,879" and insert: "$20,416 to $32,712".

Page 92, line 1, strike out "$13,140 to $19,053" and insert: $13,920 to $20,184".

Page 92, lines 2 and 3, strike out "$7,446 to $12,921" and insert: $7,888 to $13,688".

Page 92, line 9, strike out "$30,879" and insert: "$32,712".

Page 92, line 14, strike out "$32,193" and insert: "$34,104".

Page 92, line 16, strike out "$33,507" and insert: "$35,496".

Page 92, line 20, strike out "$32,193" and insert: "$34,104".

Page 92, line 21, strike out "$33,507" and insert: "$35,496".

Page 93, line 2, strike out "$1,095 or in excess of $33,507" and insert: "$1,160 or in excess of $35,496".

Page 94, line 7, strike out "and Congressional Research".

Page 95, line 13, strike out "and Congressional Research".

Page 103, line 1, strike out "and Congressional Research".

Page 104, strike out all beginning with line 1 over to and including line 5 on page 110.

Page 110, line 6, strike out "4" and insert: "3".

Page 110, line 10, strike out "341." and insert: "331.".

Page 111, line 17, strike out "342." and insert: "332.".

Page 119, line 24, after "House;" insert: "and".

Page 120, line 1, strike out "Capitol; and" and insert: "Capitol.".

Page 120, strike out line 2.

Page 120, strike out lines 11 to 15, inclusive, and insert: "at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.".

Page 128, strike out all after line 17 over to and including line 2 on page 129 and insert:

"SEC. 132. (a) Unless otherwise provided by the Congress, the two Houses shall—

"(1) adjourn sine die not later than July 31 of each year; or

"(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by rollcall vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day."

Page 140, strike out lines 3 to 10, inclusive, and insert:

"(b) A person shall not serve as a page—

"(1) of the Senate before he has attained the age of fourteen years; or

"(2) of the House of Representatives before he has attained the age of sixteen years; or

(except in the case of a chief page, telephone page, or riding page) during any session of the Congress which begins after he has attained the age of eighteen years."

Page 140, line 12, after "convening" insert: "or reconvening".

Page 154, line 21, after "Act" where it appears the second time, insert: ", and section 105 (e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act".

Page 155, after line 10, insert:

"(6) Section 105 (e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act, shall become effective on January 1, 1971.".

Mr. COLMER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendments be dispensed with, and that they be printed in the RECORD.

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

Mr. SMITH of California. Mr. Speaker, reserving the right to object, and I shall not object, but I think the Members would like to know what took place insofar as the Senate is concerned.

Mr. Speaker, I am pleased to state that

they did not hurt the House provisions to any extent, in my opinion, but I would appreciate it very much if the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER), or the gentleman from California (Mr. SISK), the gentleman who handled the bill, would explain to the House so that they will know, what changes were made and what we are voting on.

Mr. COLMER. Mr. Speaker, will the gentleman yield under his reservation of objection?

Mr. SMITH of California. I am pleased to yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, before I do turn the matter over to the able and distinguished chairman of the subcommittee, Mr. SISK, who is really more competent and qualified to explain the Senate amendments than I, I should like to make a record of one thing. The bill is not as strong or comprehensive as some would wish. It is not as bad as some think. It is, in my judgment, a happy compromise, with one exception. That exception is the provisions written in on the floor of the House for the taking of teller votes and for so-called expediting of quorum calls. I do not think they are practical and will not, therefore, work. I predict that a movement will be made sooner or later to repeal them. Also, I should again like to express my appreciation to the other members of the subcommittee, as well as Mr. SISK, and the staff. The subcommittee and staff have worked for nearly 2 years on this bill and is entitled to the appreciation of the entire House.

Therefore I would ask the gentleman from California (Mr. SISK), to respond to the request of the gentleman from California.

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

Mr. SMITH of California. Mr. Speaker, I am pleased to yield to the gentleman from California.

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

Let me say that the majority of the amendments placed in the bill by the other body pertain exclusively and completely to the rules of the other body. They deal exclusively with matters over which the Senate has complete control.

Now in connection with those features which affect in any way the language which the House had, I would like to explain them very briefly. They number some three or four items.

In title II—in connection with the GAO reports, the Senate provides some little additional language with reference to written statements and recommendations concerning Federal agencies. The amendment requires that such reports must be forwarded to the Committee on Government Operations and that such Federal agencies not later than 60 days after the GAO has issued the report shall report to such committees what action they have taken to implement such GAO report on their operations.

The second matter which they changed in connection with the House-passed bill deals with the Joint Committee on the Library and Congressional Research Service.

Members will remember that your House committee beefed up substantially the Joint Committee on the Library and we renamed it the Joint Committee on the Library and Congressional Research.

We gave it some additional duties, increased the membership, and made it a bipartisan committee of six and six.

The other body, and particularly the present chairman of that joint committee, did not see fit to agree with the House language and because of that the Senate changed it back to the present joint committee.

Now they did not in any way revise or affect the Legislative Research Service—that is, our action that we took in beefing up the Legislative Reference Service and changing it to the Congressional Research Service.

They decided to leave the committee as it is now constituted. That is the one item of difference there. They did change in a very minor way the August recess. They provided for the August recess in years other than election years.

This is a matter that we feel is of minor consequence because, certainly, the Congress can, at its will of course, have a recess or not have a recess—as we know.

In connection with the Capitol Guide Service Board, we provided for a minority member appointed by the Senate minority leader and a minority member from the House appointed by the House minority leader.

This was stricken and left as the board is presently constituted otherwise in connection with the Capitol Guide Service Board.

Finally, the only other possible change that would affect the language of the House bill had to do with the fact that the Senate lowered the age of pages to 14.

As you will recall, the House provided for the construction, or authorized actually a study to be made and the construction, if found to be in order, of a school and dormitory facilities for the pages.

Of course, on our side they are restricted to juniors and seniors which, of course, would only require a 2-year school.

If the Senate continues their practice of 14-year-olds, this would mean that you would have to have a 4-year school. In other words, it would have to be a somewhat larger school.

Mr. Speaker, that amounts to all of the changes that the Senate has made in connection with the House language and as to matters on which we would have a concern.

Mr. SMITH of California. I thank the gentleman.

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

Mr. SMITH of California. I yield to the gentleman.

Mr. HALL. Mr. Speaker, this is a historic day for the Congress, for the American people, and for the cause of self-government through elected representatives.

I support the request that the Senate amendments to H.R. 17654, the Legislative Reorganization Act of 1970 be agreed to.

I commend all those who have had a part in fashioning and bringing to fruition efforts for congressional reform.

Mr. Speaker, this is a good bill.

Of course, it does not contain all the reforms or improvements which have been advanced or could be advanced. But to those who say this bill does not go far enough, I would like to point out that the package does contain an agency to study congressional reform on a continuing basis, so that we need not wait for another couple of decades to reexamine congressional structure and procedures. I refer to the creation in title IV of the bill of a Joint Committee on Congressional Operations—provided by an amendment I offered when H.R. 17654 was considered on the floor of the House.

If this joint committee is composed of members who will dedicate themselves to this most basic subject and if the committee acquires an able staff, this one provision of the Legislative Reorganization Act of 1970 would justify its passage.

As one of the original members of the Joint Committee on the Organization of Congress I have labored with problems of congressional reform since March 15, 1965. I have suffered through the controversies, compromises, disappointments, and frustrations which have beset this legislation from its inception.

Today, therefore, Mr. Speaker is a red letter day for me and I salute and congratulate the members of the Rules Committee and particularly the two stalwarts from California, Mr. SISK and Mr. SMITH, who guided this legislation through the House. The passage of this legislation should be particularly gratifying to my able colleague, Mr. SMITH, since it occurs on his birthday.

Mr. Speaker, I would be remiss if I failed to recognize the contribution to this legislation of our former colleague from Michigan, the Honorable George Meader, whose perceptive and expert counsel and assistance has been available to me and others interested in congressional reform, not only during his service as counsel of the Joint Committee on the Organization of Congress but thereafter, and to both bodies of the Congress.

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

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I would like to ask my friend from California to refresh my memory as to when this—I do not know what to call it—this improvement goes into effect.

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

Mr. SMITH of California. I yield to my colleague.

Mr. SISK. I am sure my colleague from California could give the answer to that question. In almost all instances it becomes effective at the start of the next Congress.

Mr. GROSS. I am sorry to hear that, because my friend from Missouri just described it as an historic red letter day

in the history of the Congress, and I am so sorry that we cannot put that into effect on November 16. I am just awaiting the day when you sign in for quorum calls and all this new-fangled stuff about teller votes, and so forth. I am so sorry to hear that this historic day is being postponed so long.

Mr. SMITH of California. Mr. Speaker, before we conclude our consideration of this measure, I would like to pay respects to two gentlemen who have been unmentioned, both from Missouri: Mr. BOLLING of the Rules Committee, who has devoted a tremendous amount of time to this subject; also the gentleman from Missouri (Mr. HALL), who was on the original joint committee that faithfully worked long and hard on the legislation, I want to mention also our distinguished chairman, Mr. COLMER, who permitted his name to be on this bill, which is the first legislative reform measure since 1946.

Mr. Speaker, I withdraw my reservation of objection and urge the Members to support the Senate amendments.

Mr. SISK. Mr. Speaker, I include a summary of the action of the other body at this point:

SENATE ADOPTED AMENDMENTS TO H.R. 17654

TITLE I

Rules of Senate Committees: Each Senate committee shall adopt rules not inconsistent with the rules of the Senate or provisions of law relating to Senate rules. Each committee shall publish its rules in the Congressional Record not later than March 1 each year. If a committee is established after February 1 of a year its rules shall be published not later than 60 days after adoption.

When a committee amends its rules, such amendments shall be published in the Record not later than 30 days after adoption, or in the first Record published following such 30 days.

Legislative Review Reports by Senate Committees: Senate committees shall submit their biennial reports on their review activities not later than March 31 in odd-numbered years, instead of not later than January 2 of such years. The latter date will still apply to House committees.

Procedures of the Senate Committee on Appropriations:

1. Instead of having a separate exemption for that Senate committee in each of 7 sections relating to Senate committee procedures, one overall exemption is inserted.

2. The general Senate section on proxy voting is made applicable to the Senate Committee on Appropriations.

3. The general Senate section on availability of committee reports 3 days prior to floor consideration is made applicable to that Committee.

4. The Reorganization Act of 1946 is amended so as to make clear that the requirement for a quorum to be present when a committee reports a bill applies to the Committee on Appropriations.

5. Sec. 139(a) of the 1946 Act, which requires that general appropriations bills shall not be considered in either House until printed hearings and reports have been available at least 3 calendar days, is repealed. This repeal has no effect upon the House, since that provision, as amended, is made applicable to the House Committee on Appropriations by other language in H.R. 17654.

Senate Committee on Banking, Housing, and Urban Affairs: Changes the name of the Senate Committee on Banking and Currency to the Committee on Banking, Housing, and Urban Affairs, and adds to its jurisdiction "urban affairs, generally."

This provision was adopted by the Senate in 1967, but was omitted from the House bill.

Senate Committee on Veterans' Affairs: Creates a Senate Committee on Veterans' Affairs, with jurisdiction taken from the Committees on Finance, Labor and Public Welfare, and Interior and Insular Affairs.

Motion to table defeated, roll call vote, 29–37; adopted voice vote; reconsideration tabled, roll call vote, 37–25.

This provision was adopted by the Senate in 1967, but was omitted from the House bill.

Membership of Senate Standing Committees, and Chairmanships: Incorporates into the bill provision relating to the sizes of Senate committees, restrictions on the number of committee assignments for Senators, restrictions on certain kinds of committee assignments for Senators, and restrictions on the number of chairmanships one Senator may hold.

These provisions were agreed to by the Senate in 1967 but were omitted from the House bill.

TITLE II

Agency Statements on GAO Reports: Requires Federal agencies to submit written statements on what action they have taken on GAO recommendations concerning their agencies, to both Government Operations Committees not later than 60 days after the GAO has issued its report and recommendations, and to the two Appropriations Committees in connection with their first requests for appropriations thereafter.

Senate Appropriations Committee Hearings on the Budget as a Whole: Deletion: Strikes the requirement that the Senate Committee on Appropriations shall hold annual hearings on the Budget as a whole. No change in the House requirement for such hearings.

The Senate provision was stricken on the ground that they are unnecessary in view of the House hearings, the general availability to Senators of those hearings, and the prerogatives of the House in the appropriations area.

TITLE III

Compensation of Senate Committee Staffs: Raises permissible level of Senate committee staff pay to approximate parity with highest House committee pay levels.

Agreed to by voice vote; motion to strike the entire section 305 defeated on a roll call vote, 32–34.

Travel Time for Committee Consultants: Strikes language authorizing travel payments for consultants and consultative organizations. The intent is to make clear that the committees would have discretion to decide the extent to which travel time should be included in computing the per diem compensation to be paid consultants.

Joint Committee on the Library: Deletion of Reorganization: Strikes all of part 3, title III, which contained language reorganizing the Joint Committee on the Library by changing its name, and its composition, authorizing staff, and requiring it to make an annual report, and by making conforming changes in existing law. The effect is to retain the present Joint Committee on the Library unchanged.

Conforming changes relating to the name of the Joint Committee are made in sec. 321 dealing with the Congressional Research Service.

TITLE IV

Authority of Congressional Officers: Deletion of Senate Postmaster: Strikes the Postmaster of the Senate from the provision giving officers of both Houses increased authority over patronage employees, on the ground that the Senate Postmaster is not an officer of the Senate.

August Recess for Congress: The August adjournment for both Houses is authorized only for odd-numbered (i.e., non-election) years, rather than for every year.

Pay for Senate Pages During Adjournment: Inserts the words "or reconvening" into the Senate provision. Senate officers maintained this additional language as necessary to safeguard the pay of pages during adjournments and recesses.

Capitol Guide Service Board: Removes from the Capitol Guide Board the House provision for an employee appointed by the Senate minority leader and an employee appointed by the House minority leader.

Senate Pages: Ages: Lowers the permissible age for Senate pages from 16, which was in the bill, to 14.

Roll call vote, 48–19.

TITLE VI

Effective Dates, Senate Staff Pay: The raise in pay for Senate committee staff, which appears in title III above, is made effective as of January 1, 1971.

Mr. STEIGER of Wisconsin. Mr. Speaker, I support the acceptance of the Senate amendments to the legislative Reorganization Act.

The fact that H.R. 17654 comes to the House is a surprise to many, but I am both proud and pleased that the work of so many has not been in vain. This is, indeed, a great day for the House, for men like our former colleagues Don Rumsfeld and Tom Curtis, for the floor leaders in the House, Congressmen SISK and SMITH and for the many colleagues with whom I have had the pleasure to work, such as Congressmen CONABLE, DELLENBACK, GIBBONS, FRASER, HALL, and WAGGONNER.

The passage of this bill culminates years of work and has been a long time in coming. It is a good bill—worthy of support.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Legislative Reorganization Act.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 17809, PREVAILING RATE PAY SYSTEMS FOR GOVERNMENT EMPLOYEES.

Mr. DULSKI. Mr. Speaker, pursuant to rule XX of the Rules of the House,

and at the direction of the Committee on Post Office and Civil Service, I move to take from the Speaker's table the bill, H.R. 17809, to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

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

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DULSKI, HENDERSON, UDALL, CORBETT, and GROSS.

CONFERENCE REPORT ON H.R. 15073, BANK RECORDS AND FOREIGN TRANSACTIONS; CREDIT CARDS; CONSUMER CREDIT REPORTING

Mrs. SULLIVAN (on behalf of Mr. PATMAN) filed the following conference report and statement on the bill (H.R. 15073), to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1587)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, 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:

TITLE I—FINANCIAL RECORDKEEPING

Chapter Sec.
1. INSURED BANKS AND INSURED INSTITUTIONS 101
2. OTHER FINANCIAL INSTITUTIONS 121

Chapter 1.—INSURED BANKS AND INSURED INSTITUTIONS

Sec.
101. Retention of records by insured banks.
102. Retention of records by insured institutions.

§ 101. Retention of records by insured banks

The Federal Deposit Insurance Act is amended (1) by redesignating sections 21 and 22 as 22 and 23, respectively, and (2) by inserting the following new section immediately after section 20:

"SEC. 21. (a)(1) The Congress finds that adequate records maintained by insured banks have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that microfilm or other reproductions and other records made by banks of checks, as well as records kept by banks of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in this respect.

"(2) It is the purpose of this section to require the maintenance of appropriate types of records by insured banks in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

"(b) Where the Secretary of the Treasury (referred to in this section as the 'Secretary') determines that the maintenance of appropriate types of records and other evidence by insured banks has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, he shall prescribe regulations to carry out the purposes of this section.

"(c) Each insured bank shall maintain such records and other evidence, in such form as the Secretary shall require, of the identity of each person having an account in the United States with the bank and of each individual authorized to sign checks, make withdrawals, or otherwise act with respect to any such account. The Secretary may make such exemptions from any requirement otherwise imposed under this subsection as are consistent with the purposes of this section.

"(d) Each insured bank shall make, to the extent that the regulations of the Secretary so require—

"(1) a microfilm or other reproduction of each check, draft, or similar instrument drawn on it and presented to it for payment; and

"(2) a record of each check, draft, or similar instrument received by it for deposit or collection, together with an identification of the party for whose account it is to be deposited or collected, unless the bank has already made a record of the party's identity pursuant to subsection (c).

"(e) Whenever any individual engages (whether as principal, agent, or bailee) in any transaction with an insured bank which is required to be reported or recorded under the Currency and Foreign Transactions Reporting Act, the bank shall require and retain such evidence of the identity of that individual as the Secretary may prescribe as appropriate under the circumstances.

"(f) In addition to or in lieu of the records and evidence otherwise referred to in this section, each insured bank shall maintain such records and evidence as the Secretary may prescribe to carry out the purposes of this section.

"(g) Any type of record or evidence required under this section shall be retained for such period as the Secretary may prescribe for the type in question. Any period so prescribed shall not exceed six years unless the Secretary determines, having regard for the purposes of this section, that a longer period is necessary in the case of a particular type of record or evidence.

"(h) The Secretary shall include in his annual report to the Congress information on his implementation of the authority conferred by this section and any similar authority with respect to recordkeeping or reporting requirements conferred by other provisions of law."

§ 102. Retention of records by insured institutions

Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"SEC. 411. The Secretary of the Treasury shall prescribe such regulations as may be appropriate to carry out, with respect to insured institutions, the purposes set forth in section 21 of the Federal Deposit Insurance Act with respect to insured banks."

Chapter 2.—OTHER FINANCIAL INSTITUTIONS

Sec.
121. Congressional findings and purpose.
122. Authority of Secretary with respect to reports on ownership and control.
123. Authority of Secretary with respect to recordkeeping and procedures.
124. Injunctions.
125. Civil penalties.
126. Criminal penalty.
127. Additional criminal penalty in certain cases.
128. Compliance.
129. Administrative procedure.

§ 121. Congressional findings and purpose

(a) The Congress finds that certain records maintained by businesses engaged in the functions described in section 123(b) of this Act have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that the power to require reports of changes in the ownership, control, and managements of types of financial institutions referred to in section 122 of this Act may be necessary for the same purpose.

(b) It is the purpose of this chapter to require the maintenance of appropriate types of records and the making of appropriate reports by such businesses in the United States where such records or reports have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 122. Authority of Secretary with respect to reports on ownership and control

Where the Secretary determines that the making of appropriate reports by uninsured banks or uninsured institutions of any type with respect to their ownership, control, and managements and any changes therein has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, he may by regulation require such banks or institutions to make such reports as he determines in respect of such ownership, control, and managements and changes therein.

§ 123. Authority of Secretary with respect to recordkeeping and procedures

(a) Where the Secretary determines that the maintenance of appropriate records and procedures by any uninsured bank or uninsured institution, or any person engaging in the business of carrying on in the United States any of the functions referred to in subsection (b) of this section, has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, he may by regulation require such bank, institution, or person—

(1) to require, retain, or maintain, with respect to its functions as an uninsured bank or uninsured institution or its functions referred to in subsection (b), any records or evidence of any type which the Secretary is authorized under section 21 of the Federal Deposit Insurance Act to require insured banks to require, retain, or maintain; and

(2) to maintain procedures to assure compliance with requirements imposed under this chapter. For the purposes of any civil or criminal penalty, a separate violation of any requirement under this paragraph occurs with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

(b) The authority of the Secretary under this section extends to any person engaging in the business of carrying on any of the following functions:

(1) Issuing or redeeming checks, money orders, travelers' checks, or similar instruments, except as an incident to the conduct of its own nonfinancial business.

(2) Transferring funds or credits domestically or internationally.

(3) Operating a currency exchange or otherwise dealing in foreign currencies or credits.

(4) Operating a credit card system.

(5) Performing such similar, related, or substitute functions for any of the fore-

going or for banking as may be specified by the Secretary in regulations.

§ 124. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this chapter, he may in his discretion bring an action, in the proper district court of the United States or the proper United States Court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Secretary under this chapter.

§ 125. Civil penalties

(a) For each willful violation of any regulation under this chapter, the Secretary may assess upon any person to which the regulation applies, and, if such person is a partnership, corporation, or other entity, upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

§ 126. Criminal penalty

Whoever willfully violates any regulation under this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 127. Additional criminal penalty in certain cases

Whoever willfully violates any regulation under this chapter, section 21 of the Federal Deposit Insurance Act, or section 411 of the National Housing Act, where the violation is committed in furtherance of the commission of any violation of Federal law punishable by imprisonment for more than one year, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

§ 128. Compliance

The Secretary shall have the responsibility to assure compliance with the requirements of this title and may delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency.

§ 129. Administrative procedure

The administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this chapter, section 21 of the Federal Deposit Insurance Act, and section 411 of the National Housing Act.

TITLE II—REPORTS OF CURRENCY AND FOREIGN TRANSACTIONS

Chapter Sec.
1. General Provisions 201
2. Domestic Currency Transactions 221
3. Reports of Exports and Imports of Monetary Instruments 231
4. Foreign Transactions 241

Chapter 1.—GENERAL PROVISIONS

Sec.
201. Short title.
202. Purpose.
203. Definitions and rules of construction.
204. Regulations.
205. Compliance.
206. Exemptions.
207. Civil penalty.
208. Injunctions.
209. Criminal penalty.
210. Additional criminal penalty in certain cases.
211. Immunity of witnesses.
212. Availability of information to other Federal agencies.
213. Administrative procedure.

§ 201. Said title

This title may be cited as the "Currency and Foreign Transactions Reporting Act".

§ 202. Purpose

It is the purpose of this title to require certain reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 203. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply for the purposes of this title.

(b) The term "Secretary" means the Secretary of the Treasury.

(c) The term "person" includes natural persons, partnerships, trusts, estates, associations, corporations, and all entities cognizable as legal personalities. The term also includes any governmental department or agency specified by the Secretary either for the purpose of this title generally or any particular requirement thereunder.

(d) The term "United States", used in a geographical sense, includes the States and the District of Columbia, and to the extent the Secretary shall by regulation specify, either for the purposes of this title generally or any particular requirement thereunder, the Commonwealth of Puerto Rico, the possessions of the United States, United States military establishments, and United States diplomatic establishments.

(e) The term "financial institution" means any person which does business in any one or more of the following capacities:

(1) an insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(2) a commercial bank or trust company;

(3) a private banker;

(4) an agency or a branch within the United States of any foreign bank;

(5) an insured institution as defined in section 401 of the National Housing Act;

(6) a savings bank, building and loan association, credit union, industrial bank, or other thrift institution;

(7) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934;

(8) a broker or dealer in securities or commodities;

(9) an investment banker or investment company;

(10) a currency exchange;

(11) an issuer, redeemer or cashier of travelers' checks, checks, money orders, or similar instruments;

(12) an operator of a credit card system;

(13) an insurance company;

(14) a dealer in precious metals, stones, or jewels;

(15) a pawnbroker;

(16) a loan or finance company;

(17) a travel agency;

(18) a licensed transmitter of funds;

(19) a telegraph company;

(20) a Federal, State, or local government institution which performs any of the functions of any of the businesses listed above; or

(21) any other type of business or institution performing similar, related, or substitute functions specified by the Secretary by regulation for the purposes of the provision of this title to which the regulation relates.

(f) The term "domestic", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to the performance by such institutions or agencies of functions within the United States.

(g) The term "financial agency" means any person which acts in the capacity of a financial institution or in the capacity of a bailee, depository trustee, agent, or in any other similar capacity with respect to money, credit, securities, or gold or transactions therein, on behalf of any person other than a government, a monetary or financial authority when acting as such, or an international financial institution of which the United States is a member.

(h) The term "foreign", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to the performance by such institutions or agencies of functions outside the United States.

(i) References to this title or any provision thereof include regulations issued under this title or the provision thereof in question.

(j) All reports required under this title and all records of any such reports are specifically exempted from disclosure under section 552 of title 5, United States Code.

(k) For the purposes of section 1001 of title 18, United States Code, the contents of reports required under any provision of this title are statements and representations in matters within the jurisdiction of an agency of the United States.

(l) The term "monetary instruments" means coin and currency of the United States, and in addition, such foreign coin and currencies, and such types of travelers' checks, bearer negotiable instruments, bearer investment securities, bearer securities, and stock with title passing upon delivery, or the equivalent thereof, as the Secretary may by regulation specify for the purposes of the provision of this title to which the regulation relates.

§ 204. Regulations

The Secretary shall prescribe such regulations as he may deem appropriate to carry out the purposes of this title.

§ 205. Compliance

(a) The Secretary shall have the responsibility to assure compliance with the requirements of this title and may delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency

(b) The Secretary may by regulation require any class of domestic financial institutions to maintain such procedures as he may deem appropriate to assure compliance with the provisions of this title. For the purposes of both civil and criminal penalties for violations of this section, a separate violation shall be deemed to occur with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

§ 206. Exemptions

The Secretary may make such exemptions from any requirement otherwise imposed under this title as he may deem appropriate. Any such exemption may be conditional or unconditional, by regulation, order, or licensing, or any combination thereof, and may relate to any particular transaction, to the type or amount of the transaction, to the party or parties or the classification of parties, or to any combination thereof. The Secretary may in his discretion, in any manner giving actual or constructive notice to the parties affected, revoke any exemption made under this section. Any such revocation shall remain in effect pending any judicial review.

§ 207. Civil penalty

(a) For each willful violation of this title, the Secretary may assess upon any domestic financial institution, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this title, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

§ 208. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of the provisions of this title, or of any order thereunder, he may in his discretion bring an action, in the proper United States court of any territory

or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with the provisions of this title or any order of the Secretary made in pursuance thereof.

§ 209. Criminal penalty

Whoever willfully violates any provision of this title or any regulation under this title shall be fined not more than $1,000, or imprisoned not more than one year, or both.

§ 210. Additional criminal penalty in certain cases

Whoever willfully violates any provision of this title where the violation is—

(1) committed in furtherance of the commission of any other violation of Federal law, or

(2) committed as part of a pattern of illegal activity involving transactions exceeding $100,000 in any twelve-month period,

shall be fined not more than $500,000 or imprisoned not more than five years, or both.

§ 211. Immunity of witnesses

Whenever a witness refuses on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding involving any violation of this title before or ancillary to—

(1) a court or grand jury of the United States,

(2) an agency of the United States, or

(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order requiring him to give testimony or provide other information, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. No such testimony or other information so compelled under the order or evidence or other information which is obtained by the exploitation of such testimony may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

§ 212. Availability of information to other Federal agencies

The Secretary shall, upon such conditions and pursuant to such procedures as he may by regulation prescribe, make any information set forth in reports filed pursuant to this title available for a purpose consistent with the provisions of this title to any other department or agency of the Federal Government on the request of the head of such department or agency.

§ 213. Administrative procedure

Subject to section 203(j), the administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this title.

Chapter 2.—DOMESTIC CURRENCY TRANSACTIONS

Sec.
221. Reports of currency transactions required.
222. Persons required to file reports.
223. Reporting procedure.

§ 221. Reports of currency transactions required.

Transactions involving any domestic financial institution shall be reported to the Secretary at such time, in such manner, and in such detail as the Secretary may require if they involve the payment, receipt, or transfer of United States currency, or such other monetary instruments as the Secretary may specify, in such amounts, denominations, or both, or under such circumstances, as the Secretary shall by regulation prescribe.

§ 222. Persons required to file reports

The report of any transaction required to be reported under this chapter shall be signed or otherwise made both by the domestic financial institution involved and by one or more of the other parties thereto or participants therein, as the Secretary may require. If any party to or participant in the transaction is not an individual acting only for himself, the report shall identify the person or persons on whose behalf the transaction is entered into, and shall be made by the individuals acting as agents or bailees with respect thereto.

§ 223. Reporting procedure

(a) The Secretary may in his discretion designate domestic financial institutions, individually or by class, as agents of the United States to receive reports required under this chapter, except that an institution which is not insured, chartered, examined, or registered as such by any agency of the United States may not be so designated without its consent. The Secretary may suspend or revoke any such designation for any violation of this Act, or section 21 of the Federal Deposit Insurance Act, or section 411 of the National Housing Act.

(b) Any person (other than an institution designated under subsection (a)) required to file a report under this chapter with respect to a transaction with a domestic financial institution shall file the report with that institution, except that (1) if the institution is not designated under subsection (a), the report shall be filed as the Secretary shall prescribe, and (2) any such person may, at his election and in lieu of filing the report in the manner hereinabove prescribed, file the report with the Secretary. Domestic financial institutions designated under subsection (a) shall transmit reports filed with them, and shall file their own reports, as the Secretary shall prescribe.

Chapter 3.—REPORTS OF EXPORTS AND IMPORTS OF MONETARY INSTRUMENTS

Sec.
231. Reports required.
232. Forfeiture.
233. Civil liability.
234. Remission by the Secretary.
235. Enforcement authority.

§ 231. Reports required

(a) Except as provided in subsection (c) of this section, whoever, whether as principal, agent, or bailee, or by an agent or bailee, knowingly—

(1) transports or causes to be transported monetary instruments—

(A) from any place within the United States to or through any place outside the United States, or

(B) to any place within the United States from or through any place outside the United States, or

(2) receives monetary instruments at the termination of their transportation to the United States from or through any place outside the United States

in an amount exceeding $5,000 on any one occasion shall file a report or reports in accordance with subsection (b) of this section.

(b) Reports required under this section shall be filed at such times and places, and may contain such of the following information and any additional information, in such form and in such detail, as the Secretary may require:

(1) The legal capacity in which the person filing the report is acting with respect to the monetary instruments transported.

(2) The origin, destination, and route of the transportation.

(3) Where the monetary instruments are not legally and beneficially owned by the person transporting the same, or are transported for any purpose other than the use in his own behalf of the person transporting the same, the identities of the person from whom the monetary instruments are received, or to whom they are to be delivered, or both.

(4) The amounts and types of monetary instruments transported.

(c) Subsection (a) does not apply to any common carrier of passengers in respect of monetary instruments in the possession of its passengers, nor to any common carrier of goods in respect of shipments of monetary instruments not declared to be such by the shipper.

§ 232. Forfeiture

(a) Any monetary instruments which are in the process of any transportation with respect to which any report required to be filed under section 231(1) either has not been filed or contains material omissions or misstatements are subject to seizure and forfeiture to the United States.

(b) For the purpose of this section, monetary instruments transported by mail, by any common carrier, or by any messenger or bailee, are in process of transportation from the time they are delivered into the possession of the postal service, common carrier, messenger, or bailee until the time they are delivered into or retained in the possession of the addressee or intended recipient or any agent of the addressee or intended recipient for purposes other than further transportation within, or across any border of, the United States.

§ 233. Civil liability

The Secretary may assess a civil penalty upon any person who fails to file any report required under section 231, or who files such a report containing any material omission or misstatement. The amount of the penalty shall not exceed the amount of the monetary instruments with respect to whose transportation the report was required to be filed. The liabilities imposed by this chapter are in addition to any other liabilities, civil or criminal, except that the liability under this section shall be reduced by any amount actually forfeited under section 232.

§ 234. Remission by the Secretary

The Secretary may in his discretion remit any forfeiture or penalty under this chapter in whole or in part upon such terms and conditions as he deems reasonable and just.

§ 235. Enforcement authority

(a) If the Secretary has reason to believe that monetary instruments are in the process of transportation and with respect to which a report required under section 231 has not been filed or contains material omissions or misstatements, he may apply to any court of competent jurisdiction for a search warrant. Upon a showing of probable cause, the court may issue a warrant authorizing the search of any or all of the following:

(1) One or more designated persons.

(2) One or more designated or described places or premises.

(3) One or more designated or described letters, parcels, packages, or other physical objects.

(4) One or more designated or described vehicles.

Any application for a search warrant pursuant to this section shall be accompanied by allegations of fact supporting the application.

(b) This section is not in derogation of the authority of the Secretary under any other law.

Chapter 4.—FOREIGN TRANSACTIONS

Sec.
241. Records and reports required.
242. Classifications and requirements.

§ 241. Records and reports required

(a) The Secretary of the Treasury, having due regard for the need to avoid impeding or controlling the export or import of currency or other monetary instruments and having due regard also for the need to avoid burdening unreasonably persons who legitimately engage in transactions with foreign

financial agencies, shall by regulation require any resident or citizen of the United States, or person in the United States and doing business therein, who engages in any transaction or maintains any relationship, directly or indirectly, on behalf of himself or another, with a foreign financial agency to maintain records or to file reports, or both, setting forth such of the following information, in such form and in such detail, as the Secretary may require:

(1) The identities and addresses of the parties to the transaction or relationship.

(2) The legal capacities in which the parties to the transaction or relationship are acting, and the identities of the real parties in interest if one or more of the parties are not acting solely as principals.

(3) A description of the transaction or relationship including the amounts of money, credit, or other property involved.

(b) No person required to maintain records under this section shall be required to produce or otherwise disclose the contents of the records except in compliance with a subpena or summons duly authorized and issued or as may otherwise be required by law.

§ 242. Classifications and requirements

The Secretary may prescribe:

(1) Any reasonable classification of persons subject to or exempt from any requirement imposed under section 241.

(2) The foreign country or countries as to which any requirement imposed under section 241 applies or does not apply if, in the judgment of the Secretary, uniform applicability of any such requirement to all foreign countries is unnecessary or undesirable.

(3) The magnitude of transactions subject to any requirement imposed under section 241.

(4) Types of transactions subject to or exempt from any requirement imposed under section 241.

(5) Such other matters as he may deem necessary to the application of this chapter.

TITLE III—MARGIN REQUIREMENTS

§ 301. Amendment of section 7 of the Securities Exchange Act of 1934.

(a) Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding at the end thereof the following new subsection:

"(f)(1) It is unlawful for any United States person, or any foreign person controlled by a United States person or acting on behalf of or in conjunction with such person, to obtain, receive, or enjoy the beneficial use of a loan or other extension of credit from any lender (without regard to whether the lender's office or place of business is in a State or the transaction occurred in whole or in part within a State) for the purpose of (A) purchasing or carrying United States securities, or (B) purchasing or carrying within the United States of any other securities, if, under this section or rules and regulations prescribed thereunder, the loan or other credit transaction is prohibited or would be prohibited if it had been made or the transaction had otherwise occurred in a lender's office or other place of business in a State.

"(2) For the purposes of this subsection—

"(A) The term 'United States person' includes a person which is organized or exists under the laws of any State or, in the case of a natural person, a citizen or resident of the United States; a domestic estate; or a trust in which one or more of the foregoing persons has a cumulative direct or indirect beneficial interest in excess of 50 per centum of the value of the trust.

"(B) The term 'United States security' means a security (other than an exempted security) issued by a person incorporated under the laws of any State, or whose principal place of business is within a State.

"(C) The term 'foreign person controlled by a United States person' includes any noncorporate entity in which United States persons directly or indirectly have more than a 50 per centum beneficial interest, and any corporation in which one or more United States persons, directly or indirectly, own stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock.

"(3) The Board of Governors of the Federal Revenue System may, in its discretion and with due regard for the purposes of this section, by rule or regulation exempt any class of United States persons or foreign persons controlled by a United States person from the application of this subsection."

(b) The amendment made by subsection (a) of this section does not affect the continuing validity of any rule or regulation under section 7 of the Securities Exchange Act of 1934 in effect prior to the effective date of the amendment.

TITLE IV—EFFECTIVE DATES

§ 401. Effective dates

(a) Except as otherwise provided in this section, titles I, II, and III of this Act and the amendments made thereby take effect on the first day of the seventh calendar month which begins after the date of enactment.

(b) The Secretary of the Treasury may by regulation provide that any provision of title I or II or any amendment made thereby shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment.

(c) The Board of Governors of the Federal Reserve System may by regulation provide that the amendment made by title III shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment.

TITLE V—PROVISIONS RELATING TO CREDIT CARDS

SEC. 501. Section 103 of the Truth in Lending Act (82 Stat. 146) is amended by redesignating subsections (j), (k), and (l) as subsections (p), (q), and (r), respectively, and by adding after subsection (i) the following:

"(j) The term 'adequate notice', as used in section 133, means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning. Such notice may be given to a cardholder by printing the notice on any credit card, or on each periodic statement of account, issued to the cardholder, or by any other means reasonably assuring the receipt thereof by the cardholder.

"(k) The term 'credit card' means any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

"(l) The term 'accepted credit card' means any credit card which the cardholder has requested and received or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor, or services on credit.

"(m) The term 'cardholder' means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

"(n) The term 'card issuer' means any person who issues a credit card, or the agent of such person with respect to such card.

"(o) The term 'unauthorized use', as used in section 133, means a use of a credit card by a person other than the cardholder who does not have actual, implied, or apparent authority for such use and from which the cardholder receives no benefit."

SEC. 502. (a) The Truth in Lending Act (82 Stat. 146) is amended by adding after section 131 the following sections:

"§ 132. Issuance of credit cards

"No credit card shall be issued except in response to a request or application therefor. This prohibition does not apply to the issuance of a credit card in renewal of, or in substitution for, an accepted credit card.

"§ 133. Liability of holder of credit card

"(a) A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in excess of $50, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided the cardholder with a self-addressed, prestamped notification to be mailed by the cardholder in the event of the loss or theft of the credit card, and the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise. Notwithstanding the foregoing, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after the effective date of this section, and, after the expiration of twelve months following such effective date, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless (1) the conditions of liability specified in the preceding sentence are met, and (2) the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it. For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information whether or not any particular officer, employee, or agent of the card issuer does in fact receive such information.

"(b) In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in subsection (a), have been met.

"(c) Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

"(d) Except as provided in this section, a cardholder incurs no liability from the unauthorized use of a credit card.

"§ 134. Fraudulent use of credit card

"Whoever, in a transaction affecting interstate or foreign commerce, uses any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain goods or services, or both, having a retail value aggregating $5,000 or more, shall be fined not more than $10,000 or imprisoned not more than five years, or both."

(b) The table of contents of chapter 2 of the Truth in Lending Act is amended by adding at the end thereof the following:

"132. Issuance of credit cards.
"133. Liability of holder of credit card.
"134. Fraudulent use of credit card."

SEC. 503. The amendments to the Truth in Lending Act made by this title become effective as follows:

(1) Section 132 of such Act takes effect upon the date of enactment of this title.

(2) Section 133 of such Act takes effect upon the expiration of 90 days after such date of enactment.

(3) Section 134 of such Act applies to offenses committed on or after such date of enactment.

TITLE VI—PROVISIONS RELATING TO CREDIT REPORTING AGENCIES

AMENDMENT OF CONSUMER CREDIT PROTECTION ACT

SEC. 601. The Consumer Credit Protection Act is amended by adding at the end thereof the following new title:

"TITLE VI—CONSUMER CREDIT REPORTING

"Sec.
"601. Short title.
"602. Findings and purpose.
"603. Definitions and rules of construction.
"604. Permissible purposes of reports.
"605. Obsolete information.
"606. Disclosure of investigative consumer reports.
"607. Compliance procedures.
"608. Disclosures to governmental agencies.
"609. Disclosure to consumers.
"610. Conditions of disclosure to consumers.
"611. Procedure in case of disputed accuracy.
"612. Charges for certain disclosures.
"613. Public record information for employment purposes.
"614. Restrictions on investigative consumer reports.
"615. Requirements on users of consumer reports.
"616. Civil liability for willful noncompliance.
"617. Civil liability for negligent noncompliance.
"618. Jurisdiction of courts; limitation of actions.
"619. Obtaining information under false pretenses.
"620. Unauthorized disclosures by officers or employees.
"621. Administrative enforcement.
"622. Relation to State laws.

"§ 601. Short title

"This title may be cited as the Fair Credit Reporting Act.

"§ 602. Findings and purpose

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

"§ 603. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristic, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

"(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

"(i) The term 'medical information' means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

"§ 604. Permissible purposes of reports.

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

"(E) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

"§ 605. Obsolete information

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

"(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years.

"(5) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.

"(6) Any other adverse item of information which antedates the report by more than seven years.

"(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of $50,000 or more;

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of $50,000 or more; or

"(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal $20,000, or more.

"§ 606. Disclosure of investigative consumer reports

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

"(1) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing mailed, or otherwise delivered, to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

"(2) the report is to be used for employment purposes for which the consumer has not specifically applied.

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt

by him of the disclosure required by subsection (a)(1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

"§ 607. Compliance procedures

"(a) Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.

"(b) Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

"§ 608. Disclosures to governmental agencies

"Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

"§ 609. Disclosures to consumers

"(a) Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

"(1) The nature and substance of all information (except medical information) in its files on the consumer at the time of the request.

"(2) The sources of the information; except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed: *Provided*, That in the event an action is brought under this title, such sources shall be available to the plaintiff under appropriate discovery procedures in the court in which the action is brought.

"(3) The recipients of any consumer report on the consumer which it has furnished—

"(A) for employment purposes within the two-year period preceding the request, and

"(B) for any other purpose within the six-month period preceding the request.

"(b) The requirements of subsection (a) respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of this title except to the extent that the matter involved is contained in the files of the consumer reporting agency on that date.

"§ 610. Conditions of disclosure to consumers

"(a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

"(b) The disclosures required under section 609 shall be made to the consumer—

"(1) in person if he appears in person and furnishes proper identification; or

"(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

"(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

"(d) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

"(e) Except as provided in sections 616 and 617, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

§ 611. Procedure in case of disputed accuracy

"(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

"(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

"(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrevelant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

"(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall clearly and conspicuously disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

"§ 612. Charges for certain disclosures

"A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt by such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to persons designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

"§ 613. Public record information for employment purposes

"A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

"(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

"(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

"§ 614. Restrictions on investigative consumer reports

"Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished.

"§ 615. Requirements on users of consumer reports

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action

has been taken and supply the name and address of the consumer reporting agency making the report.

"(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

"§ 616. Civil liability for willful noncompliance

"Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) such amount of punitive damages as the court may allow; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 617. Civil liability for negligent noncompliance

"Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 618. Jurisdiction of courts; limitation of actions

"An action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this title, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

"§ 619. Obtaining information under false pretenses

"Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 620. Unauthorized disclosures by officers or employees

"Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 621. Administrative enforcement

"(a) Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other government agency under subsection (b) hereof. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

"(b) Compliance with the requirements imposed under this title with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—

"(1) section 8 of the Federal Deposit Insurance Act, in the case of:

"(A) national banks, by the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

"(2) section 5(d) of the Home Owners Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;

"(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union;

"(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts;

"(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act; and

"(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

"(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title any other authority conferred on it by law.

"§ 622. Relation to State laws

"This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency."

EFFECTIVE DATE

SEC. 602. Section 504 of the Consumer Credit Protection Act is amended by adding at the end thereof the following new subsection:

"(d) Title VI takes effect upon the expiration of one hundred and eighty days following the date of its enactment."

And the Senate agree to the same.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
FLORENCE P. DWYER,
Managers on the Part of the House.

WILLIAM PROXMIRE,
HARRISON A. WILLIAMS, JR.,
EDMUND S. MUSKIE,
THOMAS J. MCINTYRE,
WALLACE F. BENNETT,
EDWARD W. BROOKE,
C. H. PERCY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes in the two Houses on the amendment of the Senate to the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require transactions in the United States currency be reported to the Department of the Treasury, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommend in the accompanying conference report:

GENERAL STATEMENT

The bill, H.R. 15073, was reported by the Committee on Banking and Currency on March 28, 1970, and was adopted by the House on May 25, 1970. The bill, in substantially similar form, was introduced in the Senate (S. 3678) on April 6, 1970, and was adopted by the Senate on September 18, 1970, with a number of amendments, and was then adopted as an amendment in the nature of a substitute to H.R. 15073.

Included in the Senate substitute to H.R. 15073 were the following titles covering subjects in addition to recordkeeping and foreign bank secrecy. These were title V, provisions relating to urban mass transportation; title VI, provisions relating to credit cards; and title VII, provisions relating to credit reporting agencies.

Title V of the Senate substitute to H.R.

15073, providing for authorization for mass transit assistance, was deleted in conference. The title was deleted because the House, on September 29, passed S. 3154, which provided long-term financing for urban mass transportation programs, and the House-passed bill was accepted by the Senate on October 5, 1970, therefore making title V of the Senate-passed H.R. 15073 superfluous.

FINANCIAL INSTITUTIONS RECORDKEEPING AND BANK SECRECY

Title I—Financial Recordkeeping

The major difference in title I of the two bills was in the degree of discretion granted to the Secretary of the Treasury in requiring the maintenance of records by insured banks and other financial institutions. The House-passed bill required the maintenance of appropriate records where they have a high degree of usefulness in criminal, tax, or regulatory investigation or proceedings. The House provided needed flexibility to the Secretary by permitting the maintenance of other records and evidence in addition to, or in lieu of, those specified in the bill.

The Senate bill amended this Congressional purpose by requiring the maintenance of such records and evidence only where the Secretary determined their usefulness in the various proceedings. The House conferees felt this to be an unwarranted delegation of Congressional authority to the Secretary.

The matter was resolved in conference preserving the House purpose clause (new sec. 21(a)(2) of the Federal Deposit Insurance Act) and relegating the Secretary's authority to a subordinate clause (new sec. 21(b) of such Act). Following this compromise, the words "as he deems appropriate" were deleted from the exemptive power of the Secretary in the new section 21(c) and the phrase "as are consistent with the purposes of this section" was substituted.

Consistent with subsequent changes made in title II, the Senate receded on its deletion of the words "or reported" in the new section 21(e). The House receded to the amendment in the Senate-passed bill which deleted an exemption of financial transactions involving less than $500 from the House bill.

Section 128 of the bill, requiring the Secretary to delegate his authority under title I to the appropriate agencies, added by the Senate, was at the suggestion of the House amended to give the Secretary discretion to delegate.

Other changes in title I to which the House receded were of a clarifying or technical nature.

Title II—Reports of currency in foreign transactions

The House agreed to the Senate amendment of the purposes provision (sec. 202), since the Senate language retained the substance of the House version.

Definition of "Financial Institution"

The Senate amendments added a number of business activities to the definition of the term "financial institution" (sec. 203(e)). These broadened the coverage of the title and the House agreed.

Monetary Instruments

The House agreed to the Senate definition of "monetary instruments" after the Senate agreed to a House request to include "bearer securities and stocks whose title is transferrable by delivery" within that term (sec. 203(l)).

Immunity Provisions

In chapter 1, the House accepted the Senate immunity provisions which are similar in scope to those contained in S. 30, the Administration's crime bill.

Amendments to chapter 1 also included rewriting section 203(h) to clear up ambiguities, concurring with the Senate provisions in section 206 dealing with exemptions, and agreeing to the Senate deletion of "knowingly" from the additional criminal penalty in certain cases (section 210). The House conferees accepted a Senate amendment requiring the Secretary to make information set forth in reports filed pursuant to the title available to other agencies subject to regulations prescribed by him.

Currency Transactions

The Senate amended the bill to give any person required to file a report the option of filing the report directly with the Secretary rather than with the financial institution involved or the Secretary's designee (sec. 223(b)). The House conferees agreed.

Reports of Exports and Imports of Monetary Instruments

The House bill provided that reports be filed on exports and imports of monetary instruments in excess of $5,000 at any one time or $10,000 in any one year. The Senate omitted the $10,000 yearly aggregate. The House conferees concurred.

In addition, the Senate added a new section providing that the Secretary must resort to legal process in obtaining search warrants in his enforcement activities (sec. 235). The House agreed to this amendment and to a minor change in section 231(b) by which the Secretary can require information in the reports in addition to that specifically described in the section.

Foreign transactions

The Senate version of the bill deleted the requirement of reports of transactions with foreign financial agencies, but authorized the Secretary to require such reports. The House bill required the Secretary to issue regulations requiring both reports and records. The House version was retained.

The Senate added a new section 241(b) requiring duly authorized and issued warrants and subpoenas as a condition in obtaining records required to be kept under the section. The House agreed to the Senate language.

Title III—Margin requirement

This title amends section 7(a) of the Securities Exchange Act of 1934. The House conferees agreed to the Senate substitute in section 301. The Senate language applies margin requirements in securities transactions to borrowers who are either United States persons or foreign persons controlled by U.S. persons. The latter case includes any non-corporate entity in which U.S. persons have more than 50 per cent beneficial interest.

Title IV—Effective dates

The effective dates contained in the House bill have remained intact.

CREDIT CARDS

Title V—Provisions relating to credit cards

The Senate bill attached a new title V (amending the Truth-in-Lending Act) regulating the issuance of credit cards, creating liability for the unauthorized use of credit cards, and providing criminal penalties for certain unauthorized uses. The House agreed to the Senate language with an amendment limiting criminal penalties for use of illegally obtained cards to cases involving amounts of $5,000 or more.

CREDIT REPORTING AGENCIES

Title VII—Provisions Relating to Credit Reporting Agencies

The House offered the following amendments to the provisions of the Senate-passed bill, which added to the Consumer Credit Protection Act (82 Stat. 146) a new title VI, dealing with consumer credit reporting.

Definitions and Rules of Construction

The House amendment added the definition of the term "medical information" in the new section 603(i) in restricting this type of information from being examined by the consumer when he attains access to his file as authorized in section 609. The rationale was that raw medical information should only be tendered with the counsel of a physician or other medically trained personnel. The Senate bill contained no similar provision, but was agreed to by the conferees.

The House conferees also intend that the definitions of "consumer reporting agency" not incude insured financial institutions whose lending officers merely relate information about an individual with whom they have had direct financial transactions.

Your conferees also intend that the definition of "consumer credit report" not include protective bulletins issued by local hotel and motel associations, and circulated only to their members, dealing solely with transactions between members of the associations and persons named in the report.

Obsolete Information

The House amendments, which were agreed to, were (1) the deletion of the phrase "or until the governing statute of limitations has expired, whichever is the longer period" from section 605(a)(4) in order not to permit the defeat of the intent of the section to restrict the reporting of delinquent account information to seven years by an inordinately long statute of limitations of the type known to exist in certain jurisdictions; and (2) the raising of the limit on life insurance to $50,000 from $25,000 in section 605(b)(2), which exempts life insurance investigations involving amounts above the limit from the section's prohibitions on the reporting of outdated information.

While no amendment was agreed to in section 605(b)(3) it was clearly understood that the conferees of both Houses intend the annual salary limitation of $20,000 to apply to initial or starting salaries in the employment involved.

Compliance Procedures

The House offered an amendment, which was agreed to by the conferees, to add the requirement that consumer reporting agencies must follow reasonable procedures to assure maximum possible accuracy of the information on an individual in all consumer credit reports.

The House conferees intend that this requirement shall include the duty to differentiate between types of individual bankruptcies (e.g., between straight bankruptcies and chapter XIII wage earner plans), and that the disposition of a wage earner plan where the consumer conscientiously carries out his responsibilities under it should be duly noted.

Disclosure to Consumers

The House offered the amendment to delete the words "The nature and substance of" in section 609(1). The intent was to permit the consumer to examine all the information in his file except for sources of investigative information, while not giving the consumer the right to physically handle his file. The Senate conferees did not agree to this amendment, contending that the existing language already accomplished this result. The conferees of both Houses intend that this important provision be so interpreted.

The House offered the amendment to section 609(2), which was agreed to by the conferees, to permit the plaintiff to obtain the sources of investigative information under the appropriate discovery procedures in the court in which an action is brought.

Requirements on users of consumer reports

The House amendment, which was agreed to by the conferees, deleted the requirement in section 615(a) that the consumer be required to submit a written request after denial of credit, insurance, or employment to obtain the name and address of the consumer reporting agency making the report. The conference substitute now requires the user of the report to convey this information to the consumer immediately upon denial of credit, insurance, or employment.

Civil liability for willful noncompliance

The House amendment to section 616(2), which was agreed to by the conferees, removed the floor and ceiling on the amount of punitive damages the court may allow for willful noncompliance with the new title.

Civil liability for negligent noncompliance

The House amendment to section 617, which was agreed to by the conferees, would establish liability for actual damages sustained as a result of ordinary negligence, instead of only as a result of gross negligence as provided in the Senate bill.

Jurisdiction of courts: Limitation of actions

The House amendment to section 618, which was agreed to by the conferees, would stop the statute of limitations from running, where the defendant has willfully misrepresented any information required under the new title which is material to the establishment of the defendant's liability, until discovery by the individual of the misrepresentation.

The conference substitute also permits a suit in any appropriate U.S. district court without regard to the amount in controversy.

Unauthorized disclosures by officers or employees

The House amendment added a new section 620, which was agreed to by the conferees, to provide criminal penalties for willfully providing information on an individual to an unauthorized person by officers or employees of consumer reporting agencies.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
FLORENCE P. DWYER,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 3586, HEALTH TRAINING IMPROVEMENT ACT OF 1970

Mr. ROGERS of Florida (on behalf of Mr. STAGGERS) filed the following conference report and statement on the bill (S. 3586), to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1588)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, 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 Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Training Improvement Act of 1970".

TITLE I—SCHOOLS OF MEDICINE, DENTISTRY, OSTEOPATHY, PHARMACY, OPTOMETRY, VETERINARY MEDICINE, AND PODIATRY

INSTITUTIONAL GRANTS

SEC. 101. (a) Section 771 of the Public Health Service Act (42 U.S.C. 295f-1) is amended by adding at the end thereof the following new subsection:

(b) The amendment made by subsection (a) of this section shall be effective only with respect to sums available for grants under section 771 of the Public Health Service Act from appropriations under section 770 of such Act for the fiscal years ending after June 30, 1970.

MEDICAL AND DENTAL SCHOOLS IN FINANCIAL DISTRESS

SEC. 102. (a) Section 772 of the Public Health Service Act (42 U.S.C. 295f-2) is amended—

(1) by adding at the end thereof the following new sentence: "Sums appropriated under section 770 for the fiscal year ending June 30, 1971, for grants under this section to assist any such schools which are in serious financial straits to meet their costs of operation shall remain available to make such grants until June 30, 1972."; and

(2) by insert "(a)" after "Sec. 772." and by adding at the end the following new subsection:

(b) The Congress finds and declares that the Nation's economy, welfare, and security are adversely affected by the acute financial crisis which threatens the survival of medical and dental schools which provide the highest quality of teaching, medical and dental research, and delivery of health care for the Nation. The Secretary shall determine the need for emergency financial assistance to such medical and dental schools and shall report to the Congress on or before June 30, 1971, his determinations of such need and his recommendations for such administrative and legislative action as he determines is necessary to meet such needs.".

(b) The amendment made by paragraph (1) of subsection (a) of this section shall apply only with respect to appropriations under section 770 of the Public Health Service Act made after the date of the enactment of this Act.

TITLE II—ALLIED HEALTH PROFESSIONS

GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES FOR ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 201. (a) Paragraph (1) of subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 295(h)(1)) is amended (1) by striking out "and" after "June 30, 1969;", and (2) by striking out the period and inserting in lieu thereof a semicolon and the following: "; $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $40,000,000 for the fiscal year ending June 30, 1973."

(b) Paragraph (1) of subsection (b) of such section is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1972".

GRANTS TO IMPROVE THE QUALITY OF TRAINING FOR ALLIED HEALTH PROFESSIONS

SEC. 202. (a) Effective with respect to appropriations for the fiscal year beginning July 1, 1970, section 792 of the Public Health Service Act (42 U.S.C. 295h-1(a)) is amended as follows:

(1) Subsection (a) of such section is amended to read as follows:

"(d) In the case of a new school of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, or podiatry, which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subparagraph (a)(1)(A) of this section shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made."

"Basic Improvement Grants

"SEC. 792. (a)(1) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $15,000,000 for the fiscal year ending June 30, 1973, for basic improvement grants under this subsection."

(2) Subsection (b) of such section is amended—

(A) by striking out the subsection heading,

(B) by striking out "(b)(1)" and inserting in lieu thereof "(2)",

(C) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)",

(D) by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973", and

(E) by striking out "(2)" in paragraph (2) and inserting in lieu thereof "(3)".

(3) Subsection (c) is repealed and the following new subsections are inserted immediately before subsection (d):

"Special Improvement Grants

"(b) There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for special improvement grants to assist training centers for allied health professions in projects for the provision, maintenance, or improvement of the specialized functions which the center serves.

"Special Projects for Experimentation, Demonstration, and Institutional Improvement

"(c)(1) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for grants and contracts for special projects under this subsection.

"(2) The Secretary is authorized, from sums available therefor from appropriations made under this subsection and subsection (b), to make grants to public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions, for special projects related to training or retraining of allied health personnel, including—

"(A) planning, establishing, demonstrating, or developing new programs, or modifying or expanding existing programs, including interdisciplinary training programs;

"(B) developing, demonstrating, or establishing special programs, or adapting existing programs, to reach special groups such as returning veterans with experience in a health field, the economically or culturally deprived, or persons reentering any of the allied health fields;

"(C) developing, demonstrating, or evaluating new or improved teaching methods or curriculums;

"(D) developing, demonstrating, or establishing interrelationships among institutions which will facilitate the training, retraining, or utilization of allied health manpower;

"(E) developing, demonstrating, or evaluating new types of health manpower;

"(F) developing, demonstrating, or evaluating techniques for appropriate recognition (including equivalency and proficiency testing mechanisms) of previously acquired training or experience; and

"(G) developing, demonstrating, or evalu-

ating new or improved means of recruitment, retraining, or retention of allied health manpower."

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, subsection (d) of section 792 is amended—

(A) by striking out "basic or special improvement" in paragraph (1);

(B) by inserting "in the case of a basic or special improvement grant," immediately after "(A)" in paragraph (2)(A); and

(C) by striking out "for grants under subsection (c)" in paragraph (3) and inserting in lieu thereof "for special improvement grants under subsection (b) and for special project grants under subsection (c)".

(c) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, section 795(3) of such Act (42 U.S.C. 295h–4) is amended by striking out "as applied to any training center for allied health professions" and inserting in lieu thereof ", as applied to any training center for allied health professions or to any private agency, organization, or institution,".

(d) Effective with respect to the fiscal year beginning July 1, 1970, section 794 of such Act (42 U.S.C. 295h–3) is repealed.

TRAINEESHIPS FOR ADVANCED TRAINING OF ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 203. (a) Subsection (a) of section 793 of the Public Health Service Act (42 U.S.C. 295h–2(a)) is amended (1) by striking out "and" after "June 30, 1969;", and (2) by inserting after "June 30, 1970;" the following: "$8,000,000 for the fiscal year ending June 30, 1971; $10,000,000 for the fiscal year ending June 30, 1972; and $12,000,000 for the fiscal year ending June 30, 1973;".

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970—

(1) Subsection (b) of such section is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, organizations, and institutions".

(2) Subsection (c) of such section is amended by striking out "centers" and inserting in lieu thereof "public or nonprofit private agencies, organizations and institutions".

ENCOURAGEMENT OF FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE ALLIED HEALTH PROFESSIONS

SEC. 204. Part G of title VII of the Public Health Service Act is amended by adding immediately after section 793 thereof the following new sections:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR ALLIED HEALTH PROFESSIONS

"SEC. 794A. (a) To assist in meeting the need for additional trained personnel in the allied health professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)), for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for education or training in the allied health professions, including returning veterans of the Armed Forces of the United States with training or experience in the health field, and encouraging and assisting them, whenever appropriate, to (A) complete secondary school, (B) undertake such postsecondary training as may be required to qualify them for training in the allied health professions, and (C) undertake postsecondary educational training in the allied health professions, or

"(2) publicizing existing sources of financial aid available to persons undertaking training or education in the allied health professions.

"(b) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; and $1,250,000 for the fiscal year ending June 30, 1973.

"SCHOLARSHIP GRANTS

"SEC. 794B. (a) The Secretary is authorized to make (in accordance with such regulations as he may prescribe) grants to public or nonprofit private agencies, institutions, and organizations with an established program for training or retraining of personnel in the allied health professions or occupations specified by the Secretary for (1) scholarships to be awarded by such agency, institution, or organization to students thereof, and (2) scholarships in retraining programs of such agency, institution, or organization to be awarded to allied health professions personnel in occupations for which such agency, institution, or organization determines that there is a need for the development of, or the expansion of, training.

"(b) Scholarships awarded by any agency, institution, or organization from grants under subsection (a) shall be awarded for any year only to individuals of exceptional financial need who require such assistance for such year in order to pursue a course of study offered by such agency, institution, or organization.

"(c) Grants under subsection (a) may be paid in advance or by way of reimbursement and at such intervals as the Secretary may deem appropriate and with appropriate adjustments on account of overpayments or underpayments previously made.

"(d) Any scholarship awarded from grants under subsection (a) to any individual for any year shall cover such portion of the individual's tuition, fees, books, equipment, and living expenses as the agency, institution, or organization awarding the scholarship may determine to be needed by such individual for such year on the basis of his requirements and financial resources; except that the amount of any such scholarship shall not exceed $2,000, plus $600 for each dependent (not in excess of three) in the case of any individual who is awarded such a scholarship.

"(f) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $4,000,000 for the fiscal year ending June 30, 1971; $5,000,000 for the fiscal year ending June 30, 1972; and $6,000,000 for the fiscal year ending June 30, 1973.

"WORK-STUDY PROGRAMS

"SEC. 794C. (a) The Secretary is authorized to enter into agreements with public or nonprofit private agencies, institutions, and organizations with established programs for the training or retraining of personnel in the allied health professions specified by the Secretary under which the Secretary will make grants to such agencies, institutions, and organizations to assist them in the operation of work-study programs for individuals undergoing training or retraining provided by such programs.

"(b) Any agreement entered into pursuant to this section with a public or nonprofit private agency, institution, or organization shall—

"(1) provide that such agency, institution, or organization, will operate a work-study program for the part-time employment of its students or trainees either (A) in work for such agency, institution, or organization or (B) pursuant to arrangements between such agency, institution, or organization and another public or private nonprofit agency, institution, or organization, in work which is in the public interest for such other agency, institution, or organization;

"(2) provide that any such work-study program shall be operated in such manner that its operation will not result in the displacement of employed workers or impair existing contracts for employment;

"(c) The Secretary shall not approve any grant under this section unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practicable, increase the level of non-Federal funds, which would in the absence of such grant, be made available for the purpose for which such grant is requested.

"(3) provide that any such work-study program will provide conditions of employment, for the students or trainees participating therein, which are appropriate and reasonable in light of such factors as type of work performed, prevailing wages in the area for similar work, and proficiency of the individual in the performance of the work involved;

"(4) provide that no Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used for the construction, operation, or maintenance of any facility or part thereof which is used or is to be used for sectarian instruction or as a place for religious worship;

"(5) provide that Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used only to make payments to its students or trainees performing work in the work-study program operated by such agency, institution, or organization; except that such agency, institution, or organization may use a portion of such funds to meet administrative expenses connected with the operation of such program, but the portion which may be so used shall not exceed 5 per centum of that part of such funds which is used for the purpose of making payments to such students or trainees, for work performed for a public or private nonprofit agency, institution, or organization other than the agency, institution, or organization receiving such Federal funds pursuant to such agreement;

"(6) provide that such agency, institution, or organization, in selecting students or trainees for employment in such work-study program, will give preference to individuals from low-income families, and that no individual will be selected for employment in such program unless he (A) is in need of the earnings from such employment in order to pursue a course of study (whether on a full-time or part-time basis) for training or retraining of personnel in the allied health professions, provided by such agency, institution, or organization, (B) is capable, in the opinion of such agency, institution, or organization, of maintaining good standing in such course of study while employed under such work-study program, and (C) in the case of any individual who at the time he applies for such employment is a new student or trainee, has been accepted for enrollment in such course of study on a full-time basis or part-time and, in the case of any other individual, is enrolled in such course of study on such a basis and is maintaining good standing in such course of study;

"(7) provide that such agency, institution, or organization shall in the operation of such work-study program, provide all individuals desiring employment therein an opportunity to make application for such employment and that, to the extent that necessary funds are available, all eligible applicants will be employed in such program; and

"(8) include such other provisions as the Secretary may deem necessary or appropriate to carry out the purposes of this section.

"(c) The Secretary shall not approve any grant under this section unless the applicant therefor provides assurances satisfactory to

the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"(d)(1) Funds provided through any grant made under this section shall not be used to pay more than—

"(A) 90 per centum, in the case of the period commencing on the date of the enactment of this section and ending with the close of the third June 30th thereafter,

"(B) 85 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (A),

"(C) 80 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (B), or

"(D) 75 per centum, in the case of any period after the period referred to in clause (C), of the costs attributable to the payment of compensation to students or trainees for employment in the work-study program with respect to which such grant is made.

"(2)(A) In determining (for purposes of paragraph (1)) the amounts attributable to the payment of compensation to students or trainees for employment in any work-study program, there shall be disregarded any Federal funds (other than such funds derived from a grant under this section) used for the payment of such compensation.

"(B) In determining (for purposes of paragraph (1)) the total amounts expended for the payment of compensation to students or trainees for employment in any work-study program operated by any agency, institution, or organization receiving a grant under this section, there shall be included the reasonable value of compensation provided by such agency, institution, or organization to such students or trainees in the form of services and supplies (including tuition, board, and books).

"(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, and $6,000,000 for the fiscal year ending June 30, 1973.

"LOANS FOR STUDENTS OF THE ALLIED HEALTH PROFESSIONS

"SEC. 794D. (a)(1) The Secretary is authorized (in accordance with such regulations as he may prescribe) to enter into an agreement for the establishment and operation of a student loan fund in accordance with this section with any public or private nonprofit agency, institution, or organization which has an established program for the training or retraining of personnel in the allied health professions specified by the Secretary.

"(2) Each agreement entered into under this subsection shall—

"(A) provide for establishment of a student loan fund by such agency, institution, or organization for students or trainees enrolled in such program;

"(B) provide for deposit in the fund of (i) the Federal capital contributions paid under this section to the agency, institution, or organization by the Secretary, (ii) and additional amount from other sources equal to not less than one-ninth of such Federal capital contributions, (iii) collections of principal and interest on loans made from the fund, (iv) collections pursuant to subsection (b)(6), and (v) any other earnings of the fund;

"(C) provide that the fund shall be used only for loans to students or trainees enrolled in such program of the agency, institution, or organization in accordance with the agreement and for costs of collection of such loans and interest thereon;

"(D) provide that loans may be made from such fund to students pursuing a course of study (whether full time or part time) in such program of such agency, institution, or organization and that while the agreement remains in effect no such student who is attending such program of such agency, institution, or organization shall receive a loan from a loan fund established under section 204 of the National Defense Education Act of 1958 or pursuant to part B of title IV of the Higher Education Act of 1965; and

"(E) contain such other provisions as are necessary to protect the financial interests of the United States.

"(b)(1) The total of the loans for any academic year (or its equivalent, as determined under regulations of the Secretary) made by agencies, institutions or organizations from loan funds established pursuant to agreements under this section may not exceed $1,500 in the case of any student. The aggregate of the loans for all years from such funds may not exceed $6,000 in the case of any student.

"(2) Loans from any such student loan fund by any agency, institution or organization shall be made on such terms and conditions as it may determine; subject, however, to such conditions, limitations, and requirements as the Secretary may prescribe (by regulation or in the agreement with the agency, institution, or organization) with a view to preventing impairment of the capital of such fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

"(A) such loan may be made only to a student who (i) is in need of the amount of the loan to pursue a part-time or full-time course of study at the agency, institution, or organization, and (ii) is capable, in the opinion of the agency, institution, or organization, of maintaining good standing in such course of study;

"(B) such loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a part-time or full-time course of study in a program for the training or retraining of personnel in the allied health professions at an agency, institution, or organization approved by the Secretary, excluding from such ten-year period all (i) periods (up to three years) of (I) active duty performed by the borrower as a member of a uniformed service, or (II) service as a volunteer under the Peace Corps Act, and (ii) periods (up to five years) during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate or associate degree or the equivalent of either or to a higher degree in one of the allied health professions;

"(C) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for full-time employment in any of the allied health professions (including teaching any such profession or service as an administrator, supervisor, or specialist in any such profession) in any public or private nonprofit agency, institution, or organization, or in a rural area with an individual practitioner of medicine or dentistry if such service is approved by a local county health department or its equivalent at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 15 per centum for each complete year of service in such a profession in a public or other nonprofit hospital, other health service facility or health agency which is determined, in accordance with regulations of the Secretary, to have a substantial shortage of persons rendering service in such profession, and for purposes of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled:

"(D) the liability to repay the unpaid balance of such loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently and totally disabled;

"(E) such a loan shall bear interest on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum;

"(F) such a loan shall be made without security or endorsement except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required; and

"(G) no note or other evidence of any such loan may be transferred or assigned by the agency, institution, or organization making the loan except that, if the borrower transfers to another agency, institution, or organization participating in the program under this section, such note or other evidence of a loan may be transferred to such other agency, institution, or organization.

"(3) When all or any part of a loan, or interest, is canceled under this subsection, the Secretary shall pay to the agency, institution, or organization an amount equal to its proportionate share of the canceled portion, as determined by the Secretary.

"(4) Any loan for any year by an agency, institution, or organization from a student loan fund established pursuant to an agreement under this section shall be made in such installments as may be provided in regulations of the Secretary or such agreement and, upon notice to the Secretary by the agency, institution, or organization that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate.

"(5) An agreement under this section with any agency, institution, or organization shall include provisions designed to make loans from the student loan fund established thereunder reasonably available (to the extent of the available funds in such fund) to all eligible students in the agency, institution, or organization in need thereof.

"(6) Subject to regulations of the Secretary, an agency, institution, or organization may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this section for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under paragraph (2)(B) or cancellation of part or all of the loan under paragraph (2)(C), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The agency, institution, or organization may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the agency, institution, or organization not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(7) An agency, institution, or organization may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this section payments of principal and interest by the borrower with respect to all the

outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month.

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to student loan funds pursuant to subsection (a)(2)(B)(i) $3,500,000 for the fiscal year ending June 30, 1971, $5,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973, and there are also authorized to be appropriated such sums for the fiscal year ending June 30, 1974, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan from any academic year ending before July 1, 1973, to continue or complete their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available to the Secretary (1) for payments into the funds established by subsection (f)(4), and (2) in accordance with agreements under this section, for Federal capital contributions to schools with which such agreements have been made, to be used together with deposits in such funds pursuant to subsection (a)(2)(B)(ii), for establishment and maintenance of student loan funds.

"(d)(1) From the sums appropriated pursuant to subsection (c) for any fiscal year, the Secretary shall allot to each agency, institution, or organization, which has an established program or programs for the training or retraining of personnel in the allied health professions approved by the Secretary, an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such program or programs in such agency, institution, or organization approved by the Secretary bears to the total number of persons enrolled on a full-time basis in such programs in all such agencies, institutions, or organizations in all the States. The number of persons enrolled, in such a program, on a full-time basis in such agencies, institutions, or organizations for purposes of the subsection shall be determined by the Secretary for the most recent year for which satisfactory data are available to him. Funds available in any fiscal year for payment to agencies, institutions, or organizations under this section (whether as Federal capital contributions or as loans under subsection (f)) which are in excess of the amount appropriated pursuant to subsection (c) for that year shall be allotted among agencies, institutions, or organizations approved by the Secretary in such manner as the Secretary determines will best carry out the purposes of this section.

"(2) The Secretary shall from time to time set dates by which agencies, institutions, or organizations must file applications for Federal capital contributions and for loans pursuant to subsection (f).

"(3) The Federal capital contributions to a loan fund of an agency, institution, or organization approved by the Secretary under this section shall be paid from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in its loan fund.

"(e)(1) After June 30, 1977, and not later than September 30, 1977, there shall be a capital distribution of the balance of the loan fund established under an agreement pursuant to subsection (a)(2) by each agency, institution or organization approved by the Secretary as follows:

"(A) The Secretary shall first be paid an amount which bears the same ratio to such balance in such fund at the close of June 30, 1977, as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to subsection (a)(2)(B)(i) bears to the total amount in such fund derived from such Federal capital contributions from funds deposited therein pursuant to subsection (a)(2)(B)(ii).

"(B) The remainder of such balance shall be paid to the agency, institution, or organization approved by the Secretary.

"(2) After September 30, 1977, each agency, institution or organization approved by the Secretary with which the Secretary has made an agreement under this section shall pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by it after June 30, 1977, in payment of principal and interest on loans made from the loan fund established pursuant to such agreement (other than so much of such fund as relates to payments from the revolving fund established by subsection (f)(4)) as was determined for the Secretary under paragraph (1).

"(f)(1)(A) During the fiscal year ending June 30, 1971, and each of the next two fiscal years, the Secretary may make loans, from the revolving fund established by paragraph (4), to any public or private nonprofit agency, institution or organization approved by him, to provide all or part of the captial needed by any such agency, institution or organization for making loans to students under this subsection (other than capital needed to make the institutional contributions required of agencies, institutions or organizations by subsection (a)(2)(B)(ii)). Loans to students from such borrowed sums shall be subject to the terms, conditions, and limitations set forth in subsection (b). The requirement in subsection (a)(2)(B)(ii) with respect to institutional contributions by agencies, institutions, or organizations to student loan funds shall not apply to loans made to agencies, institutions, or organizations under this subsection.

"(B) A loan to an agency, institution, or organization approved by the Secretary under this subsection may be made upon such terms and conditions, consistent with applicable provisions of subsection (a), as the Secretary deems appropriate. If the Secretary deems it to be necessary to assure that the purposes of this subsection will be achieved, these terms and conditions may include provisions making the obligation of the agency, institution, or organization to the Secretary on such a loan payable solely from such revenues or other assets or security (including collections on loans to students) as the Secretary may approve. Such a loan shall bear interest at a rate which the Secretary determines to be adequate to cover (i) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this subsection, and (ii) probable losses.

"(2) If an agency, institution, or organization approved by the Secretary borrows any sums under this subsection, the Secretary shall agree to pay to it (A) an amount equal to 90 per centum of the loss to it from defaults on student loans made from such sums, (B) the amount by which the interest payable by it on such sums exceeds the interest received by it on student loans made from such sums, (C) an amount equal to the amount of collection expenses authorized by subsection (a)(2)(C) to be paid out of a student loan fund with respect to such sums, and (D) the amount of the principal which is canceled pursuant to subsection (b)(2)(C) or (D) with respect to student loans made from such sums. There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the purposes of this paragraph.

"(3) The total of the loans made in any fiscal year under this subsection shall not exceed the lesser of (1) such limitations as may be specified in appropriation Acts, and (2) the difference between $35,000,000 and the amount of Federal capital contributions paid under this section for that year.

"(4)(A) There is hereby created within the Treasury an allied professions training fund (hereinafter in this paragraph referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of this subsection. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act, 31 U.S.C. 847–849) for wholly owned Government corporations.

"(B) The fund shall consist of appropriations paid into the fund pursuant to subsection (c), appropriations made pursuant to this paragraph, all amounts received by the Secretary as interest payments or repayments of principal on loans under this subsection, and any other moneys, property or assets derived by him from his operations in connection with this subsection (other than paragraph (2)), including any moneys derived directly or indirectly from the sale of assets, or beneficial interest or participations in assets, of the fund.

"(C) All loans, expenses (other than normal administrative expenses), and payments pursuant to operations of the Secretary under this subsection (other than paragraph (s)) shall be paid from the fund, including (but not limited to) expenses and payments of the Secretary in connection with the sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participation in obligations acquired under this subsection. From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this subsection, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund exceed the present and any reasonable prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"(g) The Secretary may agree to modifications of agreements or loans made under this section, and may compromise, waive, or release any right, title, claim, or demand of the United States arising or acquired under this section."

STUDY OF ALLIED HEALTH PROGRAMS

SEC. 205. Section 798 of the Public Health Service Act (42 U.S.C. 295h–7) is amended to read as follows:

STUDY

"SEC. 798. (a) The Secretary shall conduct a study of the administration of—

"(1) the provisions of this part,

"(2) other provisions of this Act which relate to the allied health professions or the training of individuals to prepare them to engage in any of such professions; and

"(3) provisions of law which are administered by the Commissioner of Education and which relate to the allied health professions or the training of individuals to prepare them to engage in any of such professions;

with a view to determining the adequacy of such provisions and the programs established pursuant thereto to meet the needs of the Nation for allied health professions personnel."

ADVANCE FUNDING

SEC. 206. Part G of title VII of the Public Health Service Act is further amended by adding after section 798 thereof the following new section:

"ADVANCE FUNDING

"SEC. 799. Any appropriation Act which appropriates funds for any fiscal year for grants, contracts, or other payments under this part may also appropriate for the next fiscal year the funds that are authorized to be appropriated for such payments for such next fiscal year; but no funds may be made available therefrom for obligation for such payments before the fiscal year for which such funds are authorized to be appropriated."

LICENSURE REPORT

SEC. 207. Part G of title VII of the Public Health Service Act is further amended by adding after section 799 (as added by section 206 of this Act) the following new section:

"LICENSURE REPORT

"SEC. 799A. The Secretary shall prepare and submit to the Congress, prior to July 1, 1971, a report identifying the major problems associated with licensure; certification, and other qualifications for practice or employment of health personnel (including group practice of health personnel), together with summaries of the activities (if any) of Federal agencies, professional organizations, or other instrumentalities directed toward the alleviation of such problems and toward maximizing the proper and efficient utilization of health personnel in meeting the health needs of the Nation. Such report shall include specific recommendations by the Secretary for steps to be taken toward the solution of the problems so identified in such report."

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

RALPH W. YARBOROUGH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
J. K. JAVITS,
GEORGE MURPHY,
WINSTON L. PROUTY,
WM. B. SAXBE,
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 amendments of the House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment to the text of the bill and the substitute agreed to in conference.

START-UP ASSISTANCE FOR NEW HEALTH PROFESSIONS SCHOOLS

The Senate bill contained a provision not in the House amendment which would make new health professions schools eligible for grants in fiscal year 1971 under section 771 of the Public Health Service Act (relating to institutional grants). Under the Senate provision a grant of $25,000 plus such amounts as the Secretary prescribes would be available for the new schools. There was no increase in the authorization for appropriations for grants under such section 771.

The conference substitute provides that in determining the amount of an institutional grant to a new school, the Secretary shall determine the number of students to be considered as the enrollment of the school for the fiscal year prior to the year in which the school will admit its first class on the basis of assurances provided by the school.

The special aid authorized by this provision will be available (only) until such time as the recipient school becomes eligible for (regular) formula grant assistance under the provision of subparagraph (A) of paragraph (1) of subsection (a) of this section. Such special assistance shall be available no earlier than the year before/in which students are actually admitted. Finally, the Secretary may, for the purpose of making grants to such new schools, impute enrollments for such schools under the provision of subparagraph (A) of paragraph (1) of subsection (a) of this section.

EMERGENCY ASSISTANCE FOR DENTAL AND MEDICAL SCHOOLS IN EXTREME FINANCIAL DISTRESS

The Senate amendment contained language authorizing the appropriation of up to $100 million for fiscal year 1971 to establish a fund to provide emergency assistance to medical and dental schools in serious financial distress. The House amendment contained no corresponding provision.

Existing law authorizes appropriations up to $168 million for formula grants and project grants to health professions schools covering a wide variety of purposes. The budget submitted by the administration calls for the appropriation of $113 million of these authorized amounts, leaving approximately $55 million in authorization for appropriations for fiscal year 1971. Among the purposes for which funds may be appropriated pursuant to this remaining $55 million authorization, as described in section 772 of the Public Health Service Act, are appropriations for providing assistance to "any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements."

The conference substitute would provide authority to meet the purposes of the Senate amendment by providing that funds appropriated for fiscal year 1971 to meet the needs set out in the previously quoted language are authorized to remain available until expended, or until June 30, 1972, whichever first occurs. To the extent that funds are requested by the administration for this purpose, this authority will permit added flexibility in the use of these funds. The Managers on the part of the House also wish to point out that section 601 of the Hospital Construction and Modernization Amendments of 1970 will apply to funds appropriated pursuant to this authorization, and therefore are not subject to administrative cutbacks or withholding from expenditures, so that if appropriated, these funds will be used for aid to these schools. It is the intention of the conferees that these funds be limited to medical schools and dental schools which are in serious financial distress.

The conferees feel that the situation facing many privately owned medical and dental schools is critical and therefore urge the administration to give serious consideration to the needs of these institutions, with a view to requesting such sums as may be necessary to provide the emergency assistance which these schools require.

In addition, the conference substitute provides a Congressional finding relating to the effect on the Nation of the acute financial crisis threatening the survival of medical and dental schools and directs the Secretary of Health, Education, and Welfare to determine the need for emergency financial assistance to medical and dental schools in financial distress and to report to the Congress on or before June 30, 1971, his determinations of such need and his recommendations for such administrative and legislative action as he determines is necessary to meet such needs.

ALLIED HEALTH PROFESSIONS

Grants and contracts to encourage full utilization of educational talent for allied health professions

The Senate bill contained a provision not in the House amendment which would amend part G of title VII of the Public Health Service Act to provide a five year program (through fiscal year 1975) of grants and contracts to (1) identify individuals of financial, educational, or cultural need who have potential for education or training in the allied health professions, and (2) encourage and assist them, where appropriate, to (A) complete secondary school, and (B) undertake necessary postsecondary training.

The following amounts would be authorized for such program: $.75 million for fiscal year 1971, $1 million for fiscal year 1972, $1.25 million for fiscal year 1973, $1.5 million for fiscal year 1974, and $1.75 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that the program is limited to fiscal years 1971 through 1973.

Scholarship grants

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a five year program (through fiscal year 1975) of grants for public or nonprofit private entities with established training programs in the allied health professions to enable them to award scholarships (not to exceed $2,000 for an individual and $600 for each dependent) with exceptional financial need.

The following amounts would be authorized for such program: $6 million for fiscal year 1971, $7 million for fiscal year 1972, $8 million for fiscal year 1973, $9 million for fiscal year 1974, and $10 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that (1) the program is limited to the three fiscal years, 1971 through 1973, and (2) the appropriation authorizations for each of those three years is reduced by $2 million so that $4, 5, and 6 million are respectively authorized for those three years.

Grants for work-study programs

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a five year program (through fiscal year 1975) of grants to institutions having established programs for the training or retraining of allied health professions personnel to assist them in the operation of work-study programs for in-

dividuals undergoing training or retraining in the allied health professions.

The following amounts would be authorized for such program: $2 million for fiscal year 1971, $4 million for fiscal year 1972, $6 million for fiscal year 1973, $8 million for fiscal year 1974, and $10 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that the program is limited to fiscal years 1971 through 1973.

Student loans

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a five-year student loan program (fiscal years 1971 through 1975). Under such program allied health professions training institutions would receive grants or loans to establish student loan funds. Loans would be made to students from such student loan funds. Such loans would be repayable with interest at the rate of 3 percent per year. The maximum loan per year would be $1,500 with an aggregate ceiling to any individual of $6,000.

The following amounts would be authorized to be appropriated for the grants and loans to establish student loan funds: $1.5 million for fiscal year 1971, $3 million for fiscal year 1972, $8 million for fiscal year 1973, $12 million for fiscal year 1974, and $16 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that (1) the program is limited to the three fiscal years, 1971 through 1973, and (2) the authorization for each of those three fiscal years is $3.5, 5, and 10 million respectively.

The amount of the increase provided herein equals the amount by which scholarship authorizations were decreased.

STUDY OF ALLIED HEALTH PROGRAMS

The Senate bill contained a provision not in the House amendment which would direct the Secretary to conduct a study of allied health programs, under the Public Health Service Act and under laws administered by the Commissioner of Education, to determine their adequacy and effectiveness.

The conference substitute contains the provision of the Senate bill.

ADVANCE FUNDING

The Senate bill contained a provision not in the House amendment which would provide that any appropriation Act appropriating funds for any fiscal year for payments under grants or contracts under part G of title VII of the Public Health Service Act could also appropriate for the succeeding fiscal year funds authorized to be appropriated for such payments for such succeeding fiscal year.

The conference substitute is the same as the Senate bill except that it is made clear that funds so appropriated can not be made available for obligation for payments before the fiscal year for which such funds are authorized to be appropriated.

LICENSURE REPORT

The Senate bill contained a provision not in the House amendment which would direct the Secretary of Health, Education, and Welfare to prepare and submit to Congress before July 1, 1971, a report identifying major problems associated with licensure, certification, and other qualifications for practice or employment of health personnel, together with summaries of the activities (if any) of Federal agencies, professional organizations, or other instrumentalities directed toward the alleviation of such problems.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 2846, DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION AMENDMENTS OF 1970

Mr. ROGERS of Florida (on behalf of Mr. STAGGERS) filed the following conference report and statement on the bill, S. 2846, to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1589)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, 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 Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Development Disabilities Services and Facilities Construction Amendments of 1970".

TITLE I—GRANTS FOR PLANNING PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 101. (a) Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, is amended by striking out the caption and substituting the following:

"TITLE I—SERVICES AND FACILITIES FOR THE MENTALLY RETARDED AND PERSONS WITH OTHER DEVELOPMENTAL DISABILITIES".

(b) Part C of the Mental Retardation Facilities Construction Act, as amended, is amended by striking out the caption and sections 131 through 137 and substituting the following:

"PART C—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"DECLARATION OF PURPOSE

"SEC. 130. The purpose of this part is to authorize—

"(a) grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services to persons with developmental disabilities;

"(b) grants to assist public or nonprofit private agencies in the construction of facilities for the provision of services to persons with developmental disabilities, including facilities for any of the purposes stated in this section;

"(c) grants for provision of services to persons with developmental disabilities, including costs of operation, staffing, and maintenance of facilities for persons with developmental disabilities;

"(d) grants for State or local planning, administration, or technical assistance relating to services and facilities for persons with developmental disabilities;

"(e) grants for training of specialized personnel needed for the provision of services for persons with developmental disabilities, or research related thereto; and

"(f) grants for developing or demonstrating new or improved techniques for the provision of services for persons with developmental disabilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. In order to make the grants to carry out the purposes of section 130, there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1971, $105,000,000 for the fiscal year ending June 30, 1972, and $130,000,000 for the fiscal year ending June 30, 1973.

"STATE ALLOTMENTS

"SEC. 132. (a)(1) From the sums appropriated to carry out the purposes of section 130 for each fiscal year, other than amounts reserved by the Secretary for projects under subsection (e), the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for services and facilities for persons with developmental disabilities, and (C) the financial need, of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any such fiscal year shall not be less than $100,000 plus, if such fiscal year is later than the fiscal year ending June 30, 1971, and if the sums so appropriated for such fiscal year exceed the amount authorized to be appropriated to carry out such purposes for the fiscal year ending June 30, 1971, an amount which bears the same ratio to $100,000 as the difference between the amount so appropriated and the amount authorized to be appropriated for the fiscal year ending June 30, 1971, bears to the amount authorized to be appropriated for the fiscal year ending June 30, 1971.

"(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under this part.

"(3) Sums allotted to a State for a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year: *Provided*, That if the maximum amount which may be specified pursuant to section 134(b)(15) for a year plus any part of the amount so specified pursuant thereto for the preceding fiscal year and remaining unobligated at the end thereof is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the construction program of the State developed pursuant to section 134(b)(13), the amount specified pursuant to such section for such preceding year shall remain available for a second additional year for the purpose of paying the Federal share of the cost of construction of such facility.

"(b) Whenever the State plan approved in accordance with section 134 provides for participation of more than one State agency in administering or supervising the adminis-

tration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of this part. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

"(c) Whenever the State plan approved in accordance with section 134 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more cooperating States may be combined in accordance with the agreements between the agencies involved.

"(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

"(e) Of the sums appropriated pursuant to section 131, such amount as the Secretary may determine, but not more than 10 per centum thereof, shall be available for grants by the Secretary to public or nonprofit private agencies to pay up to 90 per centum of the cost of projects for carrying out the purposes of section 130 which in his judgment are of special national significance because they will assist in meeting the needs of the disadvantaged with development disabilities, or will demonstrate new or improved techniques for provision of services for such persons, or are otherwise specially significant for carrying out the purposes of this title.

"NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

"SEC. 133. (a) (1) Effective July 1, 1971, there is hereby established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereinafter referred to as the 'Council'), which shall consist of twenty members, not otherwise in the regular full-time employ of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

"(2) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(3) The members of the Council shall be selected from leaders in the fields of service to the mentally retarded and other persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations representing consumers of such services. At least five members shall be representative of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and at least five shall be representative of the interests of consumers of such services.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that, of the twenty members first appointed, five shall hold office for a term of three years, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Secretary at the time of appointment.

"(c) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title, and (2) study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

"(d) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as it may require to carry out such functions.

"(e) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS–18 of the General Schedule for each day of such service, (including travel time) 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, United States Code, for persons in the Government service employed intermittently.

"STATE PLANS

"SEC. 134. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

"(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with developmental disabilities must—

"(1) designate (A) a State planning and advisory council, to be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary: (B) except as provided in clause (C), the State agency or agencies which shall administer or supervise the administration of the State plan and, if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise); and (C) a single State agency as the sole agency for administering or supervising the administration of grants for construction under the State plan, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph:

"(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for Federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

"(3) set forth policies and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities:

"(4) contain or be supported by assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds will be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such non-Federal funds; and (D) there will be reasonable State financial participation in the cost of carrying out the State plan;

"(5) (A) provide for the furnishing of services and facilities for persons with developmental disabilities associated with mental retardation, (B) specify the other categories of developmental disabilities (approved by the Secretary) which will be included in the State plan, and (C) describe the quality, extent, and scope of such services as will be provided to eligible persons;

"(6) provide that services and facilities furnished under the plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services and the maintenance and operation of such facilities, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

"(7) provide such methods of administration, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(8) provide that the State planning and advisory council shall be adequately staffed, and shall include representatives of each of the principal State agencies and representatives of local agencies and nongovernmental organizations and groups concerned with services for persons with developmental disabilities: *Provided*, That at least one-third of the membership of such council shall consist of representatives of consumers of such services;

"(9) provide that the State planning and advisory council will from time to time, but not less often than annually, review and evaluate its State plan approved under this section and submit appropriate modifications to the Secretary;

"(10) provide that the State agencies designated pursuant to paragraph (1) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(11) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in providing services and facilities for persons with developmental disabilities who are residents of such areas;

"(12) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of persons with developmental disabilities in the State;

"(13) provide for the development of a

program of construction of facilities for the provision of services for persons with developmental disabilities which (A) is based on a statewide inventory of existing facilities and survey of need; and (B) meets the requirements prescribed by the Secretary for furnishing needed services to persons unable to pay therefor;

"(14) set forth the relative need, determined in accordance with regulations prescribed by the Secretary, for the several projects included in the construction program referred to in paragraph (13), and assign priority to the construction of projects, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

"(15) specify the per centum of the State's allotment (under section 132) for any year which is to be devoted to construction of facilities, which per centum shall be not more than 50 per centum of the State's allotment or such lesser per centum as the Secretary may from time to time prescribe;

"(16) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

"(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part; and

"(18) contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"APPROVAL OF PROJECTS FOR CONSTRUCTION

"SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary, through the State agency designated pursuant to section 134(b)(1)(C), an application by the State or a political subdivision thereof or by a public or nonprofit private agency. If two or more agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such applications shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

"(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the facility;

"(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(6) a certification by the State agency of the Federal share for the project.

"(b) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (1) that the application contains such reasonable assurances as to title, financial support, and payment of prevailing rates of wages and overtime pay, (2) that the plans and specifications are in accord with regulations prescribed by the Secretary, (3) that the application is in conformity with the State plan approved under this part, and (4) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

"(c) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

"WITHHOLDING OF PAYMENTS FOR CONSTRUCTION

"SEC. 136. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council designated pursuant to section 134(b)(1)(A) and the State agency designated pursuant to section 134(b)(1)(C) finds—

"(a) that the State agency is not complying substantially with the provisions required by section 134(b) to be included in the State plan, or with regulations of the Secretary;

"(b) that any assurance required to be given in an application filed under section 135 is not being or cannot be carried out;

"(c) that there is a substantial failure to carry out plans and specifications related to construction approved by the Secretary under section 134; or

"(d) that adequate funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify such State council and agency that—

"(e) no further payments will be made to the State for construction from allotments under this part; or

"(f) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (a), (b), (c), or (d) of this section;

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments for construction projects may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES

"SEC. 137. (a)(1) From each State's allotments for a fiscal year under section 132, the State shall be paid the Federal share of the expenditures, other than expenditures for construction, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

"(2) For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision thereof or by nonprofit private agencies, organizations, and groups shall, subject to such limitations and conditions as may be prescribed by regulations, be regarded as expenditures by such State.

"(b)(1) Except as provided in paragraph (2), the 'Federal share' with respect to any State for purposes of this section for any fiscal year shall be 75 per centum of the expenditures, other than expenditures for construction, incurred by the State during such year under its State plan approved under this part during each of the fiscal years ending June 30, 1971, and June 30, 1972, and 70 per centum of such nonconstruction expenditures during the fiscal year ending June 30, 1973.

"(2) In the case of any project located in an area within a State determined by the Secretary to be an urban or rural property area, the 'Federal share' with respect to such project for purposes of this section for any fiscal year may be up to 90 per centum of the expenditures, other than expenditures for construction, incurred by the State during such year under its State plan approved under this part with respect to such project for the first twenty-four months of such project, and 80 per centum of such nonconstruction expenditures for the next twelve months.

"WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES

"SEC. 138. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council and the appropriate State agencies or agency, designated pursuant to section 134(b)(1) finds that—

"(a) there is a failure to comply substantially with any of the provisions required by section 134 to be included in the State plan; or

"(b) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part,

the Secretary shall notify such State council and agency or agencies that further payments will not be made to the State under this part (or, in his discretion, that further payments will not be made to the State under this part for activities in which there is such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payment to the State under this part, or shall limit further payment under this part to such State to activities in which there is no such failure.

"REGULATIONS

"SEC. 139. The Secretary, as soon as practicable, by general regulations applicable uniformly to all the States, shall prescribe—

"(a) the kinds of services which are needed to provide adequate programs for persons with developmental disabilities, the kinds of services which may be provided under a State plan approved under this part, and the categories of persons for whom such services may be provided;

"(b) standards as to the scope and quality of services provided for persons with developmental disabilities under a State plan approved under this part;

"(c) the general manner in which a State, in carrying out its State plan approved under this part, shall determine priorities for services and facilities based on type of service, categories of persons to be served, and type of disability, with special consideration being given to the needs for such services and facilities in areas of urban and rural poverty; and

"(d) general standards of construction and equipment for facilities of different classes and in different types of location.

After appointment of the Council, regulations and revisions therein shall be promulgated by the Secretary only after consultation with Council.

"NONDUPLICATION

"SEC. 140. (a) In determining the amount of any payment for the construction of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"(b) In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved under this part, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

SEC. 102. (a) Section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2691), is amended by—

(1) striking out "; for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands" in subsection (a) and inserting "the Trust Territory of the Pacific Islands," after "Virgin Islands,";

(2) striking out subsection (b) and inserting in lieu thereof the following:

"(b) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.";

(3) striking out the words "the mentally retarded" wherever they occur in subsection (d) and inserting the words "persons with developmental disabilities" in lieu thereof;

(4) amending the first sentence of subsection (h) (2) to read as follows: "The Federal share with respect to any project in the State shall be the amount determined by the appropriate State agency designated in the State plan, but, except as provided in paragraph (3), the Federal share (A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower."; and

(5) adding at the end of the section the following subsections:

"(l) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(m) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, daycare, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"(n) The term 'regulations' means (unless the text otherwise indicates) regulations promulgated by the Secretary."

(b) Sections 403, 405, and 406 of such Act are amended by inserting the words "or persons with other developmental disabilities" after the words "mentally retarded" wherever they occur.

(c) Section 404 of such Act is amended by deleting "134(b)" and inserting "134(c)" in lieu thereof.

EFFECTIVE DATE

SEC. 103. The amendments made by sections 101 and 102 of this title shall apply with respect to fiscal years beginning after June 30, 1970. Funds appropriated before June 30, 1970, under part C of the Mental Retardation Facilities Construction Act shall remain available for obligation during the fiscal year ending June 30, 1971.

TITLE II—AMENDMENTS TO PART B OF THE MENTAL RETARDATION FACILITIES CONSTRUCTION ACT

CONSTRUCTION GRANTS

SEC. 201. (a) The first sentence of section 121(a) of the Mental Retardation Facilities Construction Act is amended—

(1) by striking out "clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded (which, for purposes of this part, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part) and";

(2) by striking out "clinical training" and inserting in lieu therof: "interdisciplinary training"; and

(3) by striking out "each for the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970" and inserting in lieu thereof: "for each of the next five fiscal years through the fiscal year ending June 30, 1973".

(b) Such section 121(a) is amended by striking out "the mentally retarded" in the second sentence and the second time and third time it appears in the first sentence and inserting in lieu thereof "persons with developmental disabilities".

(c) Sections 124 and 125 of the Mental Retardation Facilities Construction Act are each amended by striking out "the mentally retarded" each place it appears in those sections and inserting in lieu thereof "persons with developmental disabilities".

DEMONSTRATION AND TRAINING GRANTS

SEC. 202. Part B of the Mental Retardation Facilities Construction Act is amended by redesignating sections 122, 123, 124, and 125 as sections 123, 124, 125, and 126, respectively, and by adding the following new section after section 121:

"DEMONSTRATION AND TRAINING GRANTS

"SEC. 122. (a) For the purposes of assisting institutions of higher education to contribute more effectively to the solution of complex health, education, and social problems of children and adults suffering from developmental disabilities, the Secretary may, in accordance with the provisions of this part, make grants to cover costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with developmental disabilities, including established disciplines as well as new kinds of training to meet critical shortages in the care of persons with developmental disabilities.

"(b) For the purpose of making grants under this section, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1971; $17,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973."

SEC. 203. Section 123 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "(a)" after "SEC. 123.", by inserting "the construction of" before "any facility", by striking out "section 133(3)" and inserting in lieu thereof "section 139(4)", and by adding the following new subsection at the end thereof:

"(b) Applications for demonstration and training grants under this part may be approved by the Secretary only if the applicant is a college or university operating a facility of the type described in section 121, or is a public or nonprofit private agency or organization operating such a facility. In considering applications for such grants, the Secretary shall give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary, for a junior college to participate in the programs for which the application is made."

SEC. 204. Section 124 of such Act, as so redesignated by section 202 of this Act, is amended by striking out "for the construction of a facility" and "of construction" in subsection (a) thereof, and by striking out "in such installments consistent with construction progress," in subsection (b).

SEC. 205. Section 125 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "construction" before "funds".

MAINTENANCE OF EFFORT

SEC. 206. Part B of such Act is amended by adding at the end thereof the following new section:

"MAINTENANCE OF EFFORT

"SEC. 127. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds."

CONFORMING AMENDMENTS

SEC. 207. (a) Section 100 of such title is amended to read as follows:

"SHORT TITLE

"Sec. 100. This title may be cited as the 'Developmental Disabilities Services and Facilities Construction Act'."

(b) The heading for part B of such title is amended to read as follows:

"PART B—CONSTRUCTION, DEMONSTRATION, AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES"

And the House agrees to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS, JR.,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
J. K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,
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 amendments of the House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, 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 House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment to the text of the bill and the substitute agreed to in conference.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CONSTRUCTION AND SERVICES

The Senate bill would amend part C of the Mental Retardation Facilities Construction Act to authorize appropriations (through fiscal year 1973) for grants for services and facilities for persons with developmental disabilities. The following amounts are authorized to be appropriated: $100 million for fiscal year 1971, $125 million for fiscal year 1973, and $150 million for fiscal year 1973.

The House amendment authorized the following amounts to be appropriated under such part C: $60 million for fiscal year 1971, $85 million for fiscal year 1973, and $105 million for fiscal year 1973.

The conference substitute authorizes $60 million for fiscal year 1971, $105 million for fiscal year 1972, and $130 million for fiscal year 1973.

PROJECT GRANTS

The Senate bill contained a provision not in the House amendment which would authorize the Secretary of Health, Education, and Welfare to use up to 20 percent of appropriations under such part C to make grants for projects of special national significance to assist the developmentally disabled.

The conference substitute authorizes the Secretary to use up to 10 percent of such appropriations for such grants.

FORMULA GRANTS

Scope of program

The Senate bill would provide under such part C grants for State and local planning, administration, and technical assistance; for construction, maintenance, and operation of facilities; for provision of services; for training of specialized personnel; and for developing and demonstrating new or improved techniques of service.

Under the House amendment grants under such part C would be authorized for State planning; for construction of facilities; and for provision of services.

The conference substitute contains the provision of the Senate bill.

State allotments

The Senate bill would provide that the minimum State allotment under the formula grants under such part C for any fiscal year would be $100,000. However, it is provided that if for any year after fiscal year 1971 the appropriation under section 131 of such part C exceeds the authorization for fiscal year 1971, the minimum allotment would be increased by an amount derived from the difference between the appropriation and the fiscal 1971 authorization. The House amendment would not provide for an increase in the minimum allotment. The conference substitute contains the provision of the Senate bill.

Combination of allotments

The Senate bill contained a provision not in the House amendment which would provide that when a State plan under such part C provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined. The conference substitute contains the provision of the Senate bill.

National Advisory Council

The Senate bill would provide that members of the National Advisory Council under such part C would be selected from leaders in State or local government, in institutions of higher education, and in organizations representing consumers of services. The House amendment is the same except that it does not provide for the inclusion of leaders from institutions of higher education. The conference substitute contains the provision of the Senate bill.

Federal share

The Senate bill would provide that from a State's allotment under such part C the State would be paid the Federal share of its expenditures for planning, administration, and services. The Federal share would be 80 percent.

The House amendment would provide that a grant for a State for any fiscal year for meeting the costs of developing and administering its State plan could not exceed 5 percent of the State's allotment or $75,000, whichever is less. It would also provide that from a State's allotment, grants to assist a State in meeting the costs of compensation of personnel to provide services could not exceed—

75 percent—first two years,
60 percent—third year,
45 percent—fourth year, and
30 percent—next four years,

except that in urban and rural poverty areas grant for compensation of personnel shall not exceed—

90 percent—first two years,
80 percent—third year,
75 percent—fourth and fifth years, and
70 percent—next three years.

The conference substitute provides the following:

(1) In the case of construction projects, the Federal share may not exceed 66⅔ percent of the costs of construction or 90 percent of such costs in the case of projects providing services for persons in urban or rural poverty areas.

(2) In the case of other projects, the Federal share shall be 75 percent of the costs of the expenditures incurred by the State during fiscal years 1971 and 1972, and 70 percent of such expenditures during fiscal year 1973, except that in the case of projects located in urban and rural poverty areas the Federal share may not exceed 90 percent and 80 percent, respectively.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

CONFERENCE REPORT ON H.R. 17570, REGIONAL MEDICAL PROGRAMS AND COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970

Mr. ROGERS of Florida (on behalf of Mr. STAGGERS) filed the following conference report and statement on the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the exsting program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and othet related diseases, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1590)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, 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 to the text of the bill 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:

TITLE I—AMENDMENTS TO TITLE IX OF THE PUBLIC HEALTH SERVICE ACT

SEC. 101. This title may be cited as the "Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970".

SEC. 102. Section 900 of the Public Health Service Act is amended to read as follows:

"PURPOSES

"SEC. 900. The purposes of this title are—

"(a) through grants and contracts, to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals for research and training (including continuing education), for medical data exchange, and for demonstrations of patient care in the fields of heart disease, cancer, stroke, and kidney disease, and other related diseases;

"(b) to afford to the medical profession and the medical institutions of the Nation, through such cooperative arrangements, the opportunity of making available to their patients the latest advances in the prevention, diagnosis, and treatment and rehabilitation of persons suffering from these diseases;

"(c) to promote and foster regional linkages among health care institutions and providers so as to strengthen and improve primary care and the relationship between specialized and primary care; and

"(d) by these means, to improve generally the quality and enhance the capacity of the health manpower and facilities available to the Nation and to improve health services for persons residing in areas with limited health services, and to accomplish these ends without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals, and in cooperation with practicing physicians, medical center officials, hospital administrators, and representatives from appropriate voluntary health agencies."

SEC. 103. (a) (1) The first sentence of section 901(a) of such Act is amended by striking out "and" immediately after "June 30, 1969,", and by inserting immediately before ", for grants" the following: ", $125,000,000 for the fiscal year ending June 30, 1971, $150,000,000 for the fiscal year ending June 30, 1972, and $250,000,000 for the fiscal year ending June 30, 1973".

(2) Such first sentence is further amended by striking out the period after "title" and inserting in lieu thereof "and for contracts to carry out the purposes of this title."

(3) Such section 901(a) is amended by striking out the second sentence and inserting in lieu thereof the following: "Of the sums appropriated under this section for

the fiscal year ending June 30, 1971, not more than $15,000,000 shall be available for activities in the field of kidney disease. Of the sums appropriated under this section for any fiscal year ending after June 30, 1970, not more than $5,000,000 may be made available in any such fiscal year for grants for new construction."

(b) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) At the request of any recipient of a grant under this title, the payments to such recipient may be reduced by the fair market value of any equipment, supplies, or services furnished by the Secretary to such recipient and by the amount of the pay, allowance, traveling expenses, and any other costs in connection with the detail of an officer or employee of the Government to the recipient when such furnishing or such detail, as the case may be, is for the convenience of and at the request of such recipient and for the purpose of carrying out the regional medical program to which the grant under this title is made."

SEC. 104. Section 902(a) of such Act is amended by striking out "training, diagnosis, and treatment relating to heart disease, cancer, or stroke, and, at the option of the applicant, related disease or diseases" and inserting in lieu thereof "training, prevention, diagnosis, treatment, and rehabilitation relating to heart disease, cancer, stroke, or kidney disease, and, at the option of the applicant, other related diseases".

(b) Section 902(f) is amended by striking out "includes" and inserting in lieu thereof "means new construction of facilities for demonstrations, research, and training when necessary to carry out regional medical programs".

SEC. 105. Section 903(b)(4) of such Act is amended—

(1) by striking out "voluntary health agencies, and" and inserting in lieu thereof "voluntary or official health agencies, health planning agencies, and";

(2) by inserting immediately after "under the program", where it first appears therein, the following: "(including as an ex officio member, if there is located in such region one or more hospitals or other health facilities of the Veterans' Administration, the individual whom the Administrator of Veterans' Affairs shall have designated to serve on such advisory group as the representative of the hospitals or other health care facilities of such Administration which are located in such region)"; and

(3) by striking out "need for the services provided under the program" and inserting in lieu thereof "need for and financing of the services provided under the program, and which advisory group shall be sufficient in number to insure adequate community orientation (as determined by the Secretary)".

SEC. 106. That part of the second sentence of section 904(b) of such Act preceding paragraph (1) is amended by striking out "section 903(b)(4) and" and inserting in lieu thereof the following: "section 903(b)(4), if opportunity has been provided, prior to such recommendation, for consideration of the application by each public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan area, or other local area plan referred to in section 314(b) covering any area in which the regional medical program for which the application is made will be located, and if the application".

SEC. 107. (a) Section 905(a) of such Act is amended to read as follows:

"SEC. 905. (a) The Secretary may appoint without regard to the civil service laws, a National Advisory Council on Regional Medical Programs. The Council shall consist of the Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs, who shall be the Chairman, the Chief Medical Director of the Veterans' Administration who shall be an ex officio member, and twenty members, not otherwise in the regular full-time employ of the United States, who are leaders in the fields of the fundamental sciences, the medical sciences, health care administration, or public affairs. At least two of the appointed members shall be practicing physicians, one shall be outstanding in the study or health care of persons suffering from heart disease, one shall be outstanding in the study or health care of persons suffering from cancer, one shall be outstanding in the study or health care of persons suffering from stroke, one shall be outstanding in the study or health care of persons suffering from kidney disease, two shall be outstanding in the field of prevention of heart disease, cancer, stroke, or kidney disease, and four shall be members of the public."

(b) Of the persons first appointed under section 905(a) of the Public Health Service Act to serve as the four additional members of the National Advisory Council on Regional Medical Programs authorized by the amendment made by subsection (a) of this section—

(1) one shall serve for a term of one year,

(2) one shall serve for a term of two years,

(3) one shall serve for a term of three years and

(4) one shall serve for a term of four years,

as designated by the Secretary of Health, Education, and Welfare at the time of appointment.

(c) Members of the National Advisory Council on Regional Medical Programs (other than the Surgeon General) in office on the date of enactment of this Act shall continue in office in accordance with the term of office for which they were last appointed to the Council.

SEC. 108. Section 907 of such Act is amended by striking out "or stroke," and inserting in lieu thereof "stroke, or kidney disease,".

SEC. 109. Section 909(a) of such Act is amended by inserting "or contract" after "grant" each place it appears therein.

SEC. 110. (a) Section 910 of such Act is amended to read as follows:

"MULTIPROGRAM SERVICES

"SEC. 910. (a) To facilitate interregional cooperation, and develop improved national capability for delivery of health services, the Secretary is authorized to utilize funds appropriated under this title to make grants to public or nonprofit private agencies or institutions or combinations thereof and to contract for—

"(1) programs, services, and activities of substantial use to two or more regional medical programs;

"(2) development, trial, or demonstration of methods for control of heart disease, cancer, stroke, kidney disease, or other related diseases;

"(3) the collection and study of epidemiologic data related to any of the diseases referred to in paragraph (2);

"(4) development of training specifically related to the prevention, diagnosis, or treatment of any of the diseases referred to in paragraph (2), or to the rehabilitation of persons suffering from any of such diseases; and for continuing programs of such training where shortage of trained personnel would otherwise limit application of knowledge and skills important to the control of any of such diseases; and

"(5) the conduct of cooperative clinical field trials.

"(b) The Secretary is authorized to assist in meeting the costs of special projects for improving or developing new means for the delivery of health services concerned with the diseases with which this title is concerned.

"(c) The Secretary is authorized to support research, studies, investigations, training, and demonstrations designed to maximize the utilization of manpower in the delivery of health services."

SEC. 111. (a) The heading to title IX of such Act is amended by striking out "STROKE, AND RELATED DISEASES" and inserting in lieu thereof "STROKE, KIDNEY DISEASE, AND OTHER RELATED DISEASES".

(b) Sections 902(a), 903(a), 903(b), 904(a), 904(b), 905(b), 905(d), 906, 907, and 909(a) of such Act (as amended by the preceding provisions of this Act) are each further amended by striking out "Surgeon General", each place it appears therein and inserting in lieu thereof "Secretary".

TITLE II—AMENDMENTS TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT

PART A—RESEARCH AND DEMONSTRATIONS RELATING TO HEALTH FACILITIES AND SERVICES

SEC. 201. (a)(1) Section 304(a) of the Public Health Service Act is amended—

(A) by inserting "(1)" immediately after "SEC. 304. (a)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(C) by redesignating clauses (A), (B), and (C) as clauses (i), (ii), and (iii), respectively.

(2) Section 304(b) of such Act is amended—

(A) by striking out "(b)" and inserting in lieu thereof "(2)"; and

(B) by striking out "this section" each place it appears therein and inserting in lieu thereof "this subsection".

(3) Section 304(c) of such Act is amended—

(A) by striking out "(c)" and inserting in lieu thereof "(3)"; and

(B) by striking out "this section" each place it appears therein and inserting in lieu thereof "this subsection".

(b) Section 304 of such Act is further amended by adding after the provision thereof redesignated as paragraph (3) by subsection (a)(3)(A) of this section the following new subsection:

"Systems Analysis of National Health Care Plans

"(b)(1)(A) The Secretary shall develop, through utilization of the systems analysis method, plans for health care systems designed adequately to meet the health needs of the American people. For purposes of the preceding sentence, the systems analysis method means the analytical method by which various means of obtaining a desired result or goal is associated with the costs and benefits involved.

"(B) The Secretary shall complete the development of the plans referred to in subparagraph (A), within such period as may be necessary to enable him to submit to the Congress not later than September 30, 1971, a report thereon which shall describe each plan so developed in terms of—

"(i) the number of people who would be covered under the plan;

"(ii) the kind and type of health care which would be covered under the plan;

"(iii) the cost involved in carrying out the plan and how such costs would be financed;

"(iv) the number of additional physicians and other health care personnel and the number and type of health care facilities needed to enable the plan to become fully effective;

"(v) the new and improved methods, if any, of delivery of health care services which would be developed in order to effectuate the plan;

"(vi) the accessibility of the benefits of such plan to various socio-economic classes of persons;

"(vii) the relative effectiveness and efficiency of such plan as compared to existing means of financing and delivering health care; and

"(viii) the legislative, administrative, and

other actions which would be necessary to implement the plan.

"(C) In order to assure that the advice and service of experts in the various fields concerned will be obtained in the plans authorized by this paragraph and that the purposes of this paragraph will fully be carried out—

"(i) the Secretary shall utilize, whenever appropriate, personnel from the various agencies, bureaus, and other departmental subdivisions of the Department of Health, Education, and Welfare;

"(ii) the Secretary is authorized, with the consent of the head of the department or agency involved, to utilize (on a reimbursable basis) the personnel and other resources of other departments and agencies of the Federal Government; and

"(iii) the Secretary is authorized to consult with appropriate State or local public agencies, private organizations, and individuals.

"Cost and Coverage Report on Existing Legislative Proposals

"(2)(A) The Secretary shall, in accordance with this paragraph, conduct a study of each legislative proposal which is introduced in the Senate or the House of Representatives during the Ninety-first Congress, and which undertakes to establish a national health insurance plan or similar plan designed to meet the needs of health insurance or for health services of all or the overwhelming majority of the people of the United States.

"(B) In conducting such study with respect to each such legislative proposal, the Secretary shall evaluate and analyze such proposal with a view to determining—

"(i) the costs of carrying out the proposal; and

"(ii) the adequacy of the proposal in terms of (I) the portion of the population covered by the proposal, (II) the type health care provided, paid for, or insured against under the proposal, (III) whether, and if so, to what extent, the proposal provides for the development of new and improved methods for the delivery of health care and services.

"(C) Not later than March 31, 1971, the Secretary shall submit to the Congress a report on each legislative proposal which he has been directed to study under this paragraph, together with an analysis and evaluation of such proposal."

(c) Subsection (d) of section 304 of such Act is hereby redesignated as subsection (c) and is amended to read as follows:

"(c)(1) There are authorized to be appropriated for payment of grants or under contracts under subsection (a), and for purposes of carrying out the provisions of subsection (b), $71,000,000 for the fiscal year ending June 30, 1971 (of which not less than $2,000,000 shall be available only for purposes of carrying out the provisions of subsection (b)), $82,000,000 for the fiscal year ending June 30, 1972, and $94,000,000 for the fiscal year ending June 30, 1973.

"(2) In addition to the funds authorized to be appropriated under paragraph (1) to carry out the provisions of subsection (b) there are hereby authorized to be appropriated to carry out such provisions for each fiscal year such sums as may be necessary."

(d) The amendments made by subsection (c) of this section shall be effective only with respect to fiscal years ending after June 30, 1970.

SEC. 202. That provision of section 304 of the Public Health Service Act redesignated by section 201(a) of this Act as paragraph (3) of subsection (a) is further amended—

(1) by inserting "(A)" immediately after "(3)"; and

(2) by adding after and below such provision the following new subparagraph:

"(B) The amounts otherwise payable to any person under a grant or contract made under this subsection shall be reduced by—

"(i) amounts equal to the fair market value of any equipment or supplies furnished to such person by the Secretary for the purpose of carrying out the project with respect to which such grant or contract is made, and

"(ii) amounts equal to the pay, allowances, traveling expenses, and related personnel expenses attributable to the performance of services by an officer or employee of the Government in connection with such project, if such officer or employee was assigned or detailed by the Secretary to perform such services,

but only if such person requested the Secretary to furnish such equipment or supplies, or such services, as the case may be."

SEC. 203. That provision of section 304 of the Public Health Service Act redesignated by section 201(a) of this Act as paragraph (1) of subsection (a) is further amended by—

(1) striking out the period at the end thereof and inserting in lieu thereof ", and"; and

(2) adding after and below the clause thereof redesignated by such section 201(a) as clause (iii) the following new clauses:

"(iv) projects for research, experiments, and demonstrations dealing with the effective combination or coordination of public, private, or combined public-private methods or systems for the delivery of health services at regional, State, or local levels, and

"(v) projects for research and demonstrations in the provision of home health services."

PART B—NATIONAL HEALTH SURVEYS AND STUDIES

SEC. 210. (a)(1) Clause (1) of subsection (a) of section 305 of the Public Health Service Act is amended by striking out "and" before "(E)", and by inserting after the semicolon at the end of such clause the following: "(F) health care resources; (G) environmental and social health hazards; and (H) family formation, growth, and dissolution;".

(2) Such subsection is further amended by adding at the end thereof the following new sentence: "No information obtained in accordance with this paragraph may be used for any purpose other than the statistical purposes for which it was supplied except pursuant to regulations of the Secretary; nor may any such information be published if the particular establishment or person supplying it is identifiable except with the consent of such establishment or person."

(b) Section 305 is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary is authorized, directly or by contract, to undertake research, development, demonstration, and evaluation, relating to the design and implementation of a cooperative system for producing comparable and uniform health information and statistics at the Federal, State, and local levels."

(c) The subsection of such section 305 redesignated (by subsection (b) of this section) as subsection (d) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out this section $15,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $25,000,000 for the fiscal year ending June 30, 1973."

PART C—GRANTS TO STATES FOR COMPREHENSIVE STATE HEALTH PLANNING

SEC. 220. (a)(1) The first sentence of section 314(a)(1) of the Public Health Service Act is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(2) The second sentence of such section 314(a)(1) is amended by striking out "and $15,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof the following: "$15,000,000 for the fiscal year ending June 30, 1970, $15,000,000 for the fiscal year ending June 30, 1971, $17,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973".

(b) Section 314(a)(2)(B) of such Act is amended by striking out "State and local agencies" and inserting in lieu thereof "Federal, State, and local agencies (including as an ex officio member, if there is located in such State one or more hospitals or other health care facilities of the Veterans' Administration, the individual whom the Administrator of Veterans' Affairs shall have designated to serve on such council as the representative of the hospitals or other health care facilities of such Administration which are located in such State)".

(c) Section 314(a)(2)(B) of such Act (as amended by subsection (b) of this section) is further amended by inserting "(including representation of the regional medical program or programs included in whole or in part within the State)" immediately after "concerned with health".

(d) Section 314(a)(2)(C) of such Act is amended (1) by inserting "and including home health care" immediately after "private", and (2) by inserting immediately before the semicolon at the end thereof the following: "and including environmental considerations as they relate to public health".

PART D—PROJECT GRANTS FOR AREAWIDE HEALTH PLANNING

SEC. 230. Section 314(b) of the Public Health Service Act is amended—

(1) by striking out, in the first sentence thereof, "June 30, 1970" and inserting in lieu thereof "June 30, 1973";

(2) by inserting after the word "services" the second place it appears therein, the phrase "and including the provision of such services through home health care";

(3) by striking out, in the second sentence thereof, "and $15,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof the following: "$15,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, $30,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for the fiscal year ending June 30, 1973";

(4) by inserting "(1)(A)" immediately after "(b)"; and

(5) by adding after and below the existing language contained therein the following;

"(B) Project grants may be made by the Secretary under subparagraph (A) to the State agency administering or supervising the administration of the State plan approved under subsection (a) with respect to a particular region or area, but only if (i) no application for such a grant with respect to such region or area has been filed by any other agency or organization qualified to receive such a grant, and (ii) such State agency certifies, and the Secretary finds, that ample opportunity has been afforded to qualified agencies and organizations to file application for such a grant with respect to such region or area and that it is improbable that, in the foreseeable future, any agency or organization which is qualified for such a grant will file application therefor.

"(2)(A) In order to be approved under this subsection, an application for a grant under this subsection must contain or be supported by reasonable assurances that there has been or will be established, in or for the area with respect to which such grant is sought, an areawide health planning council. The membership of such council shall include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned

with health (including representatives of the interests of local government, of the regional medical program for such area, and of consumers of health services). A majority of the members of such council shall consist of representatives of consumers of health services.

"(B) In addition, an application for a grant under this subsection must contain or be supported by reasonable assurances that the areawide health planning agency has made provision for assisting health care facilities in its area to develop a program for capital expenditures for replacement, modernization, and expansion which is consistent with an overall State plan which will meet the needs of the State and the area for health care facilities, equipment, and services without duplication and otherwise in the most efficient and economical manner."

PART E—PROJECT GRANTS FOR TRAINING, STUDIES AND DEMONSTRATIONS

SEC. 240. Section 314(c) of the Public Health Service Act is amended—

(1) by striking out, in the first sentence thereof, "June 30, 1970" and inserting in lieu thereof "June 30, 1973"; and

(2) by striking out, in the second sentence thereof, "and $7,500,000 for the fiscal year, ending June 30, 1970" and inserting in lieu thereof the following: "$7,500,000 for the fiscal year ending June 30, 1970, $8,000,000 for the fiscal year ending June 30, 1971, $10,000,000 for the fiscal year ending June 30, 1972, and $12,000,000 for the fiscal year ending June 30, 1973".

PART F—GRANTS FOR COMPREHENSIVE PUBLIC HEALTH SERVICES

SEC. 250. (a) Section 314(d)(1) of the Public Health Service Act is amended by striking out "and $100,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "$100,000,000 for the fiscal year ending June 30, 1970, $130,000,000 for the fiscal year ending June 30, 1971, $145,000,000 for the fiscal year ending June 30, 1972, and $165,000,000 for the fiscal year ending June 30, 1973".

(b) Section 314(d)(2)(C) of such Act is amended (1) by striking out "and (iii)" and inserting in lieu thereof "(iii)" and (2) by inserting before the semicolon at the end thereof the following: "; and (iv) the plan is compatible with the total health program of the State".

PART G—PROJECT GRANTS FOR HEALTH SERVICES DEVELOPMENT

SEC. 260. (a) Section 314(e) of the Public Health Service Act is amended by striking out "and" immediately after "June 30, 1969," and by inserting after "June 30, 1970," the following: "$109,500,000 for the fiscal year ending June 30, 1971, $135,000,000 for the fiscal year ending June 30, 1972, and $157,000,000 for the fiscal year ending June 30, 1973,".

(b) The first sentence of 314(e) is further amended by inserting immediately after "cost" the following: "(including equity requirements and amortization of loans on facilities acquired from the Office of Economic Opportunity or construction in connection with any program or project transferred from the Office of Economic Opportunity)".

(c)(1) The second sentence of such section is amended to read as follows: "Any grant made under this subsection may be made only if the application for such grant has been referred for review and comment to the appropriate areawide health planning agency or agencies (or, if there is no such agency in the area, then to such other public or nonprofit private agency or organization (if any) which performs similar functions) and only if the services assisted under such grant will be provided in accordance with such plans as have been developed pursuant to subsection (a)."

(2) The amendment made by paragraph (1) shall be effective with respect to grants under section 314(e) of the Public Health Service Act which are made after the date of enactment of this Act.

PART H—ADMINISTRATION OF GRANTS IN CERTAIN MULTIGRANT PROJECTS

SEC. 207. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"Administration of Grants in Certain Multigrant Projects

"SEC. 310A. For the purpose of facilitating the administration of and expediting the carrying out of the purposes of, the programs established by title IX, and sections 304, 314(a), 314(b), 314(c), 314(d), and 314(e) of this Act in situations in which grants are sought or made under two or more of such programs with respect to a single project, the Secretary is authorized to promulgate regulations—

"(1) under which the administrative functions under such programs with respect to such project will be performed by a single administrative unit which is the administrative unit charged with the administration of any of such programs or is the administrative unit charged with the supervision of two or more of such programs;

"(2) designed to reduce the number of applications, reports, and other materials required under such programs to be submitted with respect to such project, and otherwise to simplify, consolidate, and make uniform (to the extent feasible), the data and information required to be contained in such applications, reports, and other materials; and

"(3) under which inconsistent or duplicative requirements imposed by such programs will be revised and made uniform with respect to such project;

except that nothing in this section shall be construed to authorize the Secretary to waive or suspend, with respect to any such project, any requirement with respect to any of such programs if such requirement is imposed by law or by any regulation required by law."

PART I—ANNUAL REPORT, NATIONAL ADVISORY COUNCIL, ETC.

SEC. 280. Part A of title III of the Public Health Service Act is further amended by adding after section 310A thereof (as added by section 270 of this Act) the following new section:

"Annual Report

"310B. On or before January 1 of each year, the Secretary shall transmit to the Congress a report of the activities carried on under the provisions of title IX of this Act and sections 304, 305, 314(a), 314(b), 314(c), 314(d), and 314(e) of this title together with (1) an evaluation of the effectiveness of such activities in improving the efficiency and effectiveness of the research, planning, and delivery of health services in carrying out the purposes for which such provisions were enacted, (2) a statement of the relationship between Federal financing and financing from other sources of the activities undertaken pursuant to such provisions (including the possibilities for more efficient support of such activities through use of alternate sources of financing after an initial period of support under such provisions), and (3) such recommendations with respect to such provisions as he deems appropriate."

SEC. 281. Title III of the Public Health Service Act is amended by adding after section 315 thereof the following new section:

"NATIONAL ADVISORY COUNCIL ON COMPREHENSIVE HEALTH PLANNING PROGRAMS

"SEC. 316. (a) The Secretary shall appoint, without regard to the civil service laws, a National Advisory Council on Comprehensive Health Planning Programs. The Council shall consist of the Secretary or his designee, who shall be the chairman, and sixteen members, not otherwise in the regular full-time employ of the United States, who are (1) leaders in the fields of the fundamental sciences, the medical sciences, or the organization, delivery, and financing of health care, (2) officials in State and areawide health planning agencies, (3) leaders in health care administration, or State or community or other public affairs, who are State or local officials, or (4) representatives of consumers of health care. At least six of the appointed members shall be individuals representing the consumers of health care, one shall be an official of a State health planning agency, one shall be an official of an areawide health planning agency, and one shall be a member of the National Advisory Council on Regional Medical Programs.

"(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, four at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(c) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate specified at the time of service for 95–18 of the General Schedule, 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(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of general regulations for, and as to policy matters arising with respect to, the administration of section 314 of this title, with increased emphasis on cooperation in the coordination of programs thereunder with the National Advisory Council on Regional Medical Programs, with particular attention to the relationship between the improved organization and delivery of health services and the financing of such services; and shall, in carrying out such functions, review, not less often than annually, the grants made under section 314 to determine their effectiveness in carrying out its purposes."

SEC. 282. Part B of title III of the Public Health Service Act is amended by striking out "Surgeon General" each place it appears and inserting in lieu thereof "Secretary".

PART J—REGULATION OF VACCINES, BLOOD, BLOOD COMPONENTS, AND ALLERGENIC PRODUCTS

SEC. 291. Section 351 of the Public Health Service Act is amended by inserting, after "antitoxin", each time such word appears, the following: "vaccine, blood, blood component or derivative, allergenic product,".

PART K—EXTENSION OF RESEARCH CONTRACT AUTHORITY

SEC. 292. Paragraph (h) of section 301 of the Public Health Service Act is amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

TITLE III—COMMUNITY MENTAL HEALTH CENTERS

SEC. 301. Section 201 of the Community Mental Health Centers Amendments of 1970 is amended by adding at the end thereof the following new subsection:

"(c) In the case of any community mental health center—

"(1) for which a staffing grant was made under part B of the Community Mental Health Centers Act for any period which began on or before June 30, 1970; and

"(2)(A) with respect to which the portion of the costs (as described in section 220(a) of such Act) which may be met from funds under a grant under such part B is increased (by reason of the enactment of the preceding subsections of this section) for any period after June 30, 1970; or

"(B) with respect to which the period during which a grant under such part B may be made is extended by reason of the enactment of subsection (a) of this section;

the provisions of section 221(a)(4) of such Act shall be deemed to have been complied with for any period after June 30, 1970, if the Secretary determines that there is satisfactory assurance that the amount of total costs, Federal and non-Federal (as described in section 220(a) of such Act) which will be incurred by such center for staffing purposes for any period after June 30, 1970, will not be less than the amount of such total costs for the period which last commenced on or before June 30, 1970, except that the grantee shall not be required to increase the amount contributed as the non-Federal share in the event the amount of the Federal participation is reduced."

TITLE IV—AUTHORITY FOR GROUP PRACTICE

SEC. 401. (a) The Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, authorize any carrier, which is a party to a contract entered into under chapter 89 of title 5, United States Code (relating to health benefits for Federal employees), or under the Retired Federal Employees Health Benefits Act, or which participates in the carrying out of any such contract, to issue in any State contracts entitling any person as a beneficiary to receive comprehensive medical services (as defined in subsection (b)) from a group practice unit or organization (as defined in subsection (c)) with which such carrier has contracted or otherwise arranged for the provision of such services.

(b) As used in this section, the term "comprehensive medical services" means comprehensive preventive, diagnostic, and therapeutic medical services (as defined in regulations of the Secretary), furnished on a prepaid basis; and may include, at the option of a carrier, such other health services including mental health services, and equipment and supplies, furnished on such terms and conditions with respect to copayment and other matters, as may be authorized in regulations of the Secretary.

(c) As used in this section:

(1) The term "group practice unit or organization" means a nonprofit agency, cooperative, or other organization undertaking to provide, through direct employment of, or other arrangements with the members of a medical group, comprehensive medical services (or such services and other health services) to members, subscribers, or other persons protected under contracts of carriers.

(2) The term "medical group" means a partnership or other association or group of persons who are licensed to practice medicine in a State (or of such persons and persons licensed to practice dentistry or optometry) who (A) as their principal professional activity and as a group responsibility, engage in the coordinated practice of their profession primarily in one or more group practice facilities, (B) pool their income from practice as members of the group and distribute it among themselves according to a prearranged plan, or enter into an employment arrangement with a group practice unit or organization for the provision of their services, (C) share common overhead expenses (if and to the extent such expenses are paid by members of the group), medical and other records, and substantial portions of the equipment and professional, technical, and administrative staff, and (D) include within the group at least such professional personnel, and make available at least such health services, as may be specified in regulations of the Secretary.

(d) Nothing in this section shall preclude any State or State agency from regulating the amounts charged for contracts issued pursuant to subsection (a) or the manner of soliciting and issuing such contracts, or from regulating any carrier issuing such contracts in any manner not inconsistent with the provisions of this section.

TITLE V—STUDY RELATING TO ENVIRONMENTAL POLLUTION

SEC. 501. (a) The Congress finds that there is general agreement that air, water, and other common environmental pollution may be hazardous to the health of individuals resident in the United States, but that despite the existence of various research papers and other technical reports on the health hazards of such pollution, there is no authoritative source of information about (1) the nature and gravity of these hazards, (2) the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and (3) the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

(b) The President shall immediately commence (1) a study of the nature and gravity of the hazards to human health and safety created by air, water, and other common environmental pollution, (2) a survey of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, and (3) a survey of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

(c) The President shall, within nine months of the enactment of this Act, transmit to the Congress a report of the study and surveys required by subsection (b) of this section, including (1) his conclusions regarding the nature and gravity of the hazards to human health and safety created by environmental pollution, (2) his evaluation of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, (3) his assessment of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals, and (4) such legislative or other recommendations as he may deem appropriate.

(d) The President shall, within one year of his transmittal to the Congress of the report required by subsection (c) of this section, and annually thereafter, supplement that report with such new data, evaluations, or recommendations as he may deem appropriate.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE VI—MISCELLANEOUS

NATIONAL ADVISORY COUNCIL

SEC. 601. (a)(1) Sections 217(b), 432(a), 443(b), and 703(c) of the Public Health Service Act are amended by inserting "or committees" after "councils" wherever it appears therein.

(2) Sections 431, 432(b), 433, 443, and 452 of such Act are amended by inserting "or committee" after "council" wherever it appears therein.

(3) Subsections (b) and (c) of section 222 of such Act are amended by inserting "council or" before "committee" wherever it appears therein.

(4) Such section is further amended by inserting in the heading thereof "councils or" before "committees".

(b)(1) Subsection (c) of section 208 of the Public Health Service Act is amended to read:

"(c) Members of the National Advisory Health Council and members of other national advisory or review councils or committees established under this Act, including members of the Technical Electronic Product Radiation Safety Standards Committee and the Board of Regents of the National Library of Medicine, but excluding ex officio members, while attending conferences or meetings of their respective councils or committees or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate specified at the time of such service for grade GS–18 of the general schedule, including traveltime; and while 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(b) of title 5 of the United States Code for persons in the Government service employed intermittently."

(2) The second sentence of subsection (d) of section 306, the second sentence of subsection (d) of section 307, the first sentence of paragraph (2) of subsection (f) of section 358, subsection (d) of section 373, subsection (e) of section 641, subsection (d) of section 703, subsection (d) of section 725, subsection (d) of section 774, subsection (c) of section 841, and subsection (c) of section 905 of such Act are deleted.

(3) Paragraph (2) of subsection (f) of section 358 is further amended by striking out "under this subsection" in the second sentence thereof and by inserting in lieu thereof "to members of the Committee who are not officers or employees of the United States pursuant to subsection (c) of section 208 of this Act".

(4) Subsection (d) of section 905 of such Act is redesignated as subsection (c).

(c)(1) Subsection (a) of section 222 of such Act is amended to read:

"(a) The Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, from time to time, appoint such advisory councils or committees (in addition to those authorized to be established under other provisions of law), for such periods of time, as he deems desirable with such period commencing on a date specified by the Secretary for the purpose of advising him in connection with any of his functions."

(2) Subsection (c) of such section is amended by inserting "or programs" after "projects".

(d)(1) Subsection (g) of section 408 of the Food, Drug, and Cosmetic Act is amended by striking out "as compensation for their services a reasonable per diem, for time actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and subsistence expenses while so serving away from their places of residence." after "shall receive" and by inserting in lieu thereof "compensation and travel expenses in accordance with subsection (b)(5)(D) of section 706."

(2) Subparagraph (D) of paragraph (5) of subsection (b) of section 706 of such Act is amended by striking out the third sentence thereof and by inserting in lieu thereof the following new sentence: "Members of any

advisory committee established under this Act, while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but at rates not exceeding the daily equivalent of the rate specified at the time of such service for grade GS–18 of the General Schedule, including travel time; and while 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(b) of title 5 of the United States Code for persons in the Government service employed intermittently."

TRAINING AUTHORITY OF INSTITUTE OF GENERAL MEDICAL SCIENCES

SEC. 602. Section 442 of the Public Health Service Act is amended by striking out "research" before "training".

And the Senate agree to same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

RALPH O. YARBOROUGH,
HARRISON WILLIAMS, JR.,
EDWARD M. KENNEDY,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
PETER H. DOMINICK,
J. JAVITS,
GEORGE MURPHY,
WINSTON L. PROUTY,
WM. B. SAXBE,
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 amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, 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 to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

The House has passed two separate bills dealing with the subjects embraced in the Senate amendment; H.R. 17570, and H.R. 18110, a bill extending and expanding the program of comprehensive health planning and research and demonstrations relating to the delivery of health services. The Senate amendment deals with the programs contained in both House bills.

REGIONAL MEDICAL PROGRAMS

Scope of program

Both the House bill and the Senate amendment expanded the scope of the program to include kidney disease as well as heart disease, cancer, and stroke. However, the Senate amendment changed coverage of *other related diseases* to *other major diseases and conditions.*

The conference substitute is the same as the House bill. The Managers for both Houses were in doubt as to whether the scope of the program should be limited (as in the House bill) to diseases related to heart disease, kidney disease, cancer, and stroke or whether it should be limited (as in the Senate amendment) to major diseases and conditions other than heart disease, kidney disease, cancer, and stroke and expect the Secretary of Health, Education, and Welfare to conduct a study of the scope of the regional medical program and to report to the appropriate committees of Congress his recommendations.

Construction

The Senate amendment contained a provision not in the House bill which expanded assistance for construction to include assistance for new construction of facilities for demonstrations, research, and training when necessary to carry out regional medical programs.

The conference substitute is identical with the Senate amendment except that it is provided that not more than $5 million may be made available in any fiscal year for grants for such new construction.

Participation of Veterans' Administration personnel

The Senate amendment contained a provision not in the House bill which would (1) make the Chief Medical Director of the Veterans' Administration an ex officio member of the National Advisory Council for the regional medical program, and (2) require local advisory groups to include as an ex officio member the person designated from the local Veterans' Administration health facility.

JOINT ADMINISTRATION OF PROJECTS

The House bill[1] would amend the Public Health Service Act to provide that in the case of projects funded under more than one Federal law, one agency could be designated to administer financial assistance for such projects, single non-Federal share requirements for such projects could be established, and conflicting grant or contract requirement could be deleted.

The Senate amendment contained a similar provision. The authority in the Senate amendment would be limited to projects funded under title III or IX of the Public Health Service Act and no authority for a single non-Federal share requirement or for waiver of conflicting requirements required by law or by regulations required by law would be provided.

The conference substitute is identical with the provision of the Senate amendment.

RESEARCH AND DEMONSTRATIONS RELATING TO HEALTH FACILITIES AND SERVICES

Authorization of appropriations

The House bill would extend for three fiscal years (through fiscal year 1973) the authorization of appropriations for the programs of Federal financial assistance under section 304 of the Public Health Service Act (relating to research and demonstrations). The following amounts would be authorized: $58 million for fiscal year 1971, $79 million for fiscal year 1972, and $94 million for fiscal year 1973.

The Senate amendment would extend such program for five years (through fiscal year 1975) and would authorize the following amounts: $80 million for fiscal year 1971, $85 million for fiscal year 1972, $94 million for fiscal year 1973, $110 million for fiscal year 1974, and $130 million for fiscal year 1975.

The conference substitute would extend such programs for three years (through fiscal year 1973) and would authorize the following amounts to be appropriated for such program: $69 million for fiscal year 1971, $82 million for fiscal year 1972, and $94 million for fiscal year 1973.

Research, etc., on delivery of health services

The Senate amendment contained a provision not in the House bill which would authorize grants and contracts under such section 304 for research, experiments, and demonstrations, relating to the effective combination or coordination of methods or systems for the delivery of health services.

The conference substitute contains the provision of the Senate amendment.

Home health services

The Senate amendment contained a provision not in the House bill which would authorize grants and contracts under such section 304 for projects for research and demonstrations in the provision of home health services.

The conference substitute contains the provision of the Senate amendment.

Analysis of national health care plans

The Senate amendment contained a provision not in the House bill which would amend such section 304 to direct the Secretary of Health, Education, and Welfare to develop, through utilization of systems analysis method alternative plans for health care systems designed adequately to meet the health needs of the American people and to report to Congress not later than June 30, 1971, on such plans. Under the amendment, the Secretary would also study bills introduced in the 91st Congress which propose a national health insurance plan or similar plan to determine the costs of such plans and their adequacy. The Secretary would report to Congress not later than December 31, 1970, the results of such study. $4 million would be authorized for fiscal year 1971 for the development of such plans and for the conduct of such study.

The conference substitute is the same as the Senate amendment except that (1) it is made clear that the Secretary is to develop more than one plan for health care systems, (2) the Secretary's report with respect to plans for health care systems is to be made not later than September 30, 1971, (3) the Secretary's report on bills introduced in the 91st Congress is to be made not later than March 31, 1971, and (4) $2 million is authorized for fiscal year 1971.

The national health surveys and studies

The House bill would amend section 305 of the Public Health Service Act to extend for three years (through fiscal year 1973) the program of national health surveys and studies and would authorize for such program the following amounts: $10 million for fiscal year 1971, $21 million for fiscal year 1972, and $22 million for fiscal year 1973.

The Senate amendment would continue the open-ended authorization for such program.

The conference substitute extends such program for three fiscal years and authorizes the following amounts: $15 million for fiscal year 1971, $20 million for fiscal year 1972, and $25 million for fiscal year 1973.

REPORT ON ACTIVITIES UNDER TITLES III AND IX OF THE PUBLIC HEALTH SERVICE ACT

The Senate amendment contained a provision not in the House bill which would amend the Public Health Service Act to direct that on or before January 1 of each year the Secretary of Health, Education, and Welfare report to Congress on activities under titles III and IX of the Public Health Service Act with (1) an evaluation of the effectiveness of such activities in improving the efficiency and effectiveness in research in, planning for, and delivery of, health services, (2) an analysis of the relationship between Federal and local financing, and (3) such recommendations as the Secretary deems appropriate.

The conference substitute is identical with the Senate amendment.

[1] The reference to the House bill in the discussion of this and the succeeding provisions is to H.R. 18110, as passed the House.

COMPREHENSIVE HEALTH PLANNING

State health plan

Authorization of Appropriations

The House bill would amend section 314(a) of the Public Health Service Act to extend for three years (through fiscal year 1973) the program of grants to States for comprehensive State health planning and would authorize the following amounts: $10 million for fiscal year 1971, $15 million for fiscal year 1972, and $20 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $15 million for fiscal year 1971, $17 million for fiscal year 1972, $20 million for fiscal year 1973, $30 million for fiscal year 1974, and $35 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $15 million for fiscal year 1971, $17 million for fiscal year 1972, and $20 million for fiscal year 1973.

Veterans' Administration Representation on State Health Planning Council

The Senate amendment contained a provision not in the House bill which would provide that the State plan under such section 314(a) would include State planning for home health care.

The conference substitute contains the provision of the Senate amendment.

Project grants for areawide health planning

Authorization of Appropriations

The House bill would amend section 314(b) of the Public Health Service Act to extend through fiscal year 1973 the program of project grants for areawide health planning and would authorize the following amounts: $15 million for fiscal year 1971, $25 million for fiscal year 1972, and $40 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $20 million for fiscal year 1971, $30 million for fiscal year 1972, $40 million for fiscal year 1973, $50 million for fiscal year 1974, and $60 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $20 million for fiscal year 1971, $30 million for fiscal year 1972, and $40 million for fiscal year 1973.

Home Health Care

The Senate amendment contained a provision not in the House bill which would provide that area plans under such section 314(b) would include home health care services.

The conference substitute is identical with the Senate amendment.

Grants to State Agency

The Senate amendment contained a provision not in the House bill which would provide that under certain circumstances the State planning agency could receive a grant under such section 314(b).

The conference substitute is identical with the Senate amendment.

Areawide Health Planning Council

The House bill would amend such section 314(b) to provide that the areawide health planning council would include representatives of consumers of health services.

The Senate amendment would require that a majority of the membership of such council be representatives of consumers of health services.

The conference substitute is identical with the Senate amendment.

Grants for comprehensive public health services

Authorization of Appropriations

The House bill would extend through fiscal year 1973 the program under section 314(d) of the Public Health Service Act for grants for comprehensive public health services and would authorize the following amounts: $125 million for fiscal year 1971, $140 million for fiscal year 1972, and $160 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $130 million for fiscal year 1971, $145 million for fiscal year 1972, $165 million for fiscal year 1973, $180 million for fiscal year 1974, and $200 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $130 million for fiscal year 1971, $145 million for fiscal year 1972, and $165 million for fiscal year 1973.

Project grants for health services development

Both the Senate and House bills, and the conference substitute, provide a continuation of the existing program of project grants for health services development under section 314(e) of the Public Health Service Act, with authorizations for fiscal year 1971 of $109,500,000, $135 million for fiscal year 1972, and $157 million for fiscal year 1973. The conference substitute does not contain the further authorization of appropriations for fiscal years 1974 and 1975 contained in the Senate version.

The conference substitute also authorizes the use of funds appropriated for section 314(e) for meeting obligations heretofore incurred with respect to certain facilities of the Office of Economic Opportunity which have been, or are in the process of being, transferred to the jurisdiction of the Department of Health, Education, and Welfare.

Regulation of certain biological products

The Senate amendment contained an amendment to section 35 of the Public Health Service Act making clear that the authority of that section includes authority to license vaccines, blood, blood components or derivatives, and allergenic products. This amendment is identical to the provision of H.R. 15961, already passed by the House.

With respect to this amendment, the conference substitute is the same as the Senate version.

Authority for group practice

The Senate amendment contained a provision not in the House bill which would authorize the Secretary of Health, Education, and Welfare to authorize insurance carriers, which are parties to, or which participate in the carrying out of, contracts relating to health benefits for active or retired Federal employees, to issue in any State contracts entitling beneficiaries to receive comprehensive medical services from a group practice unit with which the carrier has arranged for the provision of such services.

The conference substitute contains the provision of the Senate amendment.

Receipt of increased staffing grants for currently funded community mental health centers

The Senate amendment contained a provision not in the House bill to change the application of the maintenance of effort requirements under the Community Mental Health Centers Act to facilitate receipt by currently funded community mental health centers of the increased Federal share of staffing costs provided under the Community Mental Health Centers Amendments of 1970 (Public Law 91-211).

The conference substitute contains the provision of the Senate amendment.

Compensation of advisory council members, etc.

The Senate amendment contained a provision not in the House bill which would amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to provide uniform rules on compensation of advisory council members and to authorize committees to be established where there is authority to establish advisory councils. The conference substitute contains the provision of the Senate amendment.

Research contracting authority

The Senate amendment contained a provision not in the House bill which would amend section 301(h) of the Public Health Service Act to eliminate the fiscal year limitation (fiscal year 1971) on the research contracting authority of the Secretary of Health, Education, and Welfare. The conference substitute extends such authority through fiscal year 1973.

Training authority of National Institute of General Medical Sciences

The Senate amendment contained a provision not in the House bill which would amend section 442 of the Public Health Service Act to provide that the National Institute of General Medical Sciences could conduct and support clinical as well as research training. The conference substitute is identical to the Senate amendment.

Study relating to environmental pollution

The Senate amendment contained a provision not in the House bill which directed the Secretary to study (1) the health and safety hazards presented by environmental pollution, (2) medical and other assistance available to persons affected by such pollution, and (3) measures, other than abatement, that can be taken to avoid affect of such pollution on human health.

The conference substitute is the same as the Senate amendment except that the study is to be conducted by the President.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 18583, AMENDING PUBLIC HEALTH SERVICE ACT

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. PEPPER. Mr. Speaker, reserving the right to object, I do so in order to make a brief statement.

The able gentleman, my distinguished colleague (Mr. ROGERS of Florida), one of those who handled this bill, is aware of the fact that in the other body by a record vote of 40 to 16, after a very thorough debate, the other body adopted my amendment which I offered on the floor here the other day to move amphetamines from schedule III up to schedule II, where they would be subject to the imposition of a quota by the Attorney General to reduce the 8 billion a year which are now being produced when

only a few thousand, according to medical testimony, are needed for medical purposes.

Mr. Speaker, in view of the fact that literally the exact amendment I offered here, with the strong support of my colleagues on both sides of the aisle of the House Crime Committee, was adopted by the other body by this record vote of 40 to 16, I was presented with the question, and my colleagues and I discussed it at great length, as to whether, feeling as strongly as we do about the amendment and the other body having agreed to it in that way, it was my duty as the former author of the amendment to ask the House to instruct the conferees to agree to the amendment as adopted by the other body.

But, on the other hand, it is late in the day, and all the Members are tired, and all of us are reluctant even to suggest that the discretion and the action of our conferees should be in any way hampered when they go into conference with the other body, so I would like to forego having the duty to make that motion if I could get some encouragement on the part of my colleague to believe that in view of the vote of the other body adopting my amendment and there being in this House only a voice vote—I was the one responsible for not getting either a division vote or a teller vote, so I feel a special obligation about the matter—and in view of the fact that this House acted only on a voice vote and the other body acted on a record vote, I feel constrained to ask for some encouragement, or may I have some hope to believe from my distinguished colleague and his colleagues on the conference, that under the circumstances they will view this matter as sympathetically as they think the facts and the evidence they have before them will permit, including the position of the other body.

Mr. ROGERS of Florida. Mr. Speaker, if the gentleman will yield, of course, knowing the interest of the gentleman and the work he did with his committee in pointing up this problem, and of course, this does affect the drug problem, I am sure the conferees will give sympathetic understanding to the position as the Senate presents it.

Of course we will view the House position and the Senate position as we should, but we certainly will give sympathetic understanding. I appreciate the gentleman's bringing this to the attention of the conferees. I can assure him we will give it sympathetic understanding.

Mr. PEPPER. I thank my colleague very much.

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

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

Mr. WIGGINS. I hope the gentleman from Florida will agree with me on a recommendation to the conferees that in protecting the House bill it might be well to consider at least receding and concurring in this amendment offered by our colleague from Florida, which was accepted on the Senate side, in exchange for the protections of the House bill under title I. Amendments in the other body to title I, as the gentleman knows, were very extensive; and expensive, I might add. In order to protect the House version I hope consideration will be given to receding and concurring in the Senate view on the Pepper amendment.

Mr. ROGERS of Florida. I thank the gentleman for his comments.

Mr. PEPPER. I thank my able colleague.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and, without objection, appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SATTERFIELD, SPRINGER, NELSEN, and CARTER.

There was no objection.

ADJOURNMENT FROM WEDNESDAY, OCTOBER 14, 1970, TO MONDAY, NOVEMBER 16, 1970

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 774) and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, October 14, 1970, they stand adjourned until 12 o'clock meridian on Monday, November 16, 1970.

SUBSTITUTE AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer an amendment in the nature of a substitute for the concurrent resolution.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HALL: Page 1, Strike out all after the resolving clause, and Insert: "That the two Houses of Congress shall adjourn on Wednesday, October 14, 1970, and that when they adjourn on said day, they stand adjourned sine die until Monday January 11, 1971."

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 38, noes 73.

So the substitute amendment was rejected.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER OF HOUSE AND PRESIDENT OF SENATE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED AND FOUND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 775) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

HOUSE CONCURRENT RESOLUTION 775

Resolved by the House of Representatives (the Senate concurring), That notwithstanding any adjournment of the House until November 16, 1970, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR WEEK OF OCTOBER 12

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

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader as to the legislative program for next week.

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

Mr. ARENDS. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. First, may I advise the gentleman that when we announce the program we will ask to go over until Monday.

The program for next week is as follows:

Monday is District day, but there are no District bills. It is also Columbus Day, and there will be no legislative business.

Tuesday and Wednesday we will have the conference reports on H.R. 17604, the military construction authorization for fiscal year 1971, and H.R. 18546, the Agricultural Act of 1970. There will be several other conference reports, some of which have just been filed from the Committee on Interstate and Foreign Commerce, and I believe there is one from the Committee on Banking and Currency. There will be at least six or seven conference reports on Tuesday next.

Also for Tuesday and Wednesday, H.R. 16408, American Revolution Bicentennial Commission amendments, with an open rule with 1 hour of debate; H.R. 19519, the Comprehensive Manpower Act, subject to a rule being granted; H.R. 17849, to provide financial assistance for and establishment of improved rail passenger service, which is subject to a rule being granted.

Under the resolution just agreed to, the recess will begin at the close of business Wednesday, October 14, 1970, and continue until Monday, November 16, 1970.

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

ADJOURNMENT TO MONDAY, OCTOBER 12

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

Mr. ARENDS. Mr. Speaker, I would like to ask the gentleman from Oklahoma if he will give us the tentative program for the next week when we get back.

Mr. HALL. Does the gentleman from Oklahoma mean to recess over until Monday or Tuesday next?

Mr. ALBERT. Monday next. There will be no formal session. We will have no legislative business on Monday.

Mr. HALL. A pro forma session because of Columbus Day?

Mr. ALBERT. That is right. No legislative business.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY

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

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

There was no objection.

Mr. ARENDS. Mr. Speaker, will the gentleman give us some indication of what we will do when we come back on November 16?

Mr. ALBERT. We will have Consent Calendar day. That is the day we return. There will be some suspensions, but we will not be able to announce them in detail. The first major order of business will be the trade bill.

Mr. ARENDS. On which there is a rule granted already?

Mr. ALBERT. Yes.

Mr. SPRINGER. Will the gentleman yield to me?

Mr. ARENDS. I yield to the gentleman.

Mr. SPRINGER. May I ask the distinguished majority leader this question: We go to conference on the drug abuse bill on Tuesday. If we get an agreement at the conference, can we get that bill scheduled for consideration next week?

Mr. ALBERT. Conference reports may be brought up at any time.

Mr. SPRINGER. I mean to inquire of the distinguished majority leader, though, that if we get an agreement on the bill, he will schedule it?

Mr. ALBERT. We do not need to schedule it. If the conference report is ready, all you have to do is get recognition from the Chair. There is no problem. We do not have to schedule conference reports.

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

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

Mr. GROSS. When may we expect to get the bills that will be subject to consideration November 16?

Mr. ALBERT. We will announce the program on Wednesday next.

Mr. GROSS. On Wednesday next?

Mr. ALBERT. Yes.

Mr. GROSS. The distinguished majority leader is saying that there will be suspensions on Monday when we will reconvene as well as the trade bill?

Mr. ALBERT. We will have the Consent Calendar and such suspensions as are requested and recognized by the Speaker. Immediately following that, if we get through with those on Monday, we will start on the trade bill. If not, we will start the trade bill on Tuesday.

Mr. ARENDS. I might say one more thing to the distinguished gentleman from Oklahoma. There are two bills which are listed for next Wednesday which are contingent upon a rule being granted.

Mr. ALBERT. The gentleman is correct.

Mr. ARENDS. Then, we might complete our business on Tuesday night, if the rules are not granted?

Mr. ALBERT. I will state to the distinguished minority whip that we have quite a few conference reports to be considered.

Mr. ARENDS. I thank the gentleman.

POLITICAL BROADCASTING BILL

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

Mr. MADDEN. Mr. Speaker, we have been disturbed by recurring reports that White House political advisers are urging President Nixon to veto the political broadcasting bill. This would be a most unfortunate decision.

I consider the passage of the political broadcasting bill an important addition to the list of positive achievements of this Congress. It is the most significant legislation ever passed on election spending, and I am pleased to note that a majority of both parties in the House and in the Senate have viewed this as a nonpartisan issue and voted for the bill.

It is in keeping with President Nixon's expressed concern for reform and modernization of our political and governmental institutions. It should meet with White House approval because it is designed to permit adequate campaign funding for electronic media while preventing the buying of elections through television and radio "blitzes."

Mr. Speaker, our democratic system cannot tolerate candidates of either party buying an election through excessive expenditures on electronic advertising. We simply cannot permit the packaging and selling of candidates like so much laundry soap if we are to retain a valid democratic electoral process.

Members of the Democratic Steering Committee have unanimously adopted a resolution urging President Nixon to sign this bill in the interest of fair play, honesty, and democracy, and urging the Congress, in the event the President should exercise the veto, to override that veto.

I sincerely hope that it will not be necessary for this Congress to override another Presidential veto in this session.

Mr. Speaker, I include in the RECORD as a part of my remarks the language of the resolution that was unanimously adopted by the Democratic steering committee:

Be it resolved by the House Democratic Steering Committee that, Whereas the Congress has found that certain candidates for state and national office in 1970 are spending unprecedented sums on political broadcasting, and has passed the Political Broadcasting Bill placing reasonable limits on such expenditures, we strongly urge the President in the interest of fair play, honesty, and democracy, to sign S. 3637, and should the President veto it, we urge that the Congress override that veto.

"WE CARE"—THEME FOR NATIONAL 4–H WEEK

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

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity to focus attention on National 4–H Week, October 4-10. The theme for this year's observance is "We Care," a most representative theme, for it typifies the spirit of one of our Nation's most successful youth development programs.

Today, we continually hear about the "wrongdoings" of the youngster generation and the faults of our society and not enough about workable answers or solutions. Young people in 4–H across the Nation are working with little fanfare or publicity to improve our society through positive involvement and community action programs.

The record of 4–H in rural and urban America is an outstanding success story. 4–H provides that rare blend of motivation and discipline which spells progress and achievement. As proof of this success, a Wichita, Kans., probate judge recently stated he had never tried a case involving a 4–H member.

4–H involves 3.9 million rural and urban youth and millions of volunteer leaders and parents. Through individual projects ranging from agricultural projects, domestic skills for girls, citizenship, personal development, and leadership training, 4–H'ers have the opportunity to learn by doing—to make their best better.

4–H'ers through their project work and business meetings, have an opportunity to learn responsibility and must rely on personal initiative and ingenuity for success. They also learn to take responsibility for their actions—a very important lesson in life.

In observing National 4–H Week, I would be remiss if I did not emphasize the vital role USDA Extension Personnel, volunteer leaders, parents, and business and industry play in the 4–H success story. Their self-sacrifice and personal involvement and the response of these young people reveal an important element that is often talked about but ignored in our society—two way communication is necessary to successfully bridge the generation gap.

Through youth-adult cooperation in 4–H work, a depth of understanding and mutual respect is achieved that should serve as a model for successful youth programs and educational programs throughout the Nation.

I think the following poem, "I am 4–H," eloquently summarizes the theme of National 4–H Week:

I AM 4–H

Symbolic of the quiet valleys and gentle meadows in which I was born,

I am a four leaf clover, in verdant green, on a pure white field,
I drew my first breath in the resolve of responsible men and women to help American youth.
Nurtured on the land, I now embrace the busy town.
My goal is to learn and my testament—to learn by doing.
I am 4–H.
In quest of the pattern of life
I bow my head in church
And with confidence look to the days that lie ahead of me.
To this end, I have pledged my Head, Heart, Hands, and Health
To greater loyalty, larger service, clearer thinking and better living.
I am 4–H.

NATIONAL 4–H WEEK

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

Mr. MIZELL. Mr. Speaker, I rise today to commend an organization which has, for almost 70 years, provided valuable training for young people, as well as beneficial service to many communities across the Nation. The 4–H Clubs of America are this week celebrating National 4–H Week; and I feel it is fitting at this time to congratulate the club on its outstanding work throughout its existence.

The 4–H Club assists its members by providing valuable scientific knowledge, and training in agriculture production and management principles. The programs and activities of the club are designed to promote creativity and leadership, bringing better living to its members as well as to the community it serves.

In this day when we see young people taking to the streets in militant protest and destruction, it is indeed gratifying to recognize an organization of young people who pledge themselves to "clear thinking, greater loyalty, service, and better living for club, community, and country."

FREE WORLD FLAGSHIP ARRIVALS IN NORTH VIETNAM

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

Mr. CHAMBERLAIN. Mr. Speaker, the level of free world shipping to North Vietnam continues to be substantially reduced over last year. According to information made available to me by the Department of Defense, during September this traffic consisted of four vessels flying the British flag operating out of Hong Kong. This brings the total arrivals for the first three quarters of 1970 to 52, as compared with 72 during the same period in 1969. This continuous progress is most encouraging, and I commend the administration for its efforts to reduce this aid and comfort to the enemy.

FREE WORLD-FLAG SHIP ARRIVALS IN NORTH VIETNAM

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1969:							
January	8	2	1				11
February	6		1	2	1		10
March	6	1					7
April	7			1	1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					6
August	4		2				6
September	4		1	1			6
October	4		1		1	1	7
November	7						7
December	7						7
Total	74	7	9	5	3	1	99

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1970:							
January	2	1				1	4
February	5	1					6
March	3	1					4
April	7	2					9
May	6	3					9
June	3	2					5
July	4	3	1				8
August	2				1		3
September	4						4
Total	36	13	1	1		1	52

TRIBUTE TO RICHARD CARDINAL CUSHING, RETIRED CARDINAL ARCHBISHOP OF BOSTON

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

Mr. McCORMACK. Mr. Speaker, on October 7, 1970, Richard Cardinal Cushing, Archbishop of Boston, retired as the cardinal archbishop of Boston. Cardinal Cushing is truly one of the great religious leaders, in fact, of all time.

While Cardinal Cushing has retired, reluctantly approved by the Holy Father, as the spiritual leader of the archdiocese of Boston, we all know he will never depart from active work in the service of God, mankind, and country.

Cardinal Cushing will always be deeply embedded in the minds and hearts of the people of the archdiocese of Boston, without regard to race, creed, or color. The life of Cardinal Cushing has inspired and influenced countless of millions of persons throughout the United States and the entire world.

Indeed, of Cardinal Cushing, it can well be said that his diocese is that of the world; an ecumenical house which crossed all boundaries bringing together men and women of all faiths in the cause of serving God, mankind and country and in better serving the poor, the sick, the afflicted, the downtrodden, and those discriminated against.

Throughout his great career as priest, monsignor, auxiliary bishop of Boston, archbishop of Boston and as cardinal archbishop of Boston, this saintly man has adhered to the causes of love and charity, never turning away a challenge; never a deaf ear to a plea for help.

Those of us who know and admire Cardinal Cushing have in turn been inspired by our relationship with him; for there is in this man, the touch of true greatness.

He has been throughout these calamitous changing years a rock-like figure of sustenance and deep faith and strength—always holding out a beacon for a better world and a better life; always extending his hand to provide love, charity, and shelter and extending it always with the same charitable way which made him equally at ease with persons in all walks of life.

We who have known him from when he was a young boy in the streets of South Boston, working through grammar school and high school to contribute to the support of his family, have always been proud of him as a person and we have been particularly proud of him as a churchman.

The world as it came to know him grew equally proud there could be a man who sought nothing for himself but labored despite the severest physical handicaps to achieve a dream others thought was impossible.

While Cardinal Cushing has retired, it is in name only because he will always lead an active life in the service of God, mankind, and country. He will never be forgotten.

It has been said, and truly so, that he is one of the greatest churchmen of the history of all time. For many years before the world heard of the ecumenical spirit, Cardinal Cushing was preaching and practicing it.

Humble, gallant, brilliant, dedicated, warm, understanding, and sensitive, and magnificent. All of these are descriptive of Richard Cardinal Cushing, truly as a churchman and with whom God must be deeply pleased.

I know I express the sentiments of millions of persons in extending to Cardinal Cushing our prayers and hopes that God will continue to bless him for countless of years to come.

To his successor, Humberto S. Madeiros, D.D., Archbishop of Boston, I extend my very best wishes for every future happiness and success. I know that the outstanding service of Cardinal Cushing to God, mankind, and country, will always be an inspiration for Archbishop Madeiros to follow.

CREATION OF KING RANCH NATIONAL CONSERVATION AREA

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

Mr. DON H. CLAUSEN. Mr. Speaker, today the House of Representatives is taking final action on the creation of the King Range National Conservation Area in the heart of our Redwood Empire Congressional District on the North Coast of California.

Many people have been waiting a long time for this legislation to come to the floor for a final vote. For them, especially, this is truly a great day.

I only wish it was possible to name and enumerate the tremendous efforts which have been put forth by so many people who have assisted and cooperated in advancing this major conservation measure.

I do, however, want to recognize and thank Chairmen ASPINALL and BARING, ranking Republicans, Mr. SAYLOR, and Mr. KYL, members of the Interior Committee on the House side, plus the exceptional and very able staff assistance of Sid McFarland, Bill Shafer, Charley Leppert, and my own legislative assistant, Stan Hulett. All of these gentlemen are most deserving of our sincere thanks and appreciation.

Over on the Senate side, Senators MURPHY and CRANSTON of California, Senators JACKSON, BIBLE, CHURCH, METCALF, ALLOTT, and HATFIELD deserve special recognition as well as Senate Interior staff members Jerry Verkler, Bernie Hartung, and Porter Ward; all of whom made extra efforts during these final days of the 91st Congress.

Within the Department of Interior, I am deeply grateful for the consideration of Secretary Hickel, Undersecretary Russell, and for the outstanding assistance rendered by Lloyd Rasmussen and John Lands.

In addition, and most important, I want to extend special consideration to two gentlemen from California, Knowles Clark and Ken Roscoe of the Mattole Action Committee—as well as the Humboldt County Board of Supervisors and Mr. John Gromala for their enduring patience, encouragement, and support for this legislation over the years.

I have requested and received permission from the Speaker to insert in the RECORD at this point, a resolution from the Humboldt County Board of Supervisors supporting the creation of the King Range National Conservation Area and urging passage of this national conservation measure.

To you, Mr. Speaker, words cannot adequately express our deep and sincere appreciation for the thoughtful consideration you have extended to the people of California, not only with respect to the legislation now before us, but for other major national conservation legislation affecting our north coast as well. I have particular reference to the establishment of the Redwood National Park and the completion of Point Reyes National Seashore. Certainly, these will serve as great monuments to the outstanding leadership and service you have rendered in the Congress and to the people of the United States.

RESOLUTION

Whereas, H.R. 12870 was introduced in the House of Representatives by the Honorable Don H. Clausen, Representative in Congress, First Congressional District of the State of California, in the First Session of the 91st Congress; and

Whereas, previous legislation to establish the King Range National Conservation Area has been endorsed by this Board of Supervisors;

Now, therefore, be it resolved by the Board of Supervisors of the County of Humboldt, State of California, as follows:

1. That this Board of Supervisors endorses H.R. 12870.

2. That this Board of Supervisors urges Congress to pass H.R. 12870 as amended per departmental reports of October 1, 1969, and May 12, 1970.

3. That the County Clerk is directed to send copies of this resolution to the Honorable Don H. Clausen, Representative in Congress, First Congressional District of the State of California; to the Honorable Alan Cranston and the Honorable George Murphy, United States Senators; to the Honorable Wayne N. Aspinall, Chairman of the House of Representatives' Committee on Interior and Insular Affairs; and to each member of the House of Representatives' Committee on Interior and Insular Affairs.

PRESIDENT NIXON'S BOLD INITIATIVE ON BEHALF OF PEACE IN ALL OF INDOCHINA

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

Mr. MONTGOMERY. Mr. Speaker, I would like to commend President Nixon for what I consider to be a very bold initiative on behalf of peace in all of Indochina. More than any other Chief Executive, Mr. Nixon has cut to the gut of the issue in his five proposals for ending the conflict in Southeast Asia and bringing an end to American involvement in the war. I consider the challenges for a standstill ceasefire and a negotiated withdrawal timetable as the two most significant proposals. The suggestion for unconditional release of all prisoners is also to be applauded. Because of my past knowledge of and dealings with the North Vietnamese I am not optimistic over the reply we will receive from the Communists at this time.

Mr. Speaker, the important thing is that we realize these proposals are above partisan politics and as the elected leaders of America we should stand behind President Nixon at this time.

MR. PRESIDENT, ABOUT CUBA?

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

Mr. GONZALEZ. Mr. Speaker, we have all heard reports that the Russians are constructing an offensive, nuclear submarine base in Cuba. Today, during the debate we heard and saw presented by the distinguished chairman of the Armed Services Committee, the Honorable MENDEL RIVERS, pictures and facts.

But what has not been said and is not generally known is that just since June the Russians have moved in close to 30,000 soldiers, and have been deploying such things as 160 mm. cannon to such places as the air force base at San Antonio de los Banos.

Now, surely, 30,000 Russians and 160 mm. cannon cannot in themselves conquer the United States, but they surely can provide us with reason to believe that the Russians have more than benign interests in Cuba.

I cannot understand why the President remains silent about all this.

I also note that the President has gone down to Key Biscayne for the weekend.

I hope the Russians do not torpedo his place, or send some of their troops across the way to kidnap him.

Maybe they will invite him over to see their new installations.

REPRESENTATIVE WHITEHURST INTRODUCES LEGISLATION TO ASSIST SMALL BUSINESS COMMUNITY

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

Mr. WHITEHURST. Mr. Speaker, I am today introducing my second piece of legislation to assist our small business community. My first bill was to aid those small businesses that were detrimentally affected by new Federal laws or regulations, such as the Wholesome Meat Act, Occupational Health and Safety Act, pollution control measures, and other consumer protection legislation. The ideas contained in that bill, H.R. 17796, are included in the Steiger occupational health and safety bill and in the small business legislation recently passed by the other body of Congress.

This does indeed give me a degree of satisfaction, as well as some hope for those businesses which face financial loss and in some cases bankruptcy as a result of acts that establish guilt after the fact.

The legislation that I am introducing today is aimed at assisting small business by allowing a percentage credit to small businesses participating in a Government manpower training program when they are bidding for a Government contract.

I recently had the following, not uncommon situation called to my attention: A U.S. small business was bidding for a Federal contract against other U.S. firms and a European concern. The U.S. small business was given 6 percent credit, which was subtracted from the cost of their bid, and the foreign firm was required to add 6 percent to the price of its bid. Even at that, the foreign firm was low, although by less than 0.01 percent.

The American small business was participating in one of the Government's manpower programs, which regardless of the vested interests was adding to the

operational costs of the firm. The particular contract involved was a major part of the work of this firm, and if it was not awarded the contract it would not be economically able to continue participation in the training program.

My legislation will allow a percentage credit to a firm participating in a Government manpower program when bidding on Federal contracts. This percentage credit shall be determined by the contracting agency and the Small Business Administration. I certainly hope this legislation will be looked upon with favor before the House adjourns.

Mr. Speaker, while I am on this subject, I cannot let the opportunity pass without speaking in support of legislation that is still in committee.

On August 5, 6, and 7, 1970, the House Banking and Currency Committee held hearings on H.R. 4291, which extends the statutory limitations on the Small Business Administration's financial programs.

In the 17 years the Small Business Administration has been in existence, it has become a symbol to small businesses throughout the Nation. Many of its programs in recent years have meant the difference between success and failure for many small firms.

Since 1964 we have witnessed financial difficulties in the long-term as well as the short-term money market. Many companies that in more favorable economic times would have been successful were forced out of business, or nearly so. SBA has come to the rescue of many of these companies, and it has also served as the prime mover in the creation of many firms that are now growing and in many areas are the prime employers.

Mr. Speaker, the Federal Government has now embarked on yet another campaign, one that could serve as a prime economic equalizer without disrupting existing establishments. I am referring to the efforts in the area of minority business.

Mr. Speaker, the opportunities for the Government to participate in saving small businesses in a time of bigness, and the opportunities the Government has to serve as a prime mover in the area of minority entrepreneurship, should not be allowed to be missed because of a lack of authorization legislation.

Mr. Speaker, H.R. 4291 will extend the life of SBA's Business Loan and Investment Fund by authorizing an increase in the statutory ceiling of debts outstanding at any time. This fund finances regular business loans, displaced business loans, trade adjustment loans, and prime contract activities authorized by the Small Business Act; the small business financial assistance authorized by titles III and IV of the Small Business Investment Act of 1958; and the economic opportunity loan program authorized by title IV of the Economic Opportunity Act of 1964.

Mr. Speaker, I feel that this legislation is vital, and I hope that we will have the opportunity to act on it in the near future.

PROTECTION FOR THE AMERICAN WORKER

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

Mr. BUCHANAN. Mr. Speaker, today we are faced with a situation which not only has contributed significantly to our adverse trade balance and balance of payments, but also constitutes a growing threat to American workers.

This situation is the tremendous growth in imports during recent years which has seen this country's trade deficit in some categories increase as much as sevenfold.

The time is past due for this Nation to take action to protect American workers and American products from unfair foreign competition.

We have before us, Mr. Speaker, the means by which this can be at least partially achieved and this is the Trade Act of 1970.

This legislation would extend the authority of the President to act against import restrictions or other acts by our competitors which discriminate against American workers and products.

It will also permit him to impose duties or other import restrictions in cases where unreasonable foreign import restrictions act against the United States.

Yet another provision would establish new criteria for determining when an injury has occurred to an American product or industry.

I had felt great concern that Congress might adjourn before taking action on this vital legislation and I would like to commend the leadership for its wisdom in scheduling this legislation immediately following the recess. We must exert every effort to see that the trade bill is passed.

For, Mr. Speaker, the United States cannot exist as an island of free trade in the middle of a protectionist sea. But that is where we find ourselves today.

By definition, "free trade" can exist only when it is practiced by all nations participating in any particular commercial exchanges.

But while other nations protect their own workers and products by various tariff and nontariff barriers to our exports, our Government does not adequately do the same. I fail to see how we can consider this "free trade" when our workers do not have these same benefits accorded so many of their competitors.

One of the problems is that the State Department consistently, in negotiating trade agreements with other countries, leaves American interests holding the bag and enters into trade agreements which are not truly reciprocal.

As I indicated to a State Department official recently during hearings before the Foreign Affairs Committee, of which I am a member, the State Department has changed the admonition of former President Theodore Roosevelt from "speak softly and carry a big stick" to "speak softly and carry a wet noodle."

As I recommended on that occasion the State Department would do well to consult with the AFL–CIO on how to go about hard-nosed bargaining.

Mr. Speaker, in my district, the Birmingham area, we have large steel, cast iron pipe, and textile manufacturers, among others.

Let me outline a few examples of the problems they face from unfair foreign competition which I indicated in testimony during hearings on this legislation before the Ways and Means Committee earlier this year.

Over the past decade, the annual growth rate for steel imports was 23 percent and in 1968, the amount of the domestic steel market captured by imports was at an all-time high of 16.7 percent.

In recent years, the Southern steel market has grown by 6 million tons, but this increased steel demand was not met by Southern steel, not even by American steel. During this same period, Mr. Speaker, the increase in foreign steel imports to the Southern market was 5.1 million tons.

It does not take a mathematical genius to realize that the American steel producers are getting the short end of the stick in the Southern market.

Granted, there have been some limitations on the importation of steel, such as those announced in 1969. But even with those limitations, this Nation had the second highest year in its history for steel imports.

Why do we import so much steel? Because it is cheaper. In the case of Japan, for example, wages are one-fifth what they are in the United States for steelworkers. But we cannot, Mr. Speaker, ask the American workers, who contribute so much toward this Nation's high standard of living, not to share in that standard.

We cannot ask them to work for a mere pittance so that they can compete in the world market with firms from other nations which are often subsidized or owned by governments or which receive special protection denied our firms. Nor should either labor or industry be penalized in our country because people in some other country are so irresponsible as to pay workers starvation wages. Rather we should protect American workers by whatever means are necessary.

I have worked continuously during my 6 years in the Congress to bring about legislation to rectify this situation, because the problem is not new.

In the imported malleable iron pipe fitting industry, which is of great concern to the people of my district, 10 domestic producers have gone out of business since 1952. At the same time, imports have continued to increase their penetration of the domestic market and we continue to export jobs to foreign and, in some cases, Communist countries while Americans lose jobs.

This story is, regrettably, quite similar in the textile market. Textile imports have absorbed hundreds of thousands of jobs, 65,000 within the past 15 months alone. In 1969, for example, textile imports increased 10 percent over 1968 and represented a textile deficit of nearly $1 billion.

Textile industry statistics are but an-

other indication that our regulations are insufficient to protect our workers and products. For, Mr. Speaker, our cotton garment imports have been regulated since 1962, but these imports have increased 65 percent since those regulations went into effect.

I find it impossible to believe that our industries have not been adversely affected by this vast increase in foreign goods.

And the adjustment assistance for which our laws now provide is insufficient. It comes after the fact, after the damage has been done and workers have lost their jobs.

It has now become obvious that our attempts at voluntary imports controls are not working. This is true, because other nations are looking out for their own workers, their own products.

It is time that the United States began looking out for its own—its steel and textile workers who pay taxes to support our Government while foreign governments pay subsidies to those in competition with America in the world market.

It is for these reasons that I joined with Chairman MILLS in introducing legislation to at least partially remedy this situation. And it is also for this reason that I commend the leadership for its decision to take up this legislation following the election recess.

I, for one, however, would be willing to stay here to election day, or later, to see this legislation passed, the political considerations notwithstanding. Political campaigns must not, cannot stand in the way of what is right for the American worker.

LET US END TAX BREAKS FOR RADICALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRAY), is recognized for 15 minutes.

Mr. BRAY. Mr. Speaker, the American taxpayer does not know it, but he is subsidizing the rantings and ravings of one of the foulest, most inflammatory revolutionaries of the new left.

Jerry Rubin, member of the infamous Chicago Seven and one of those convicted of conspiracy in crossing State lines to incite riot, stands to make no one knows how many thousands of dollars both from his speeches and public appearances, and from his book, "Do It." The book, published in March 1970, by Simon and Schuster, has sold an estimated 200,000 copies at $4.50 apiece. Let me quote a few of Rubin's statements from the book:

> Bonnie Parker and Clyde Barrow are the leaders of the new youth.
>
> To steal from the rich is a sacred and religious act.
>
> Kids should steal money from their parents.
>
> Sirhan Sirhan is a yippie.
>
> Burn Down the Schools. Two hundred psychological terrorists could destroy any major university—without firing a shot.
>
> Drop Out! Why stay in school? To get a degree? Print your own! Can you smoke a diploma?
>
> We're using the campus as a launching pad to foment revolution everywhere!
>
> The Youth International Revolution will begin with mass breakdown of authority, mass rebellion, total anarchy in every institution in the Western world. Tribes of longhairs, blacks, armed women, workers, peasants and students will take over . . .
>
> When in doubt burn. Fire is a revolutionary's god. Fire is instant theater . . . burn the flag. Burn churches. Burn, burn, burn.

In 1969, Rubin's wife, who goes by the name of Nancy Kurshan, filled out some routine IRS forms that led to official IRS recognition of the "Social Education Foundation," also known as the "Jerry Rubin Fund," as a charitable, tax-exempt organization. The "foundation" said the untaxable fund and its income would be used—

> Exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals.

And the application itself indicated the organization would be operated to create scholarships, prepare and distribute educational materials, and conduct other educational activities.

Tax-exempt status was approved by IRS on May 23, 1969. On June 13, 1969, the State of New York, the foundation's location, granted exemption from State income tax. On June 11, 1969, the trust was amended so it could also be referred to as the "Jerry Rubin Fund." Grantor and sole trustee is Nancy Kurshan, Rubin's wife.

Advantages of such status to Rubin are many. Actual income is safe from State and Federal income taxes; a paid staff could be hired to assist Rubin in whatever troublemaking, pseudo-revolutionary incitation he chose to undertake. The foundation could pay representatives to travel about the country furthering Rubin's ideas of revolution.

And, as has also been pointed out, Rubin's income going into the foundation would protect him from possible damage suits arising from disturbances he might have caused. Technically, he could claim to have no money at all—and under the law he would be correct.

As the Internal Revenue Code now stands, believe it or not, all this is perfectly legal. The most the IRS can do—and is doing—at this time, is to see if Rubin has violated a provision of the law requiring annual reports of income and expenditures. As of the middle of September, such a report, due on May 15, 1970, had not been filed. Regulations do authorize revocation of tax-exempt status for failure to file these reports.

Internal Revenue has been asked to check further into this matter, and to invoke the law if such a report has not been filed. To me, this is not sufficient in and of itself.

I do not believe the American people want laws so loosely drawn as to give a tax haven to the very persons who preach disruption, subversion, and destruction of all the Amreican Republic stands for. I do not believe the Congress of the United States intends for such loopholes to exist, nor do I believe Internal Revenue would be lax in enforcing the provisions, once they were written into law.

Tax legislation is an extremely difficult and complex field, as everyone knows. I am working on draft legislation, with the advice and assistance of legislative counsel, which I will submit for consideration by the Congress, aimed at closing what to me is a serious and gaping loophole. If Rubin uses this, who is next? How many others will seek to shelter their funds in this manner? The matter must be given immediate and serious consideration.

Rubin stands, convicted by a jury of his peers, as a result of the Chicago trial, and also convicted by his own rhetoric and performance. He is beyond a doubt one of the two or three most notorious radical rabble-rousers inflicted upon this country today. By his own words, his mission is one of subversion, degradation, and destruction. This cannot be denied; neither can it be concealed by the pious verbiage accompanying the "foundation's" request for tax-exempt status.

Neither can it be ignored. The Roman, Catullus, 25 centuries ago, pointed out that tolerance is the weakness of the strong. Let it be understood that tolerance of the rights of others is inherent and ingrained in our social and political fabric. But there is nothing in anyone's code of ethics that demands tolerance for exhortations to destruction, hate, revolution and anarchy. This is not tolerance; this is blind stupidity. Tolerance of Jerry Rubin can be a dangerous weakness—one indulged in, by the strong, to the point where it passes its identity as a virtue and borders on the criminally negligent.

The stark and simple truth of the matter is this: Every nickel of tax-exempt money that goes into a foundation means a loss to the Federal Government of tax revenue that must be eventually made by the working taxpayer himself. To be sure, there are many worthwhile and truly outstanding foundations that do highly laudable charitable work in all aspects of American life. No one begrudges their existence, nor does the taxpayer resent their status of tax exemption.

But no American should have to subsidize Jerry Rubin. Our taxes pay for many things, but they do not have to pay to support a litany of hate, violence, and outright incitement to revolution.

A REPORT ON THE 91ST CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, as this 91st Congress draws to a close, political analysts and historians will begin to evaluate its work. In my 16 years in the House of Representatives, I have seen more productive sessions, but I have never experienced more deliberation or more care in the legislative process.

This Congress is the first in modern times, in fact the first since 1849, in which a President first entered the White House with both the House and the Senate controlled by a political party different from his own. When President Richard M. Nixon assumed office, there was speculation that our constitutional sys-

tem of divided—as well as shared—powers would not work. But it has—substantially to the public interest.

Most of the President's program has been enacted into law. Debate has been intense and wholesome. In this crucible of legislative effort, programs have been improved. There have been vetoes; some were sustained; others were overridden. When the President was a Member of the House during the Truman administration, he voted to override five vetoes. He understands this constitutional right of the Congress.

He must also understand congressional resistance to two Court appointments which time and circumstances have proven to be unwise.

The Congress has supported most of the President's recommendations—often because these recommendations were tailored to meet pressing needs and concerns shared by the Congress. Old programs have been reexamined and often improved. In many ways, the great social legislation of the past decade is still being digested, modified, and improved.

In this session, the Congress moved to strengthen its constitutional role as the legislative branch of the Government, proposing new and better laws, while reaffirming responsibility for the course of foreign affairs. This is the most important development of these times. It is heartening to see the Congress assert its constitutional power over commitments abroad and the resolution of the war in Southeast Asia which has already taken 52,318 American lives.

Congressional action will set the terms for withdrawal from Southeast Asia. Congressional reaction limited the incursion to Cambodia. Congressional action limited the extension of the questionable antiballistic system. Congressional action is directing attention to the domestic priorities which have been neglected. Military commitments and military procurement are no longer casual decisions; they must meet more rigid tests in the House and in the Senate. Congress—elected by the people—is more carefully scrutinizing the accounts of public affairs.

CONGRESSIONAL REFORM

In an effort to undertake growing responsibilities, the Congress had to streamline its own operations—to become more efficient, more responsive, and more accountable. In this respect, the Legislative Reorganization Act of 1970 is a milestone, the first time in nearly a quarter of a century in which Congress has tried to modernize itself.

As a result, secret rollcalls will no longer prevail in the House of Representatives or in the committees of the Congress. The public and every constituency will be able to determine how a Representative voted. The elimination of secrecy will enhance the public interest and diminish the strength of special interest groups.

During the consideration of the Reorganization Act, I cosponsored an amendment to strike at the seniority system, a custom which perpetuates the power of the committee chairmen, providing them with legislative fiefdoms. The seniority system has developed Congress into an institution 1½ generations behind the times it is intended to serve.

When rules are considered in the new Congress, I expect to oppose the seniority system along with the procedure under which conglomerate bills covering diverse issues are brought to the House and protected from amendment or change. The filibuster must also be eliminated. The barnacles of the past which have restrained the free legislative process must be removed. If we are to convince the disenchanted that Democracy is a viable, working institution, we must remove the impediments to prompt, conclusive decisions.

FOREIGN AFFAIRS

The dilemma of Southeast Asia has troubled our Nation more than any other problem in my memory. When we were attacked at Pearl Harbor, our decision to fight was clear and apparent. When the Communists swept into South Korea, there was no doubt of the invasion and trespass into a peaceful nation. But when we found ourselves committing men and materiel in seemingly unlimited amounts to the conflict in South Vietnam—the role of our Nation was not clear. The entire region seemed in conflict with itself and it was difficult to determine whether we were protecting against a Communist invader, intervening in a civil war, or protecting a military government's control over its people.

After billions of dollars of expenditure and the loss of 52,318 American lives, we are no closer to understanding our role. In these circumstances of uncertain purpose and uncertain result, it seems most wise to speedily disengage from Southeast Asia, withdraw our troops and offer to help rebuild the destruction of over a decade of warfare. The killing must be stopped.

A year ago, I suggested a standstill ceasefire—in which our troops would stop shooting and shoot only if fired upon. The proposal for ceasefire made by the President on October 7 is conditioned upon other agreements. I believe that our ceasefire offer should be more flexible. It is also my belief that a scheduled withdrawal is in order. It would create a definite determined timetable for the full takeover of responsibility by the South Vietnamese. It could proceed on a schedule related to a termination of hostilities and avoid the political disputes which remain to be solved by the parties involved. This action on the part of our government would most likely lead to prisoner of war releases.

The reaction of Congress to the Cambodian invasion by American forces resulted in limitations on that mission with a specific timetable for withdrawal. As a result of this experience, Congress has reasserted its constitutional power to determine the commitment of the Nation and its resources to any conflict. This should develop into a substantial deterrent to any hasty, ill-advised, or arbitrary involvement of the American Government in a conflict distant and unrelated to American security.

THE MIDDLE EAST

The situation remains tense and unsettled in the Middle East. There, the Soviets seem determined to make the same errors America made in Southeast Asia. The placement of Soviet troops and missiles in Egypt is a certain threat to the peace of the world. The failure of the Administration to protest immediately the move-up of these missiles during the ceasefire which we proposed has placed the Democracy of Israel in a dangerous and perilous position. Until very recently, administration policy was weak and undetermined—principally because of concern over American capital investment in the oil fields in the Arab States.

Our foreign policy should be people-oriented rather than oil-directed. Our policies should be directed toward the support of free institutions built in our image and sharing our purpose as constitutional governments. If there is any substantive basis for the alinement of people and nations—it should be on the grounds of a shared ideal in democracy and freedom. We have every idealistic reason to support the State of Israel and insure its integrity as a nation.

The Congress has been deeply concerned about the shifting balance of power in the Middle East caused by the enormous amounts of assistance given certain Arab nations by the Soviet Union. As a result, the Congress has amended the Military Procurement Act of this year, authorizing the President "to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East."

Let us hope that new leadership in the Middle East, by bringing peace to the Holy Land, makes such legislation unnecessary. But while we hope, we must also stand on the alert in the protection of true democracy against the threat of extinction.

DOMESTIC ECONOMY

The last 2 years have been disappointing years for the economy. Every purse has suffered the pinch. The stock market lost $200 billion in values. Retirement funds and retirement plans were evaporated. Since the 90th Congress adjourned, over 1.5 million more people have become unemployed. Official government figures rate unemployment at a 5.5-percent rate—a 6.5-percent rate is more realistic since Government figures exclude strike-related unemployment. Corporate profits fell almost 25 percent and Government revenues decreased. In the meantime, inflation is still on the march. The crunch is on every family. The inflationary spiral will now be kept alive by spiralling utility costs which are generally later starting—but longer lasting.

The Congress offered credit controls but the President refused to use them. The Congress decried high interest and increased unemployment—but the plea was unheeded. The President refused to use jaw boning or Presidential persua-

sion on price and wage demands and the results have been chaotic.

NATIONAL PRIORITIES

It is in the area of domestic affairs that I have most violently disagreed with the administration.

I have disagreed with the administration on open-ended financing of defense overruns. I voted to defer the billions to be spent on the supersonic jet. I voted against the extensive deployment of the ABM. I voted against the billion-dollar atomic carrier which may already be defenseless against new ship-to-ship missiles. I voted against the quota system in oil imports which costs the consumer $5 to $7 billion in higher fuel prices and which costs the Treasury over $1.5 billion annually in tariff revenue.

I voted against the $992 million Treasury loss involved in providing exporters a tax write-off for continuing exports at present levels.

Just today, when the House was considering the $66.6 billion defense appropriation bill, I offered an amendment to prohibit the use of Defense appropriations to insure assets or guarantee loans or the repayment of the obligations of any corporation or individual.

This amendment was directed against the open-ended power of the President under the long-gone Korean emergency to commit the taxpayers of America to tremendous billion-dollar obligations without the consent of Congress or the people they represent. Under these powers, the President almost committed the Federal Treasury to guarantee $900 million worth of Penn Central loans held by banks.

Within the past 30 days, the same defense emergency clause was utilized by the Secretary of Transportation to provide $3.2 billion in insurance coverage to American international airlines. With a simple stroke of the pen, the taxpayers of America became obligated to provide this insurance commitment on 344 commercial planes substantially owned by banks and other creditors. While there may be need for the Federal Government to become an insurer of last resort, why not also relate this service to citizens who cannot obtain full and adequate insurance coverage on their homes, their automobiles, or their health?

How can we justify insurance commitments of this dimension without the review and approval of the elected representatives, the Congress?

In short, I differ with the administration on several program priorities. I simply happen to believe that education, health, and urban needs are more important and of higher priority than the insurance of bank loans and private corporate ventures, defense overruns, the SST, and an atomic carrier. I oppose misplaced priorities that disregard human needs.

In addition, I believe that much of the unemployment which the country is now experiencing could have been avoided. There is so much to be done in this Nation that it is unconscionable to waste manpower through unemployment. Defense-oriented scientists and technicians should have been moved into the research against pollution. Machinists and metalworkers could have been moved into mass transit production which would have helped improve the life in our cities and end the congestion on our highways. Literally hundreds of thousands of people are needed in the health professions. Manpower training in this area would have avoided unemployment and eased the inflationary squeeze in the health care sector.

TAXES, SOCIAL SECURITY, AND MEDICARE

The 91st Congress was an extremely busy one for the Ways and Means Committee on which I serve. My chairman, WILBUR MILLS said:

I think it is fair to state that the Committee on Ways and Means has had as heavy a workload in this 91st Congress as it has ever had in its entire history since its creation as a standing committee in 1802, and certainly since the responsibilities which the committee has carried this Congress have been as heavy as those carried by any committee of the House.

One of the most far-reaching pieces of legislation to pass the 91st Congress was the Tax Reform Act of 1969. I led in repealing the investment tax credit, which saves the Treasury over $3.3 billion annually and was one of the most inflationary factors in the economy. I worked for a reduction in the oil depletion allowance, and although I would have liked to have seen a more significant cut, it was a landmark achievement to have it lowered to 22 percent.

I was particularly concerned that the personal exemption—set at the totally unrealistic figure of $600 per person—be raised and that, in general, the entire Federal tax structure be made more equitable. In this Congress, I was successful in increasing the personal exemption, in steps, to $750. I hope that future Congresses will continue to work to make personal exemptions more realistic while eliminating special privilege tax loopholes. Below is a table which outlines the effect of the Tax Reform Act of 1969 on income groups once it is fully effective. This bill reduced Federal taxes 16 percent for the average taxpayer as per the following table:

TABLE 3.—INDIVIDUAL INCOME TAX LIABILITY—TAX UNDER PRESENT LAW AND AMOUNT AND PERCENTAGE OF CHANGE UNDER REFORM AND RELIEF PROVISIONS UNDER THE TAX REFORM BILL OF 1969 WHEN FULLY EFFECTIVE

Adjusted gross income class	Tax under present law (millions)	Increase (+) decrease (−) from reform and relief provisions	
		Amount (millions)	Percentage
0 to $3,000	$1,169	−$816	−69.8
$3,000 to $5,000	3,320	−1,101	−33.2
$5 000 to $7,000	5,591	−1,112	−19.9
$7,000 to $10,000	11,792	−1,859	−15.8
$10,000 to $15,000	18,494	−2,327	−12.6
$15,000 to $20,000	9,184	−791	−8.6
$20,000 to $50,000	$13,988	−$715	−$5.1
$50,000 to $100,000	6,659	−128	−1.9
$100,000 and over	7,686	+557	+7.2
Total	77,884	−8,294	−10.6

Attached to the 1969 Tax Reform Act was a social security amendment which increased benefits by 15 percent. After several years of inflation, this increase was desperately needed. The administration in the spring of 1969 originally proposed a benefit increase of 7 percent and later raised this figure to 10 percent. But by midsummer it was obvious that price increases were forcing millions of older Americans on fixed incomes below the poverty level. As a result, I offered a motion placing the Democratic caucus of the House on record as favoring a 15-percent increase. With this mandate, both the House and Senate passed a 15-percent benefit increase which was effective last spring.

Although I urged a 10-percent increase in social security benefits this year, the House has passed only an additional 5-percent social security benefit increase accompanied by amendments designed to make medicare more efficient and less expensive to both the beneficiary and the Government. The Senate is currently considering this legislation and it is my hope that further improvements can be made. It is most disturbing that in the last 2 years some 200,000 older Americans have been added to the poverty rolls. For the first time since poverty statistics have been compiled, it is apparent that the number of elderly persons in the poverty category have increased rather than decreased. Part of the reason for this is that while benefits have been increased, there has been almost no increase in the minimum monthly payment.

ENVIRONMENTAL PROBLEMS

This Congress has been constantly aware of the urgency of the environmental problem facing America and the world.

The seriousness of the air pollution problem was dramatically demonstrated in late July of this year, when massive air inversions choked most of the eastern half of the Nation. Health specialists have indicated that, outside of a cure for cancer, control of air pollution is the single most important step that could be taken to improve the health and longevity of our urban citizens.

On June 10, 1970, the House passed the strongest air-pollution-control bill to date. Even that bill failed to take adequate action on a definite time schedule against pollution caused by automobiles which cause almost 60 to 85 percent of the air pollution. The Senate on September 22 passed a much stronger air-pollution-control bill which would require auto exhaust emission to be cut by 90 percent by 1975. In addition, it requires all new factories to install and use the best technological pollution control devices known at the time of construction. It is important that the Senate bill be passed in lieu of the House bill. At the present time, I am leading in gathering House cosponsors of the Senate bill as an indication to the House-Senate conferees of the importance of approving the stronger pollution-control bill.

Lake Erie pollution continues—and the cleanup of Lake Erie must continue to be our area's first priority if the growth and health of northeast Ohio is to be assured. At present rates of pollution control, our very drinking water may be in danger and we may need to seek temporary alternative water sources.

A Clean Water Act has already passed this Congress which includes an amendment which I offered to provide for re-

search and demonstration projects on ways to clean up the Great Lakes. Up to the present, the administration does not appear to be adequately utilizing this authorization.

The task before us is a multibillion-dollar one. The President has proposed a $10 billion antipollution program over the next few years, but on closer examination this turns out to be only a $4 billion effort on the part of the Federal Government. The rest is to be financed by the States and local governments—often from relatively inadequate property taxes. It is important that the Federal Government, with its more progressive tax system, pay a larger share of this antipollution effort. In addition, it is obvious that $10 billion, from whatever source, is going to be inadequate to meet the problem.

It is also important that the Federal Government enforce existing laws more vigorously. Since 1899 there has been a law on the books—offered by an earlier Cleveland Congressman, Theodore Burton, who previously represented the 22d District—which prohibits dumping of waste and refuse in navigable waters. For 71 years this law has been unenforced. Now at last it is beginning—just beginning—to be used. I have asked the Justice Department to enforce that law in Ohio, a State where nearly a thousand permits to polute have been granted. While action is beginning in this area, much more needs to be done.

This Congress has been active in considering the problem of solid wastes and garbage disposal. It is my hope that the next Congress can give further consideration to my proposal prohibiting interstate use of nonreturnable and recyclable beverage containers.

The 91st Congress has also made some very important additions to the Nation's national park and wilderness system. As our population continues to expand, we must act now, today, if we are to preserve for future generations America's unspoiled natural wonders. We were fortunate to increase the size of Geneva State Park with Federal funds allocated to Ohio. More recreation space must be developed near population centers.

And it is also time that we begin working with other nations to end pollution throughout the world. One of the world's leading oceanographers, Jacques Cousteau, has recently reported that "the oceans are dying. The pollution is general." World agreement to end dumping of sewage and toxic wastes in the earth's oceans is a top priority. Agreement must also be reached on the pollution problems caused by supersonic transports before we allow massive flights of SST's, Concordes and Soviet TU–144's.

Last week I spoke out in the House against the construction of slurry ships by Japan. These vessels are designed to load iron ore—mixed with water—which will be drained off at sea and remixed for unloading. The drainings from these ships will create "red seas" in our oceans and waterways. This kind of pollution can only be eliminated by international compact.

CRIME CONTROL

The principal Federal anticrime program, the Safe Streets Act of 1968, was firmly supported by the 91st Congress. The administration requested only $480 million in the coming year for this program of assistance to the States and cities, but the House has increased that amount to $650 million.

There are no simple solutions to the problem of crime. Crime control is going to take more officers on the street, more scientific tools available to law enforcement officials, more judges and better court procedures, and prisons which truly rehabilitate criminals rather than "train" them for future criminal activity. All this will take money and manpower. If we are serious about the problem of street crime, and organized crime, no other solution is open except to dig in and commit ourselves to the fight.

I am pleased that a narcotics control amendment which I offered was accepted. This amendment will give the President authority to terminate or suspend trade with any country which fails to act vigorously against opium production within its borders. Because the trade in opium and heroin is so profitable, several nations have failed to live up to their obligations as members of the world community and have permitted nearly open production of this deadly narcotic—a narcotic which finds its way into the bloodstream of hundreds of thousands of Americans.

A legislative attack on the uncontrolled sale and trafficking in deadly explosives was launched by a bill I introduced after the Shaker Heights Courthouse and Police Station was blown up in early February by a person who was sold 120 pounds of explosives with no questions asked. A variation of my bill has just passed the House and will no doubt be accepted by the Senate. Since State law in this area is nearly nonexistent it is vital that Federal controls and standards be established.

EDUCATION

In the 91st Congress, I continued to support new and innovative education programs—such as the Environmental Quality Education Act—as well as adequate funding of existing programs. During the 1968 presidential campaign, President Nixon said:

> When we talk about cutting the expense of government—either Federal, state or local—the one area we can't shortchange is education.

I agree with the President, and have supported appropriations necessary to meet today's needs. On two occasions this has compelled me, after careful consideration, to vote to override Presidential vetoes of education bills.

The arbitrary Federal cutback in funding private educational institutions will bring about a collapse of our private school system. Every private college and university in America is in trouble. Medical schools are in near collapse. Every citizen will be affected. America must stand by its committment to better education. It is the first line of defense.

HEALTH

Health care service in America is in a crisis. Even in major industrial States like Ohio, we face critical shortages. A recent study has indicated that nearly 25 percent of Ohio's doctors in private practice are over 60. Only 13 of Ohio's 88 counties meet the AMA's desired ratio of doctors to population.

Health manpower shortages are accompanied by rapidly rising prices. Each American is spending twice as much for health care now than he was in 1960. This problem is made more desperate by the fact that 20 percent of the population under 65 has neither hospital or surgical insurance. Over 60 percent of the population has no insurance for doctor's bills outside of a hospital.

Because of these needs—literally life and death needs—I have supported amendments which would provide increased funding for health research, medical facilities, and the training of health care personnel.

CONCLUSION

In this 91st Congress, I have supported the President when I thought he was right—and I have opposed him when I thought he was wrong. This is the way I have worked with three previous Presidents. On foreign affairs, I have supported the President over 80 percent of the time. On domestic issues, I supported the President 55 percent of the time—almost the same percentage of support as was provided by Ohio's junior Senator who is in the President's own party.

In my effort to serve the Nation, Ohio, and the 22d District, I have endeavored always to use sound and independent judgment—free of partisanship. This is my commitment for the future.

In conclusion, this has been a productive and creative Congress that has worked for the Nation's good. As always more remains to be done when the Congress returns from its recess and when the 92d Congress meets next year. But with continued cooperation between the three branches of Government—free of partisanship—the Nation shall continue to move forward, making improvements in our time while holding forth a better vision of the future.

A STEP TOWARD THE SOLVING OF SOLID WASTE MATERIAL MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MACGREGOR) is recognized for 10 minutes.

Mr. MACGREGOR. Mr. Speaker, yesterday I introduced a bill which I hope will begin a new trend in consumer practices. This proposal would prohibit the use of containers for carbonated and malt beverages which do not have a refundable deposit of at least 10 cents. Beyond the immediate ramifications of this measure to reduce the cost of solid-waste management, reduce the quantity of litter that disgraces our streets and parks, conserve our natural resources, and save our consumer dollars from economic waste,

the intent is to encourage the use of returnable containers for all types of consumer products.

Statistical estimates indicate that if the present trend of packaging continues, 45.7 billion beverage containers made of glass will be consumed annually by the year 1976. This would account for approximately 23.8 billion pounds of such containers. Similarly, 78.3 billion metal cans are expected to be used to package carbonated and malt beverages in the year 1976, utilizing approximately 12.82 billion pounds of steel and aluminum. These figures become more pressing as we see the trend in the market ebbing swiftly toward the nonreturnable container. Since the returnable bottle is used as many as 19 times, it would appear that the consumption figures and the waste that they denote are 19 times as high as they need to be. This picture not only demonstrates the reason for the high cost of solid-waste management as well as the problem of litter which we experience, it also indicates the great glut of our natural resources. It is also of immediate concern to the consumer. Statistics show that the average 15-cent beverage includes 3.75 cents for the nonreturnable container. During 1976, therefore, 56.5 billion consumer dollars will be wasted. At present the consumer is paying on the average of 23 to 28 percent more for carbonated and malt beverages in nonreturnable containers than in returnable containers. In many instances the consumer does not have a choice in this economic waste because returnable containers are not available or advertising dissuades their purchase. A recent survey by the Metro-Poll, published by the Minneapolis Star, indicated, however, that 70 percent of the consumers polled favored a complete ban on no-return bottles. Eighty-eight percent said they would be willing to return bottles and cans for reuse.

The problem is readily apparent as is the desire to solve it. My bill, though certainly not an end-all to our solid-waste management crisis, is a major step in the right direction. We must take that step now.

WE MUST NOT LOSE THE BATTLE AGAINST POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, one of the gravest threats this Nation faces is the danger of increasing air and water pollution. We are engaged in a battle against pollution that we cannot afford to lose.

If we lose the fight to control and end environmental decay our very existence will be placed in jeopardy. Therefore, improving our environment must be a goal of the highest priority for Congress, for government at every level, for private industry, an dfor each individual.

The most important reason combating pollution must have such a high priority is that it is a difficult and arduous task to complete. It will require a great deal of creativity and perseverance and no small amount of self-discipline from all of us.

To be effective, any proposal aimed at ending environmental decay must be broad based. It must be of sufficient scope to encompass all the sources of pollution and to bring to bear all possible remedies.

Therefore, Mr. Speaker, I am introducing three new bills to add to the series of environmental improvement proposals I have sponsored. These three bills will assist small businesses in the development and use of pollution abatement facilities.

As we move to clean up our air and waterways we must make certain that we do not jeopardize the small businessman. He stands as the backbone of our American economy and, yet, he stands to lose the most if Government merely dictates antipollution standards rather than engaging in a joint effort to improve our environment.

I am confident that big business can meet regulations of increasing stringency and I am hopeful that the larger corporations will go beyond mere compliance in favor of leading the way to eliminating industrial pollution.

On the other hand, smaller businesses are frequently financially marginal and lacking in research and technological resources. The package of three bills I am introducing today will alleviate this problem and allow small business the opportunity to end its contribution to industrial pollution.

Two of these measures provide incentives to the small businessman to begin pollution abatement procedures. The first doubles the investment credit for facilities constructed to control air or water pollution. This provides a meaningful tax incentive for these projects.

The second bill permits beneficial amortization of the costs of air and water pollution facilities. This, too, will encourage the businessman to undertake the necessary improvements.

The third bill in this package will authorize actual financial support to small businesses for the installation of antipollution devices. The assistance would be in the form of small business loans through a requirement that the Small Business Administration give a higher priority to loans for environmental purification purposes.

To complement these three legislative proposals, the Small Business Administration must undertake to improve the services it provides to small businesses by giving them technological advice on ending pollution and by acting as a clearinghouse of information on other antipollution developments that could be useful to the small businessman.

As a broad-based attack on pollution is necessary, I have introduced legislation which would assault the problem on a number of fronts. There is a dire need, for example, for appropriate administrative bodies in government to oversee and regulate the fight against pollution. This is why I supported the creation of the Environmental Quality Council.

The Congress, too, needs to concentrate more attention and expertise on ecological problems. My bill to establish a Joint Committee on Environment and Technology has passed the House and should be approved by the Senate when it begins consideration of its backlog of House-passed measures.

In addition, Mr. Speaker, my bill to create a standing committee in the House on the environment is still pending before this body and I cannot urge too strongly its consideration at the earliest possible opportunity. The reorganization of the executive branch to focus more attention on environmental questions makes it imperative that the Congress not fall behind in this vital field.

Also, it is important that each citizen be aware of the problem and that he have an understanding of opportunities he has to reduce pollution. For that reason I introduced legislation to authorize the Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance. This bill has passed the House and should be approved by the Senate at the earliest possible opportunity.

Because the automobile is responsible for roughly 60 percent of all air pollution, I have introduced legislation which will amend current Federal procurement practices to encourage the purchase of low-emission vehicles. Passage of this bill would mean a strong and significant incentive for automobile and truck manufactures to develop vehicles with reduced emissions. This is a goal that must be reached if we are to end air pollution.

Other proposals I have sponsored include a bill to utilize revenues from the leases on the Outer Continental Shelf for marine conservation purposes; Federal revenue sharing with the States to enhance the financial status of State governments and allow them to improve their regulatory efforts in improving our environment; and a proposal to permit the Environmental Quality Council to honor formally persons, firms, and organizations which make a significant contribution to the cause of restoring and maintaining environmental quality in the United States.

Finally, while we must authorize effective programs to deal with threats to our environment, the Congress must go a step further and provide sufficient funds to carry out these obligations. The Clean Air and Water Quality Acts have been underfunded in the past and we must not let lack of support harm these programs in any way.

I have worked diligently to secure the adoption of realistic, noninflationary fiscal policies and to reduce budgetary commitments to low-priority items. However, we cannot sacrifice in our efforts to clean up our environment. I shall continue to work for full funding of these programs.

VOTING RECORD OF LAWRENCE J. HOGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, in an effort to be of every assistance to the residents of the Fifth District of Maryland who

are at the present time evaluating my efforts to represent them in the 91st Congress, I have prepared a detailed statement of my rollcall votes which I am making public in a form which is easily understood.

Although the following record is complete only through October 7, I will file a supplemental statement at the end of the second session of the 91st Congress:

VOTING RECORD OF HON. LAWRENCE J. HOGAN, 91ST CONGRESS

Passed (P) or Defeated (D) by House of Representatives.

AGRICULTURE

Voted:

For a $20,000 limitation for any one person under agricultural price-support programs. (P)

Against assistance to a potato research and promotion program. (D)

Against consideration of the National Forest Timber Conservation and Management Act to develop optimum timber productivity on national forest commercial timber land. (D)

Against the Farm Bill to extend Federal price support of commodities with an individual payment limitation of $55,000 per person, per crop, per year. (P)

For making permanent the temporary suspension of duty on crude chicory roots, including an amendment to repeal the ceiling on the number of participants in the aid to families with dependent children program. (P)

For the Fiscal Year 1970 Agriculture Department Appropriation Bill. (P)

CIVIL RIGHTS

Voted:

For the "Philadelphia Plan" advocated as a means to increase non-white employment by Federal contractors through use of racial goals. (P)

For the nationwide expansion and extension of the Voting Rights Act of 1965 with respect to racial discrimination through the use of tests and devices, including provisions to lower the voting age to 18 in federal, state and local elections. (P)

CRIME

Voted:

For creation of a select committee in the House to study and investigate all aspects of crime. (P)

For 600 additional White House policemen to protect the Embassies in Washington, D.C. (P)

For creation of additional Federal District judgeships. (P)

For D.C. Court Reorganization and Criminal Procedures Act of 1970, including revised procedures for handling juveniles in the District, comprehensive reorganization of the District courts system, and other provisions. (P)

For an additional $650 million in crime control funds for Fiscal Year 1971, plus $1 billion for Fiscal Year 1972 and $1.5 billion for Fiscal Year 1973.

For a new program of Federal grants to improve correctional institutions. (P)

For strengthening the penalties for illegal fishing in the territorial waters and contiguous fishery zone of the U.S.

For legislation regarding the representation of defendants financially unable to obtain adequate defense in criminal cases in U.S. Courts. (P)

For the Organized Crime Control Act of 1970 improving the Federal Government's weapons to fight organized crime. (P)

DISTRICT OF COLUMBIA

Voted:

For $1.1 billion Federal authorization for a Washington rapid transit system. (P)

For a study of the feasibility of extending the D.C. Subway system to Dulles Airport. (P)

For Dwight D. Eisenhower sports arena and convention center. (D)

For a nonvoting delegate for the District of Columbia in the House of Representatives. (P)

For a commission on the organization of the government of the District of Columbia. (P)

For prohibiting permits for use of public property in the District for overnight occupancy or erection of temporary buildings for nongovernmental activity (to prevent repetition of Resurrection City). (P)

Against allowing regulated lenders in D.C. to deduct interest in advance on loans to be repaid in installments. (D)

For strengthening D.C. Criminal laws relating to persons who defraud hotels, motels and other commercial lodging establishments. (P)

For a $10,000 payment to holders of class A, D.C. retailers' liquor licenses who return them for cancellation. (D)

For D.C. Appropriation Bill for Fiscal Year 1970. (P)

EDUCATION

Voted:

For a two-year extension of aid to elementary and secondary education programs at $5.3 billion per year. (P)

For extension of financial aid for medical libraries through Fiscal Year 1973. (P)

For the Joelson amendment adding $894.5 million to the Fiscal Year 1970 Education Appropriation. (P)

For prohibiting funds to any institution not complying with anti-campus disruption provisions of the Higher Education Act of 1968 which also prohibited use of funds for loan, loan guarantees, grants or salaries to individuals engaging in threat, use of force, seizure of property, etc., at colleges. (P)

Against nullifying Senate amendment to language in HEW Appropriation Bill which prohibited use of funds to force busing of students, abolishment of any school, or assignment of any student or parent's choice and forbidding busing as condition to obtain Federal funds. (P)

Against an amendment which would have reduced pay raise for D.C. Teachers under that pay scale provided in the Committee bill for the D.C. Teachers pay raise. (P)

For a National Center on Educational Media and Materials for the Handicapped. (P)

For incentive payments up to 3% to lenders making guaranteed student loans at 7%. (P)

For grants and assistance to education programs for talented and gifted children. (P)

For remedial education programs and supportive services to help children with specific learning disabilities. (P)

For special education programs and activities concerning the use of drugs. (P)

For a National Commission on Libraries and Information Science. (P)

To override President Nixon's veto of HEW Fiscal 1970 Appropriation bill. (D)

To insist on House "freedom of choice" and anti-busing provisions in the Fiscal Year 1971 Education Appropriation Bill. (P)

To override President Nixon's veto of Fiscal Year 1971 Education Appropriation Bill. (P)

For revised HEW Fiscal 1970 Appropriation bill. (P)

ECONOMICS AND ECONOMIC DEVELOPMENT

Voted:

For an increase in the National debt limit from $365 to $377 billion with permanent ceiling from $358 to $365 billion and temporary ceiling from $365 to $377 billion. (P)

For $475 million authorization for Appalachian and other Regional Commissions for Fiscal Years 1970 and 1971. (P)

For placing single bank holding companies under Federal Reserve Board supervision and requiring disposal of banking interests or most kinds of nonbanking interests. (P)

For $5 billion, 10-year program for airport and airways improvement. (P)

Against an increase in appropriation ceiling for Administrative Conference from $250,000 to $450,000 per year. (P)

Against easing controls on American exports of nonstrategic goods to Communist countries. (D)

For extension of authority establishing maximum interest rates on savings and time deposits, increasing insurance limit to $25,000, making available SBA funds to small business investment companies, providing secondary mortgage purchase operation by Federal Home Loan Banks. (P)

For eliminating authority for the Federal Reserve Board to invest in Federally guaranteed mortgages. (P)

For eliminating requirement that Federal Reserve Board purchase $6 million of Federal guaranteed mortgages. (P)

For eliminating proposals for discretionary authority to impose credit controls. (D)

For an increase in the public debt limit (June, 1970). (P)

Against the establishment of a National Development Bank to provide a minimum of $4 billion a year for housing construction loans at interest not to exceed 6½ per cent, requiring huge federal appropriations and forcing pension funds and foundations to buy National Development Bank obligations. (P)

For an increase in the availability of mortgage credit for the financing of homes by creating and expanding secondary mortgage markets. (P)

To permit certain joint operating and production arrangements between newspapers, one or more of whom are in financial distress. (P)

For recommitting the HUD-Independent Agencies Appropriations Bill for Fiscal Year 1971 to reduce total expenditures which was $541 million above President Nixon's budget requests. (D)

Against inclusion of a mandatory freeze on prices, rents and wages and salaries at the May 25, 1970 level, in the Defense Production Act. (P)

For giving the President discretionary authority to freeze prices, interest, rent, wages and salaries. (P)

For sustaining President Nixon's veto of the Independent Agencies-HUD Appropriations Bill for Fiscal Year 1971 because of the excessive expenditures involved. (P)

For authorizing U.S. participation in increases in the resources of certain international financial institutions and to provide for an annual audit of the Exchange Stabilization Fund by the GAO. (P)

For increase in authorization for National Park Service travel promotion program. (P)

For Second Supplemental Appropriation Bill for Fiscal Year 1970 which imposed a ceiling on most fiscal 1970 spending and repealed a restrictive limit on filling various federal employment vacancies. (P)

Against addition to Supplemental Appropriation Bill for Fiscal Year 1970 unbudgeted Funds in the amount of $587.5 million for urban renewal. (D)

For Continuing Appropriation Bill for Fiscal Year 1971. (P)

FOREIGN AID

Voted:

For a reduction of Fiscal Year 1970 Peace Corps authorization from $101 million to $90 million. (P)

For a reduction of Foreign Aid development loan funds from $475 to $425 million for each 1970 and 1971 for total cut of $100 million. (P)

For an extension of authorization for naval vessel loans to various foreign countries. (P)

Against $480 million authorization of U.S. share for International Development Association Loan funds (soft loan operation of World Bank). (P)

Against addition of $54.5 million to Foreign Aid authorization bill to purchase F-4D planes for Nationalist China. (P)

Against amendment to Foreign Aid Appropriation Bill adding $50 million in military assistance to S. Korea and $54.5 million for military assistance to Nationalist China. (P)

For a cut of $28.8 million from a $98.8 million Peace Corps authorization for Fiscal Year 1971. (D)

For Fiscal Year 1970 Foreign Aid authorization and appropriation bills. (P)

For Fiscal Year 1971 Foreign Aid Appropriation bill. (P)

GOVERNMENT OPERATIONS/GOVERNMENT EMPLOYEES

Voted:

For stabilization and refinancing of Civil Service Retirement Fund; computation of annuities based on high three years and allowing credit of unused sick leave toward total years of service. (P)

For establishment of a Federal pay comparability system to keep Federal wage scales comparable to those in private industry. (P)

For 6% pay raise for Federal classified and postal employees and military personnel, retroactive to December 27, 1969, after voting to cut out certain allowances or benefits for Army Engineer Corps dredge workers and certain persons working at remote worksites. (P)

For partial subsidy of transportation costs for two-year period for HEW employees transferred to Rockville, Maryland. (D)

For creation of a U.S. Postal Service, to improve and modernize the postal operation. (P)

For guaranteeing every Government worker the right to join or to refrain from joining a labor union. (P)

For an increase in the Federal contribution to Federal employees health benefits to 50%, after opposing efforts to reduce this figure to 38%. (P)

For authorizing the Federal government to withhold city income taxes from the pay checks of Federal workers in cities of over 60,000 population. (D)

Against pay increases for the secretaries of the House Democratic Steering Committee and the House Republican Conference. (D)

For an equitable system for fixing and adjusting the rates of pay for prevailing rate (wage board) employees of the Government. (P)

For the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation.(P)

Against limiting to $20,000 the subsidy resulting from providing postal service to any distributor of second class mail because of the difficulties in determining the amount of subsidy to individual second class mail users. (D)

For appointment of James E. Webb as Citizen Regent on the Board of Regents of the Smithsonian. (P)

For Treasury—Post Office Appropriations Bills for Fiscal Years 1970 and 1971. (P)

For National Aeronautics and Space Administration authorizations for Fiscal Years 1970 and 1971. (P)

For Atomic Energy Commission authorization for Fiscal Year 1970. (P)

For maritime programs authorization.

For HUD-Independent Agencies Appropriation bill for Fiscal Year 1970. (P)

For HUD authorization bill for Fiscal Year 1971.

Against Fiscal Year 1970 Interior Department Appropriation Bill. (P) Although I knew this bill would pass, I voted "nay" as a protest against the Interior Department's refusal to grant approval for an effluent line through Piscataway Park to alleviate sewage problems in my District.

For the Fiscal Years 1970 and 1971 appropriation bills for State, Justice and Commerce Departments. (P)

For authorization of funds for the President's Youth Opportunity Council. (P)

For National Science Foundation authorization for Fiscal Year 1970, (P) after voting to reduce by $27.6 million. (D)

For Transportation Department Appropriation Bill for Fiscal Year 1970. (P)

Against National Science Foundation authorization bill for Fiscal Year 1971. (P)

For Interior Department Appropriation Bill for Fiscal Year 1971. (P)

(I should like to note that while I have voted for final approval of nearly all appropriation bills, I have consistently supported amendments to eliminate "fat" and unnecessary spending from the bills.)

HEALTH/WELFARE/SAFETY

Voted:

For expanded and permanent milk program for nonprofit schools. (P)

For three-year extension of Hill-Burton hospital construction aid program. (P)

Against a bill to forbid the FCC from requiring a health warning in TV and Radio cigarette advertising. (In other words, favoring a requirement that TV and Radio ads include a health warning.) (P)

For diverting $100 million in customs receipts to free or reduced price lunches for needy school children.

For computing overtime pay for hospital employees in the District of Columbia on a 14-day work period. (P)

For authorizing $90 million for motor vehicle safety activities. (P)

For the Child Protection Act to ban marketing of electrically, mechanically or thermally hazardous toys. (P)

For the Coal Mine Safety Act, providing additional coal mine safety measures, closing unsafe mines and compensation for miners with black lung disease. (P)

For a two-year extension of the anti-poverty program. (P)

For giving states more control and responsibility over anti-poverty programs. (D)

For establishment of a Cabinet Committee on Opportunities for Spanish Speaking People. (P)

For a three-year extension of Community Mental Health Centers Construction Act with new aid provisions for centers in poverty areas.

Against rule which prevented amendments on the floor to the welfare reform bill. (P)

For comprehensive reform of the present welfare system, after voting to restrict the provisions permitting benefits in case of refusal of training or employment. (P)

For revision, extension and improvement of programs established under the Public Health Service Act relating to construction and modernization of hospitals and other medical facilities, over President Nixon's veto. (P)

For a three-year extension of programs of assistance for training in the allied health professions. (P)

For a three-year extension and expansion of programs to aid the mentally retarded. (P)

For uniform Federal railroad safety standards and a study of the problem of shipment of hazardous substances. (P)

For extending and expanding authorizations for a variety of public health grants totaling $1,265 million. (P)

For extension for three years of regional medical programs to combat cancer, strokes, heart disease and kidney disease. (P)

For Federal study of state and local laws and regulations governing the operation of youth camps to assess extent and effectiveness of their enforcement. (D)

For the "Comprehensive Drug Abuse Prevention and Control Act of 1970." (P)

For grants for communicable disease control. (P)

For amendments to Federal highway laws, including new formula for allocation of highway safety funds. (P)

For Labor, OEO and HEW Departments Appropriation bill for Fiscal Year 1971.

LABOR

Voted:

For 37-day postponement of a probable railway strikeout and lockout. (P)

For retirement age of 65 for railroad workers; extending to 1975, supplemental railroad retirement benefits. (P)

For limiting to twelve the number of hours a railroad employee can work continuously. (P)

For permitting employer contributions to labor-management funds for joint promotion of construction industry products. (P)

For amendments to preserve independent unions which would have been put out of business by the postal reform bill. (P)

Against expansion of the Unemployment compensation program when brought before House; but later voted approval of amended conference report on this bill. (P)

Against extending unemployment compensation coverage to some farm workers. (D)

MILITARY AND SECURITY

Voted:

For a provision to prohibit most picketing at the Pentagon. (D)

For funds for the Antiballistic Missile System as contained in several procurement and construction bills. (P)

For Presidential implementation of the draft lottery system. (P)

For Vietnam resolution affirming House support for President's efforts to negotiate a just peace in Vietnam and requesting the President to press the North Vietnamese Government to abide by the Geneva Convention in treatment of prisoners-of-war. (P)

For a resolution calling for humane treatment and release of prisoners-of-war held by North Vietnam and the Vietcong. (P)

For continuation and funding of the Un-American Activities Committee as the Internal Security Committee with clearly defined jurisdiction. (P)

For a security screening program for defense facility workers and to better safeguard ships and harbors. (P)

For creation of a select committee to study the Cambodian situation. (P)

Against a modified Cooper-Church amendment to the Foreign Military Sales Act which would have barred use of funds for U.S. troops or advisors in Cambodia. (D)

For extension until 1972 of the Defense Production Act and setting up a board to make recommendations on uniform cost accounting and bid procedures for defense contractors. (P)

For providing guards to accompany aircraft operated by U.S. airline companies. (P)

For Coast Guard vessel and aircraft procurement and improvements. (P)

For extending and amending the Foreign Military Sales Act. (P)

For a straight recommittal motion on Supplemental Appropriation bill for Fiscal Year 1970, which precluded any motion aimed at ending the use of troops in Cambodia. (P)

For Military constuction and family housing for Department of Defense for Fiscal Year 1971. (P)

For Fiscal Year 1969 Supplemental Appropriation for military aircraft procurement. (P)

For Fiscal Year 1970 Military Construction authorization and appropriation bills. (P)

For Fiscal Year 1970 Military procurement authorization and appropriation bills. (P)

For Fiscal Year 1970 Department of Defense Appropriation, including funds for Vietnam, VA Hospitals and ABM.

For authorization for Arms Control Agency.

For Military procurement authorization bill for Fiscal Year 1971.

POLLUTION CONTROL/CONSERVATION

Voted:

For strengthened water pollution control legislation and authorization of $348 million for three-year period. (P)

For $18.7 million for Fiscal Year 1970 for research into fuel and motor vehicle air pollution problems. (P)

For establishment of a Council on Environmental Quality. (P)

For an increase of sewage treatment plant funds to $1 billion in Public Works Appropriation bill for Fiscal Year 1970. (P)

For support of international biological program regarding man and his environment. (P)

For establishment of a Commission on Population Growth and the American Future. (P)

For a more effective program to improve the quality of the Nation's air. (P)

For establishment of a pilot Youth Conservation Corps. (P)

For restoration of the "golden eagle" program of a special pass for entrance to National and state parks. (P)

For a new program of establishing and encouraging educational programs on the subject of preserving and improving the environment and maintaining ecological balance. (P)

For the Emergency Community Facilities Act authorizing funds for sewage treatment plant construction and improvement. (P)

For the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, after voting to exclude certain mainland areas from the lakeshore. (P)

For construction of an entrance road at Great Smoky Mountains National Park, North Carolina. (P)

For cooperative agreements with the states for research, conservation and means of increasing the supply of various fish which go up streams to spawn. (P)

For financial assistance for construction of solid waste disposal facilities and improving related research efforts. (P)

PUBLIC WORKS

Voted:

For dam and irrigation and flood control facilities on the Merlin Division of Rogue River Basin, Oregon, project. (P)

For construction, operation and maintenance of the Narrows Unit, Missouri River Basin project in Colorado. (P)

For feasibility investigation of certain water resources and development projects. (P)

For the Public Works-Atomic Energy Commission Appropriation Bill for Fiscal Year 1970. (P)

TAX LEGISLATION

Voted:

For establishment of uniform limitations on state power to tax small out-of-state firms. (P)

For six months extension of 10% surtax, plus six months extension at 5% (which expired July 1, 1970) and for repeal of 7% business investment tax credit. (P)

For state authority to tax national banks on the same basis as they tax state banks. (P)

For comprehensive Tax Reform Act of 1969, cutting oil depletion allowance, closing loopholes, increasing standards deduction and personal exemption allowances. (P)

For extension of the interest equalization tax for 18 months, as well as amendment to repeal reporting requirements on the sale of shotgun shells and most rifle ammunition. (P)

VETERANS LEGISLATION

Voted:

For defrayment of hospital or domiciliary costs for veterans 70 years or over. (P)

For a two-year extension of VA Administrator's authority to set interest rates necessary to meet the mortgage market on home loans to veterans. (P)

For pensions for 1916–17 Mexican Border-disturbance veterans and liberalization of eligibility requirements for various veteran benefits. (P)

For an increase in the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund. (P)

For increases in the rates of disability compensation and to liberalize certain criteria for determining eligibility of widows for benefits under Title 38 of the U.S. Code. (P)

For increasing the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation. (P)

For restoration of and elimination of the time limitation on entitlement to housing loan guarantee to World War II and Korean conflict veterans.

For authorizing guaranteed and direct loans for mobile homes if used as permanent dwellings.

MISCELLANEOUS

Voted:

For Gerald Ford for Speaker of the House.

For increased authorization for National Park Service travel promotion. (P)

For prohibiting the mailing of smut mail to minors under 17 and providing some protection against receiving such mail. (P)

For Reorganization Plan #2 which would establish a Cabinet-level domestic council and to re-designate the Bureau of the Budget the Office of Management and Budget and strengthen its capabilities. (P)

Against Lincoln's Birthday recess in an effort to permit the House to vote down the Congressional pay raise, which went into effect automatically during recess. (P)

For improving the balance of payments and further promote travel to the U.S.; (P) opposed conference report on this legislation which increased the authorization from $250,000 to $1,250,000; (D) supported Senate amendment which cut amount by $500,000. (P)

For extension of President's authority to submit executive reorganization plans to Congress. (P)

For improvements in judicial machinery in U.S. Customs Court. (P)

Against 20 year retirement for justices and judges. (D)

For fining Adam Clayton Powell $25,000 and stripping him of his seniority. (P)

For additional staff employee for each Member of the House of Representatives. (P)

For independent Federal supervisory agency over federally chartered credit unions. (P)

For continuing President's authority in regard to control of exports, extends provisions of Export Control Act. (P)

For limiting camping in national parks to regularly designated camping areas and "wilderness" type areas to prevent further "Resurrection Cities." (P)

Against an additional $12.5 million for John F. Kennedy Center for Performing Arts and parking facility bonds. (P)

Against $2 million appropriation of a proposed $45 million expansion of the West Front of the Capitol Building. (P)

Against increased authorization for proposed Library of Congress Building until plans were complete. (P)

For Congressional districting plan of electoral college reform (D) and for constitutional amendment providing for direct popular vote election of President and Vice President after Congressional districting plan failed to carry. (P)

For reduction of Public Broadcasting Corporation funds from $20 million to $10 million. (D)

For elimination of $7.5 million funds for the JFK Center for Performing Arts from Appropriation Bill. (P)

For consent to Connecticut-New York Railroad Transportation Compact, permitting states to take over commuter operations of former N.Y.N.H. & H.R.R. (P)

Against establishment of Commission on National Observations and Holidays. (D)

For investigation and travel resolution for House Edeucation and Labor Committee. (P)

For 15% increase in benefits paid to retired railroad workers. (P)

For 15% increase in Social Security benefits effective January 1, 1970. (P)

For amending the Social Security Act to provide automatic cost of living increases in benefits, to improve computation methods, and raise the earnings base under the old-age, survivors and disability insurance system; to make improvements in the medicare, medicaid and maternal and child health programs. (P)

For two additional private citizen members of the Board of Regents of the Smithsonian Institution. (P)

For creation of a commission to study the bankruptcy laws of the U.S. (P)

For a three-year authorization for the National Foundation on the Arts and Humanities. (P)

For a bill to allow custom slaughterers to sell meat, retail and wholesale. (P)

For a bill to provide a civil remedy for consumers in case of misrepresentation of the quality of articles composed of gold or silver. (P)

Against coinage of a copper and nickel one dollar coin and ending use of any silver in half dollars after 1970. (D)

For authorizing the House Committee on Standards of Official Conduct continuing jurisdiction over campaign contributions and lobbying matters. (P)

Against $539.7 million authorization for the National Science Foundation. (P)

For improving the administration of the National Park System. (P)

For a bill to prohibit the use of the mails and other interstate facilities for the transportation of unsolicited obscene advertising. (P)

For the Women's Rights Amendment to the Constitution, for ratification by the states. (P)

For a limitation on TV and radio spending by political candidates for Federal office, state governor and lieutenant governor to seven cents per previous election vote or $20,000 whichever is larger, at lowest unit fee rate. (P)

For a bill to permit unregulated barge carriers to continue to be exempt from certain rate-filing requirements and to permit mixing within certain tows of barges containing regulated commodities with barges containing nonregulated commodities. (P)

For regulating the mailing of unsolicited credit cards. (P)

For the Legislative Reorganization Act to improve the operation of the legislative branch and give fuller public disclosure of votes in Committee and on the floor of the House; (P) to forbid proxy voting in House Committees. (D)

For long-term financing for expanded urban mass transportation programs, after voting to reduce authorization from $5 billion to $3.1 billion. (P)

For citing Arnold S. Johnson for contempt of Congress. (P)

Against efforts to delete each title of an omnibus claims bill. (D)

For approval of Omnibus Private Claims Bill. (P)

For program preserving additional historic properties throughout the nation. (P)

Against motion to adjourn House thus preventing further speeches on conduct of Supreme Court Justice William O Douglas. (P)

For approval of agreement entered into by Soboba Band of Mission Indians, releasing claim against California water districts and to provide construction of a water distribution system for the Soboba Reservation. (P)

For bill to amend the Merchant Marine Act. (P)

PRESIDENT NIXON'S NEW PEACE INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, I include the text of President Nixon's speech made last night outlining his plan for peace in Indochina, which I feel deserves the careful attention of this Congress and the entire Nation:

REMARKS OF THE PRESIDENT ON A RADIO AND TELEVISION ADDRESS ON THE NEW INITIATIVE FOR PEACE IN SOUTHEAST ASIA

Good evening, my fellow Americans.

Tonight I would like to talk to you about a major new initiative for peace.

When I authorized operations against the enemy sanctuaries in Cambodia last April, I also directed that an intensive effort be launched to develop new approaches for peace in Indochina.

In Ireland on Sunday, I met with the chiefs of our delegation to the Paris talks. This meeting marked the culmination of a Government-wide effort begun last spring on the negotiation front. After considering the recommendations of all my principal advisors, I am tonight announcing new proposals for peace in Indochina.

This new peace initiative has been discussed with the governments of South Vietnam, Laos, and Cambodia. All support it. It has been made possible in large part by the remarkable success of the Vietnamization program over the past 18 months. Tonight I want to tell you what these proposals are and what they mean.

First, I propose that all armed forces throughout Indochina cease firing their weapons and remain in the positions they now hold. This would be a "cease-fire-in-place." It would not in itself be an end to the conflict, but it would accomplish one goal all of us have been working toward: an end to the killing.

I do not minimize the difficulty of maintaining a cease-fire in a guerrilla war where there are no front lines. But an unconventional war may require an unconventional truce: our side is ready to stand still and cease firing.

I ask that this proposal for a cease-fire-in-place be the subject for immediate negotiation. And my hope is that it will break the logjam in all the negotiations.

This cease-fire proposal is put forth without preconditions. The general principles that should apply are these:

A cease-fire must be effectively supervised by international observers, as well as by the parties themselves. Without effective supervision a cease-fire runs the constant risk of breaking down. All concerned must be confident that the cease-fire will be maintained and that any local breaches of it will be quickly and fairly repaired.

The cease-fire should not be the means by which either side builds up its strength by an increase in outside combat forces in any of the nations of Indochina.

And a cease-fire should cause all kinds of warfare to stop. This covers the full range of actions that have typified this war, including bombing and acts of terror.

A cease-fire should encompass not only the fighting in Vietnam but in all of Indochina. Conflicts in this region are closely related. The United States has never sought to widen the war. What we do seek is to widen the peace.

Finally, a cease-fire should be part of a general move to end the war in Indochina.

A cease-fire-in-place would undoubtedly create a host of problems in its maintenance. But it has always been easier to make war than to make a truce. To build an honorable peace, we must accept the challenge of long and difficult negotiations.

By agreeing to stop the shooting, we can set the stage for agreements on other matters.

A second point of the new initiative for peace is this:

I propose an Indochina Peace Conference. At the Paris talks today, we are talking about Vietnam. But North Vietnamese troops are not only infiltrating, crossing borders and establishing bases in South Vietnam—they are carrying on their aggression in Laos and Cambodia as well.

An international conference is needed to deal with the conflict in all three states of Indochina. The war in Indochina has been proved to be of one piece; it cannot be cured by treating only one of its areas of outbreak.

The essential elements of the Geneva Accords of 1954 and 1962 remain valid as a basis for settlement of problems between states in the Indochina area. We shall accept the results of agreements reached between those states.

While we pursue the convening of an Indochina Peace Conference, we will continue negotiations in Paris. Our proposal for a larger conference can be discussed there as well as through other diplomatic channels.

The Paris talks will remain our primary forum for reaching a negotiated settlement, until such time as a broader international conference produces serious negotiations.

The third part of our peace initiative has to do with United States forces in South Vietnam.

In the past 20 months, I have reduced our troop ceilings in South Vietnam by 165,000 men. During the spring of next year, these withdrawals will have totalled more than 260,000 men—about one-half of the number that were in South Vietnam when I took office.

As the American and combat role and presence have decreased, American casualties have also decreased. Our casualties since the completion of the Cambodian operation were the lowest for a comparable period in the last four and a half years.

We are ready now to negotiate an agreed timetable for complete withdrawals as part of an overall settlement.

We are prepared to withdraw all our forces as part of a settlement based on the principles I spelled out previously and the proposals I am making tonight.

Fourth, I ask the other side to join us in a search for a political settlement, that truly meets the aspirations of all South Vietnamese.

Three principles govern our approach:

We seek a political solution that reflects the will of the South Vietnamese people.

A fair political solution should reflect the existing relationship of political forces in South Vietnam.

And we will abide by the outcome of the political process agreed upon.

Let there be no mistake about one essential point: The other side is not merely objecting to a few personalities in the South Vietnamese Government. They want to dismantle the organized non-Communist parties and insure the takeover by their party. They demand the right to exclude whomever they wish from government.

This patently unreasonable demand is totally unacceptable.

As my proposals today indicate, we are prepared to be flexible on many matters. But we stand firm for the right of all the South Vietnamese people to determine for themselves the kind of government they want.

We have no intention of seeking any settlement at the conference table other than one which fairly meets the considerable concerns of both sides. We know that when the conflict ends, the other side will still be there. And the only kind of settlement that will endure is one that both sides have an interest in preserving.

Finally, I propose the immediate and unconditional release of all prisoners of war held by both sides.

War and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

I propose that all prisoners of war, without exception and without condition, be released now to return to the place of their choice.

And I propose that all journalists and other innocent civilian victims of the conflict be released immediately as well.

The immediate release of all prisoners of war would be a simple act of humanity.

But it could be even more. It could serve to establish good faith, the intent to make progress, and thus improve the prospects for negotiation.

We are prepared to discuss specific procedure to complete the speedy release of all prisoners.

The different proposals that I have made tonight can open the door to an enduring peace in Indochina.

Ambassador Bruce will present these proposals formally to the other side in Paris tomorrow. He will be joined in that presentation by Ambassador Lam representing South Vietnam.

Let us consider for a moment what the acceptance of these proposals would mean.

Since the end of World War II, there has always been a war going on somewhere in the world. The guns have never stopped firing. By achieving a crease-fire in Indochina, and by holding firmly to the cease-fire in the Middle East, we could hear the welcome sound of peace throughout the world for the first time in a generation.

We could have some reason to hope that we had reached the beginning of the end of war in this century. We might then be on the threshold of a generation of peace.

The proposals I have made tonight are designed to end the fighting throughout Indochina and to end the impasse in negotiations in Paris. Nobody has anything to gain by delay and only lives to lose.

There are many nations involved in the fighting in Indochina. Tonight, all those nations, except one, announce their readiness to agree to a cease-fire. The time has come for the government of North Vietnam to join its neighbors in a proposal to quit making war and to start making peace.

As you know, I have just returned from a trip which took me to Italy, Spain, Yugoslavia, England and Ireland.

Hundreds of thousands of people cheered me as I drove through the cities of those countries.

They were not cheering for me as an individual. They were cheering for the country that I was proud to represent—the United States of America. For millions of people in the free world, the non-aligned world and the Communist world, America is a land of freedom, of opportunity, of progress.

I believe there is another reason they welcomed me so warmly in every country I visited, despite their wide differences in political systems and national backgrounds.

In my talks with leaders all over the world, I find that there are those who may not agree with all of our policies. No world leader to whom I have talked fears that the United States will use its great power to dominate another country or to destroy its independence. We can be proud that this is the cornerstone of America's foreign policy.

There is no goal to which this nation is more dedicated, and to which I am more dedicated than to build a new structure of peace in the world where every nation, including North Vietnam as well as the South Vietnamese, can be free and independent with no fear of foreign aggression or foreign domination.

I believe every American deeply believes in his heart that the proudest legacy the United States can leave during this period when we are the strongest nation of the world is that our power was used to defend freedom, not to destroy it; to preserve the peace, not to break the peace.

It is in that spirit that I make this proposal for a just peace in Vietnam and in Indochina.

I ask that the leaders in Hanoi respond to this proposal in the same spirit. Let us give our children what we have not had in this century, a chance to enjoy a generation of peace.

Thank you. Good night.

Mr. RHODES. Mr. Speaker, a key element of President Nixon's new initiative for peace in Vietnam is the proposal for a cease-fire-in-place. As the President noted, such a cease-fire would create a host of problems, but they are surmountable and a cease-fire is the indispensable first step to a final settlement of the war.

The President—wisely, I think—did not place any preconditions on his cease-fire proposal but did outline the general principles that should apply.

The administration's plan calls for effective supervision by international observers and would encompass all of Indochina. It would cover all acts of warfare, including bombing and acts of terror. In addition, President Nixon warned Hanoi that a cease-fire should not be the means by which either side builds up its strength by increasing outside combat forces.

These are all essential caveats which are absolutely necessary to an effective cease-fire. However, there is nothing in the President's plan which should deter Hanoi from accepting the cease-fire proposal if they really desire peace in Vietnam.

Mr. TAFT. Mr. Speaker, among the proposals for peace outlined last night by President Nixon, I was particularly encouraged by the President's call for an immediate and unconditional release of all prisoners of war held by both sides.

The terrible plight of our POW's was vividly expressed by Colonel Borman in his recent address to a joint session of Congress. And I am sure that most of our colleagues have seen in the Capitol the graphic display of the horrible circumstances in which they live.

The President should be commented for making their release one of the key points in his broad plan for peace in Vietnam. The release of the prisoners should be without exception and without conditions.

I hope that the leaders of North Vietnam will respond immediately to his proposals. It is a simple act of humanity.

REPORT TO CONSTITUENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 10 minutes.

Mr. GIAIMO. Mr. Speaker, upon the conclusion of each Congress it has been my custom to report to my constituents on my work and the work of the Congress during the previous 2 years. It is also my practice to bring this report to the attention of the House so that the matters upon which I report and my views regarding them are made a public record. What follows, then, is my report to the people of Connecticut's Third Congressional District.

This Congress has worked in a time of unprecedented crisis and change in our Nation. We all know that the problems which confront us cannot and will not be easily overcome. Those who seek easy, simple solutions seek fool's gold. But it has been frustrating to see many attempts to move forward undermined by ill-conceived policies of the administration. Despite many denials, the administration's policies have not stemmed inflation but, to the contrary, have made it worse. And while this Congress has labored to produce programs that would provide meaningful job opportunities, the economic policies of the President result in the elimination of jobs and increase unemployment. The many attempts by this Congress to reorder our priorities in Federal programs so that the current pressing demand for funds for schools, conservation, health services, housing, and transportation could be met have been opposed by an Executive who seems content to spend our tax moneys on wasteful programs. These conflicts have led to frustrations which the Congress must overcome if the Nation is to be served.

COMMITTEE WORK

Because of the complex nature of our Government, the Congress is forced to spread the details of its work among several committees. I serve on the Appropriations Committee, which, because it oversees the allocation of the Federal Government's funds—is one of the most powerful bodies in Washington. Election to this committee does not come easily. I am proud that after 4 years of service in the Congress I was selected, in 1963, by my colleagues to serve on this powerful committee. I am happy, too, because this assignment places me in an excellent position to serve our district.

I serve on the Independent Offices Subcommittee of the Appropriations Committee. This subcommittee passes on funds for the Department of Housing and Urban Development, the Nation's space programs, civil defense, and the vast network of Veterans' Administration activities—hospitals, pensions, and so forth. We oversee the work of our Government's most important regulatory agencies—the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, the Federal Power Commission, the Federal Trade Commission, and the Federal Home Loan Bank Board.

These agencies have a tremendous influence on our lives. They regulate our TV and radio stations, they establish policies which may determine our decisions on buying, building, or renting a house, they control our rail and bus travel and administer laws directed at protecting the consumer. Riding herd on their spending is a difficult and complex job and requires many months of investigation by my committee during each fiscal year. But to my mind, no other body of the Congress offers a better opportunity for a Representative to make the interests and views of the voters heard and listened to.

I also serve on the Appropriations Subcommittee for the District of Columbia. The District of Columbia—the city of Washington—is without the right of self-government. The District and all its people are governed by the Congress. I sit on the subcommittee of Congress which determines how much money will be spent by the city. I think this situation, where nearly a million citizens of the United States cannot vote for their mayor or for a Representative in Congress and cannot govern their own affairs, is a disgrace to this democratic Republic. I have sponsored legislation to grant the city a sound, workable method for self-government, and I supported a successful effort by this Congress to permit the city's residents to elect a nonvoting Representative to the Congress.

THE WAY WE SPEND OUR MONEY

The richest family can, through imprudent investments and promiscuous spending, squander its funds and end up wanting for basic necessities. We have all seen or heard of families that boast a fine income and have ready cash for luxuries, yet cannot find the money for doctor bills, insurance payments, or the children's education. The same can happen with a nation and, I fear, it is happening to the United States. Though we are rich in many things—including tax revenues—the inability of the present administration to change with the times and readjust its spending priorities to meet today's needs is plunging us deeper into trouble with our health systems, our mass transportation network—air, rail, ship, and bus—our crime prevention and detection capabilities, our natural resources—air, water, shoreline—and a host of other matters which are vital to a strong nation and sound communities.

I believe that in the coming years the focal point for a showdown on how this Nation spends its wealth will be my committee—the Appropriations Committee. I, for one, will not sit idly by if the administration continues its business-as-usual planning of our budget—allocating over $375 of every $1,000 we spend for the military but only $7.50 in elementary and secondary education; $5 in renewal of our cities. This sort of budgeting—this type of executive leadership—is intolerable when our public school system degenerates and our cities become impossible to live in.

I believe a sizable number of my colleagues agree. It is not a matter of having to spend more money and increasing our already heavy tax burden. It is a question of spending the money presently available wisely and well. The disagreement between Congress and the President over where to spread available amounts of money broke into the open on several occasions during the last year.

While demanding that the Congress spend many billions on the unproven anti-ballistic-missile system, which many prominent defense experts and scientists insist will not work and will probably be obsolete before completion, the President vetoed Congress' approval of new funds for hospital construction, health services, education, housing, and veterans' assistance. To override a President's veto requires a two-thirds vote of the Congress. This kind of vote is not always easy to obtain. Insofar as aid to Office of Education programs and hospital construction was concerned, the Congress did override the President and its position prevailed.

However, the Nation was not so lucky with regard to funds for the Department of Labor and the Department of Health, Education, and Welfare for fiscal year 1970 and for independent offices—Department of Housing and Urban Development for fiscal year 1971. Though the House mustered a majority against the President in both instances, it could not come up with the necessary two-thirds to override the veto. In the case of the Departments of Labor and HEW, a trimmed-down appropriation was finally approved. With regard to independent offices—Department of Housing and Urban Development moneys, we are still, at the time of this writing, trying to come up with new legislation.

This appropriation matter has been a particular source of irritation to me. The budget for these agencies was before my subcommittee. We spent many months scrutinizing each program administered by HUD. We cut this budget to the bone. But we recognized the tremendous needs of our urban communities for housing and for air and water pollution control. And so, we added funds for sewage treatment plants and for housing for the elderly. Under independent offices we also recognized the need for increasing appropriations to meet the rising costs of medical care for our veterans, and we included provisions for this. The President objected to these expenditures and, because of them, he vetoed our appropriations bill.

Coming as it did after the President's vetoes of funds for hospital construction, schools, and health service programs, this veto of funds for housing and urban development and for environmental control served to underscore how out of tune with the growing needs of our Nation the President really is.

His defense is that he had to veto these worthwhile programs in order to fight inflation. But this claim rings false when considered alongside the following facts:

First. In the same week that the President vetoed the education and health bill as "the kind of spending that is wrong for all the American people," he announced a new multibillion dollar increase in military spending by asking Congress for $1.5 billion in 1971 to be used for the discredited ABM weapons system. In the same month that he vetoed hospital funds as inflationary, he advocated spending $200 million to gloss over the mismanagement of the Penn-Central Railroad.

Second. The Administration proved notably reluctant to end the awful waste in military spending uncovered by congressional committees. To the contrary, when the Deputy for Management Systems in the office of the Assistant Secretary of the Air Force revealed that certain defense contractors were running over their estimated costs by many millions of dollars that were being passed on to the taxpayers, he was told his job was to be eliminated. Subsequent investigations by Congress revealed that cost overruns on 35 weapons systems were nearly $20 billion higher than originally planned.

Third. The Congress, in fiscal year 1970, cut more than $6 billion from President Nixon's budget and will no doubt cut substantial funds from his requests for this year.

It seems, then, that the President wishes to save money only when it involves programs that benefit all people in the form of schools, hospitals, medical care, housing, pollution control—for projects that benefit us all—the kind of programs that return tax dollars to the community. But he is a big spender when it comes to major outlays for everything else.

While, in my opinion, there is a great deal of improvement needed in how we spend our money as a nation, I believe it is equally important to reform the manner in which we collect the Government's money—our tax policies.

The Tax Reform Act of 1969 was one important step taken toward tax justice by the 91st Congress. It has become increasingly obvious that the burden of maintaining our Government is not being fairly shared. Congressional hearings last year were able to show that through various tax gimmicks the very wealthy were able to pay little or, in a few cases, no taxes, while Federal, State, and local taxes have been mounting steadily for the average wage and salary earner. True, the 1969 law did not close all these loopholes. True, the oil interests managed to protect their infamous oil depletion allowance. Nevertheless, this measure stands as the most sweeping rewrite of the Federal tax laws since 1912, when the 16th amendment to the Constitution first secured the right of the Federal Government to levy and collect income taxes, and I am pleased to have been able to help in the passage of the 1969 tax reform law.

THE NEEDS OF OUR NATION

I have discussed the actions of this Congress with regard to the collecting and spending of our country's wealth as represented in the tax dollar. I have stated my belief that much more can be done to cut down on wasteful spending for programs that do little to contribute to our health, happiness, and security, and for programs that are so mismanaged that they fail to serve their purpose. I have also indicated some areas where I believe more money—the money saved by eliminating wasteful programs can be invested: Education, training, housing, pollution control, health services. There are other needs crying out for attention.

CRIME CONTROL

It seems ironic to me that while we seek to win peace in the world we are losing it at home—in our own streets. Part of the problem is the very complexity of it. While poverty, overcrowded living conditions, discrimination and improper mental care are no excuses for crimes against innocent people, they are some of the causes and they must be corrected. But part of the problem is also a lack of real commitment to crime deterrence through strict law enforcement on the part of the administration and others. Again, the problem seems to stem from a hesitancy to spend sufficient money, with the result that our police in many areas are underpaid and the police departments are finding it difficult to attract top-notch law enforcement personnel. Not enough funds are put into training programs for law enforcement personnel and very little is expended in researching and developing modern methods for crime detection. In this area, the President has not matched his words with his actions. He failed to seek adequate funding for the omnibus crime control and safe streets program. He requested only $19 million this year for programs that would research and develop new methods of crime detection and prevention. This may seem like a lot, but it represents only a tenth of 1 percent of the nearly $16 billion provided for all Government research programs. In short, law and order has become, to the administration, more a slogan than a program. Therefore, in the future, the Congress must assume leadership in this matter.

And—most important—the responsible leaders of our communities must speak out. Innocent people—storekeepers, the elderly, housewives—are robbed, mugged, and raped with increasing frequency. Yet, there is little or no public outcry from our universities, our press, our TV, our major civic organizations. The reaction, if any, is one of shrugged shoulders which seem to say, "It's too complicated. What can anyone do?" But let there be an allegation of violence committed by law officers on alleged lawbreakers, and the protests are deafening. Then there is an abundance of experts with plenty of ideas on what to do.

I have deplored this situation. I abhor and I have spoken out against the hypocrisy of some who devote tremendous energies to defend the accused but find little to say in behalf of the victims and potential victims of crime. I shall continue my efforts to provide our police, our law enforcement schools, our courts with the funds and cooperation needed to do the job.

DRUG ABUSE

The traffic in drugs has become a national scandal. It is among the contributing causes of our rising crime rate. I

believe the problem has two distinct facets. When looking at the victims of drugs, it is a health problem. Looking at the pusher, the purveyor, the parasites preying on the young and the addicted, it is a law-enforcement problem. Unfortunately, many of our Federal and State laws on the subject treat victim and criminal indiscriminately so that, too often, the sick addict is punished severely and given little or no treatment while the pusher goes free.

In an effort to mount an effective attack on the drug trade, I have advocated a balanced, two-pronged approach: Medical and counseling help for the drug victim and a massive crackdown on those who illegally traffic in drugs for self-gain. I have sponsored three legislative measures on this subject in this Congress.

First. The comprehensive Narcotic Addiction and Drug Abuse Care and Control Act which would establish programs of medical aid and treatment for the addict to try to cure him before he goes too far and turns to crime to support his addiction. Included in this bill are provisions for increasing efforts to find and apprehend the pusher.

Second. A bill that establishes a nationwide education program against promiscuous drug use and provides for treatment and rehabilitation of those who have been victimized.

Third. Lastly, a bill that would suspend economic and military aid to any country which fails to cooperate in control of the international drug trade.

SENIOR CITIZENS

Once we cut out some of the wasteful and foolish programs that consume so much of the Federal dollar, we will find that we have the capability to care for the older Americans—those who have devoted their lives to their children, their jobs, their community, and their Nation. They deserve, in their twilight years, more than the insecure life of dependency on welfare, charity, or relatives, which now, with rising costs and a worsening economic situation, faces so many of the elderly.

Ever since I entered the Congress I have authored and supported measures to help our senior citizens maintain a measure of economic security. I am pleased, therefore, that this 91st Congress approved several key pieces of legislation that serve this purpose. We increased social security benefits 15 percent in 1969, which is the largest single increase in history, and 5 percent in 1970. We increased the amount a person may earn without being penalized by a reduction in social security benefits, and we provided for automatic increases in allowable earnings in the future. We increased widow and widower benefits. We increased the railroad retirement benefits by 15 percent and liberalized many features of the program. I was particularly happy to have been able to play a role in my committee in saving our programs to encourage decent housing for the elderly under the section 202 program of the Housing Act, despite the administration's efforts to eliminate this worthwhile program.

POSTAL REFORM

Probably one of the most historic actions of this Congress was the far-reaching, top-to-bottom, reform of our entire postal system. Changes were long overdue. I think there is little doubt about that. Whether or not the new structure of a quasi-public organization which has been created to handle our mails is the answer, time alone will tell. And Congress must maintain a watchful eye to see that the promised improvements in mail service become a reality.

THE ENVIRONMENT

Matters of top concern to me as I argue for a shift in priorities in the Federal budget are: The problems that afflict our environment—the air we breathe, the noise that assails us, the water we swim in, fish in, boat in, and drink. It is difficult to overstate the emergency which is facing us and our children with regard to the rapid deterioration of things we have always taken for granted—clean air, pure water, unspoiled woods, and shores. Therefore, I was pleased to see this Congress begin the task of shifting money out of less essential programs and into the battle to save our environment and our very lives.

At the time I write this, eight main pieces of legislation aimed at protecting our environment and natural resources have been enacted into law. I was particularly pleased to have been able to play a part in the work of my own Appropriations Subcommittee, which managed to lead the fight for tripling funds for sewage and water treatment. These additional funds added to the new Federal Water Pollution Control Act passed by this Congress will do much to set this Nation on the road to guarding its rivers and streams and a fresh, clean water supply.

Another piece of conservation legislation which I coauthored, the Coastal Zone Management Act, will be of great help to the shoreline areas of our district. It is now receiving serious consideration and I am hopeful that it will be enacted in the near future. This measure will encourage planning, development, and proper management of the use of bays, wetlands, harbors, beaches, and other coastal areas.

LOCAL PROBLEMS

Of course, all of the issues I have mentioned are very much the concern of all the people in our district. But this Congress and my office were involved in several matters which are of special concern to our community. Space permits me to mention only two: The never-ending fight to make more fuel oil available to bring down the cost of power and heat in New England, and the continuance of valuable research activities at the Milford Marine Biological Laboratory.

The fuel oil controversy has raged for many years—ever since the Republican administration in the 1950's ordered restrictive controls on the importation of crude oil and residual oil. Designed to benefit the coal-producing regions and some oil producers, this unfortunate step has wreaked great harm upon New England because these oils are the major fuel supplying heat and power to our industries, our homes, our schools, hospitals, and other institutions. As the New England economy and population grows, the demand for those fuel oils increased while the supply—because of these import restrictions—has remained relatively stable. The result has been seen in steadily increasing costs—for the homeowner, the factory, for everyone. Recently, criticism of these import restrictions has taken on added strength because a Presidentially appointed task force has taken New England's point of view. I have introduced legislation that would abolish the oil import program entirely, and I have also introduced a bill to provide relief from the program for the New England States. In addition, I have petitioned the President to use his authority to relax this onerous restriction on our fuel supply. I am pleased that many of my colleagues are assisting in this effort. Within recent weeks, the administration has finally relented somewhat, but not enough. It has provided only temporary relief when our economy demands the complete end of this unfair program. I intend to continue my efforts to alleviate the fuel-cost burden which weighs heavily on all of us. The restrictions were without justification when they were imposed. They are an abomination now.

The Milford lab remains in operation—a symbol of this Congress fight defend programs that are in tune with today's needs against the administration's penny-wise and pound-foolish policies. The laboratory is engaged in vital research concerning the ecology of certain sea life. Its experiments in propagating shellfish hold promise for a future in which the sea is seeded, cultivated and harvested for food with as much precision as is the land today. Its programs were authorized by the Congress and money was appropriated for its use.

However, the administration ordered that the funds not be spent and the lab closed. This action not only revealed the shortsightedness of the administration's policies with regard to conservation and ecological matters, but it also was a direct affront to the Congress and the American people it represents. This was not the first time the administration sought to ignore the rights and responsibilities of the Congress and arrogate to itself greater powers than the Constitution and custom accord the executive branch. When it committed U.S. troops to the Cambodian conflict, it ignored the Congress and assumed the sole right to make war, without even so much as consulting with the people's representatives on Capitol Hill. I think such actions are extremely dangerous to our form of government. The proposed closing of the Milford lab was a symbol of the cavalier attitude of this administration. The lab was finally saved by congressional pressure responding to my pleas.

CONVERTING THE ECONOMY TO SERVE OUR REAL NEEDS

Shifting massive Federal expenditures from inflated, unneeded military programs and other wasteful activities to

programs that serve the growing needs of the taxpayer will require many changes not only in government, but in industry as well. New jobs will be created, and men and women must be trained to fill them. New investments must be made in plant and machinery to satisfy the Nation's demand for better transportation systems, health care facilities, housing, recreation and conservation programs, and so forth. I firmly believe that the demand in such areas is so great that, once we begin tackling it in earnest, we will find that there will be more jobs, better jobs, and whole new fields developed for business. For some workers and some industries, there will be a period of transition which can be eased by the use of constructive Government help.

For many years now, I have lent the services of my office to groups in our community—businessmen, labor organizations, civic organizations, local government agencies—who wish to plan for overcoming the problems of converting our economy to new endeavors. I shall continue my activities in this regard. I have also cosponsored with Senator EDWARD KENNEDY, the Conversion Research and Education Act of 1970. This bill establishes programs to assist small businessmen and skilled workers in the scientific and technological fields who wish to devote their attention, talents and energies to helping meet our domestic needs. I believe this legislation is a first step and a necessary one.

THE ECONOMY

Unfortunately, our best plans for a better life can be thwarted by the continued worsening of our overall economic health. For our Nation, it is impossible to realize the vast wealth potential of our country if bungling at the highest level cripples our production, hampers development and makes men idle. In our community, it is tough to carry out plans for employing the unemployed when, every day, job openings are fewer and more of the employed are laid off. It is difficult to talk about housing the poor and the elderly and bringing new homes within the financial means of everyone when mortgage costs are skyrocketing.

When President Nixon assumed office he inherited an unemployment rate of 3½ percent. It is now 5½ percent. This means approximately 2 million jobs were lost at a time when we must be creating at least a million more jobs a year to keep the unemployment figures stable. In the Stratford and Milford area of our district, unemployment has reached 6.9 percent. This is an intolerable rate of unemployment and it is compounded by the fact that it comes when inflation is running rampant.

The accelerated rate of inflation is alarming. During the first 18 months of the Nixon administration, the Consumer Price Index climbed 11.1 points—nearly double the point increase of the preceding 18 months. Food prices have skyrocketed. Hospital costs have increased substantially. The cost of borrowing has risen at a shocking rate. This interest-rate inflation has added measurably to the economic downturn and intensified the problems of unemployment, housing, small business stability, and production.

In its attempt to stall inflation, the Nixon administration has instead stopped economic growth. Industrial production has fallen steadily over the past year. The gross national product, the measure of our goods and services, points out an economic sluggishness, with growth of the gross national product declining and inflation rising, resulting in economic stagnation.

The 91st Congress initiated numerous efforts to lead our economy from the creeping paralysis which has resulted from the administration's policies. Besides requiring fiscal responsibility from the administration by reducing budget requests and placing a limit on Federal expenditures, this Congress established interest-rate controls and gave to the President standing authority to establish wage and price increase controls.

CONCLUSION

In the limited space afforded by this report, it is impossible for me to discuss every matter which has come before the 91st Congress. I have tried to touch upon some of the highlights and some of the activities which are most pressing.

SENATE SHOULD CONSIDER ELECTORAL REFORM AGAIN AS SOON AS POSSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, I want to express my disappointment over the Senate's laggardly pace in taking up electoral reform. Two times now Senator BIRCH BAYH, chairman of the Senate Judiciary Committee's Subcommittee on Constitutional Amendments and a leading advocate of electoral reform, has offered a motion to cut off debate. And two times his motion has fallen short of the necessary two-thirds majority vote. It is high time—indeed, it is well past the time—that the Senate acted on Mr. BAYH's legislation to abolish the electoral college in favor of direct popular vote.

The House passed such legislation more than a year ago—legislation substantively identical to the proposed constitutional amendment I introduced the first day of this Congress. Yet the Senate, the legislative body that traditionally takes the lead in proposals to amend the Constitution, remains stonily aloof to the amendment. It has refused—twice—to take a vote.

As each day passes, the danger grows that the amendment will not be enacted in time for the 1972 presidential election. The amendment, of course, must be ratified by three-fourths of the State legislatures. Such a laborious process takes time—perhaps years.

The electoral college, an institution of questionable value even when it was established nearly two centuries ago, threatens to betray the voters' will and push the country to the brink of a constitutional crisis during every presidential election. And the 1972 election, now that George Wallace has implied he will run as a third-party candidate, appears particularly vulnerable. The need to act swiftly on electoral reform could not be more pressing.

The goal of the constitutional amendment is simple: giving every voter in every State an equal voice in electing this country's President, and preventing an antiquated political institution from jeopardizing the democratic principles of American life.

I urge the Senate to consider electoral reform again as soon as possible.

FINALLY, A CALL TO CEASE-FIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 30 minutes.

Mr. KOCH. Mr. Speaker, last night the President called for a cease-fire in Vietnam, Laos, and Cambodia. I wholeheartedly support this initiative. It is long overdue and suggests that our policy may finally be committed to saving lives rather than saving face.

On May 15, 1969, I introduced a resolution with the cosponsorship of seven Members proposing that the President call for an immediate stand-still cease-fire in Vietnam. On July 2, 1969, I wrote to the President asking that he take this course of action. The White House response was "a cease-fire is a sensitive and complex question that hopefully will be addressed to an appropriate time in the Paris talks."

Upon receiving the White House reply, I stated on the floor of this House that the Paris peace talks had been going nowhere for a year, and that it was time for a cease-fire without further delay so that the killing might end.

It is now 15 months later; 6,601 more American men have died in Vietnam and the peace talks are still going nowhere. And the total number of Americans killed since the beginning of the Paris peace talks has been 20,592. I hope the President's cease-fire proposal is accepted by all parties involved in the Indochina war.

In his speech last night, perhaps the President finally demonstrated his willingness to accept and act in accordance with the overwhelming desire of the American people to give peace a chance.

HANOI SAYS NO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the Council on Foreign Relations, appointed representatives of the American people and advisers to President Nixon, have again led him astray.

Henry A. Kissinger, assistant to the President for national security affairs, and Mr. David K. E. Bruce, chief of the U.S. delegation to the Paris talks, both members of the Council on Foreign Relations, must be held responsible for the "peace" fiasco which was so rapidly rejected by the Communists as politically inspired by the November elections.

One would think that by now our political leaders would have realized that one cannot do business with the Communists—they will not compromise unless it is in their favor.

For years now, under the administration of both national parties, the prestige of our Nation and the lives of our men have suffered under farfetched theories of world social justice dreamed up by members of a sophisticated clan of international intellectuals who call themselves the CFR. They seem to excell in making mistakes and underestimating an enemy, yet these unelected "experts" seem to always end up in control of our common destiny, no matter who serves as our President. Their greatest hangup is that as a closed think-tank complex, they communicate only with each other, study only their own writings, plan, and become barren of reason, and begin to believe that their own proposals are infallible.

Any CFR recommendation starts from the premise that America cannot win—that we should not win. Every alternative is explored, so long as it does not constitute a victory over the enemy.

It is not surprising that Hanoi immediately rejected our latest peace gesture; her leaders by now are convinced that all they need to do is wait, and eventually, relying upon such advice as the President is receiving from his CFR team, we will not only give the Communists Southeast Asia, but we may pay them a ransom for the privilege of retreating.

Now that we have charted an irreversible policy of retreat and offered the Communists the keys for victory, in return for peace, only to be soundly repudiated and knuckle rapped, the question is, "Now what?"

We of the South are chastised in history for having fought for slavery—we now seek to free ourselves and fellow citizens from Communist slavery. All we need is a man in the White House who will take the advice of our military experts instead of a bunch of ineffective left-wing CFR quiz kids.

The latest report identifying some of the CFR men recently appointed by the President to key administration positions and a newspaper clipping follow:

[From the Review of the News, Oct. 7, 1970]

ADDENDA

In *The Review Of The News* for February 4, 1970, we named seventy members of the powerful 1,400-member Council on Foreign Relations who had either been appointed, nominated, or retained by President Nixon since the election of November 1968. In *The Review* for June 10, 1970, we added fourteen names to this list of *Insiders* and their operatives. Following are some of the more recent additions to the Administration selected from the roster of this organization which so often operates as America's secret government:

David E. Bell, member, National Commission on Population Growth and the American Future; Lincoln P. Bloomfield, member, President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations; Courtney C. Brown, member, Commission on International Trade and Investment Policy; David K.E. Bruce, Chief of the U.S. Delegation to the Paris talks; Seymour M. Finger, Alternate to the Twenty-fifth Session of the General Assembly of the United Nations; Richard Gardner, member, Commission on International Trade and Investment Policy; T. Keith Glennan, U.S. Representative, International Atomic Energy Agency; Senator ———, Representative to the Twenty-fifth Session of the General Assembly of the United Nations; Howard W. Johnson, member, National Commission on Productivity; William R. Kintner, member, Board of Foreign Scholarships; Antonie T. Knoppers, member, Commission on International Trade and Investment Policy; George Cabot Lodge, Board of Directors, Inter-American Social Development Institute; Alfred C. Neal, member, Commission on International Trade and Investment Policy; Senator ———, Representative to the Twenty-fifth Session of the General Assembly of the United Nations; John D. Rockefeller, III, Chairman, National Commission on Population Growth and the American Future; Leroy Stinebower, member, Commission on International Trade and Investment Policy; John Hay Whitney, Board of Directors, Corporation for Public Broadcasting; Francis O. Wilcox, member, President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations; and, Walter Wriston, member, National Commission on Productivity.

This brings the number of Mr. Nixon's C.F.R. member-operatives in key Administration posts to over one hundred. Meanwhile such *Insiders* tax and tax, to elect and elect. And the victim, of course, is the American middle class.

[From the Washington Daily News, Oct. 8, 1970]

HANOI SAYS NO—"AN ELECTORAL GIFT"; "LEGALIZED AGGRESSION"

PARIS.—The Viet Cong and North Vietnamese today condemned President Nixon's peace plan even before U.S. negotiator David Bruce could formally present the proposals.

Madame Nguyen Thi Binh, the Viet Cong's chief representative at the peace talks here, said: "This plan does not aim at ending the American aggression and at re-establishing peace and the independence of the Indochinese peoples.

"On the contrary, these propositions are aimed at legalizing American aggression in Indochina."

North Vietnam's chief negotiator, Xuan Thuy, said the plan was a "gift certificate to the American electorate" which will go to the polls Nov. 3 for congressional elections.

Before the 87th session of the Vietnam peace talks in the old Hotel Majestic, the communist Vietnamese diplomats held urgent night-long consultations on Mr. Nixon's proposals.

Mr. Thuy, in his statement, said: "What can one say of the five points put forward last night by President Nixon? Only a gift certificate for the votes of the American electorate and a coverup for misleading world public opinion, whereas new clarifications made by Madame Binh on Sept. 17 constitute an important peace initiative to put an end to the war and settle the Vietnamese problem peacefully."

STUDY OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS AND NEEDS—PART II

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

Mr. PERKINS. Mr. Speaker, on Thursday, September 24, I inserted part I of a preliminary report on the findings of the committee survey of elementary and secondary education programs and needs. The findings presented in that initial report prove conclusively that school children and school districts through the Nation have profited significantly from title I of the Elementary and Secondary Education Act. The report documents also, however, the overwhelming need for more adequate funding of these programs if we are to fulfill the commitment made to educationally disadvantaged children.

Today I will report on the findings of the survey's questions dealing with Federal programs in school library resources, supplementary education centers and services, funds for State departments of education, the vocational education programs, and several questions concerning general attitudes toward all Federal education programs. Certain of the questions also deal with title I.

It will be seen that each of the programs has made a positive contribution to the quality of the educational offerings of local school systems throughout the country. As in the earlier report, the results are tabulated in terms of five enrollment categories, representing altogether an estimated 25,760,000 schoolchildren. The breakdown of the total by enrollment category is as follows:

Enrollment 1: 1 to 1,000 students
3,132 respondents×500=1,566,000 students

Enrollment 2: 1,000 to 5,000 students
3,099 respondents×1,000=3,099,000 students

Enrollment 3: 5,000 to 35,000 students
1,141 respondents×10,000=11,410,000 students

Enrollment 4: 35,000 to 100,000 students
77 respondents×60,000=4,620,000

Enrollment 5: over 100,000 students
Actual count=5,065,060

Total enrollment=25,760,060 students

The first question in today's report concerns several different elementary and secondary school programs. Each superintendent was asked to evaluate how individual programs have affected the quality of education in his particular school system. In each case, the respondent was asked to evaluate a program or requirement by marking one of six possible responses. The question asks:

What effect have any of the following had on the quality of education in your school district?

The possible answers were: first, improved greatly; second, improved; third, no impact; fourth, reduced slightly; fifth, reduced; sixth, no funds.

Of all the programs enumerated, title I received the most favorable or positive rating—over 96 percent of all districts which received these funds indicated that title I had "improved" or "greatly improved" the quality of education in their district. Twenty-five percent of all respondents said that title I had "improved greatly" the quality of education. One hundred percent of the school officials from districts with over 35,000 students enrolled—a group representing over 9 and a half million pupils—answered in the affirmative. Less than 1 percent of

those receiving title I funds answered negatively.

Judging from the overwhelmingly favorable responses to this question concerning the effectiveness of title I—and taking into account the findings contained in part I of our report—it seems safe to assume that only the lack of long-term and adequate funding keeps the program from unqualified success.

Title II—School Library and Textbooks—received nearly as great a vote of confidence as title I. Of all the programs listed, title II received the highest percentage of responses that the program had "improved greatly" the quality of education—35.5 percent. Again, without exception, all respondents in the enrollment categories containing over 35,000 pupils answered that title II had "improved" or "improved greatly" the quality of education in their districts. Among all respondents, 95.3 percent indicated positive improvement made possible by the title II program.

Title III funds are used for supplementary centers and services. Over 70 percent of the respondents receiving title III funds answered this question affirmatively, with 94 percent of the respondents in the over 100,000 enrollment group—who speak for, collectively, 5 million pupils—responding either "improved" or "improved greatly."

The 82.3 percent of the responding districts participating in the vocational education programs consider them to "improve" or "improve greatly" the quality of education in their districts. Of the group of superintendents from the largest schools, those with over 100,000 enrollment, 100 percent answered this question in the affirmative.

The 81.3 percent of the respondents in districts enrolling over 1,000 children—this includes over 24 million pupils, all but about 1.6 million of those who are represented in the survey—who receive Public Law 874 funds, responded that they had "improved" or "improved greatly" their districts' educational programs.

The Headstart program, in the judgment of 78 percent of the answering superintendents who have Headstart programs, has a positive effect in improving the quality of education in their districts. Ninety-four percent of those answering the questionnaire in the over 100,000 enrollment category who received Headstart funds replied that they "improved" or "improved greatly" their programs.

The next question asks "Has title II—school library resources—helped to expand or to establish the following: First, school library; second, textbooks; third, instructional materials; fourth, media centers. The possible responses were: "yes, very much"; "yes"; no"; and "no Federal programs."

Title II funds are employed for strengthening basic education resources, particularly printed and instructional materials. As our results show, school libraries have received by far the greatest benefit under this title. The 96.4 percent of all respondents, and 100 percent of all respondents in the systems enrolling over 35,000 pupils and those that receive title II funds, replied that title II has helped expand or establish school libraries. In all categories the proportion answering "yes, very much" exceed those replying merely "yes." Over half—56 percent—answered "yes, very much." Of all respondents who have title II programs, 84.3 percent replied that their scohols had been able to procure additional instructional materials. Less than half of all responding superintendents receiving title II funds have used them for textbook and classroom materials, although over 53 percent of the largest districts—those with enrollments over 35,000—have managed to do so. Media centers have been established or expanded for 64.4 percent of all responding districts who get title II funds; of all districts enrolling more than 5,000 pupils, 75 percent replied yes.

Comments received on this question bear out our data on the opportunities raised and frustrations experienced by the limited funding of title II. The figure in parenthesis following the city and State represents the enrollment figure:

Picher, Oklahoma (750): "We are beginning to get something to work with and the student, teacher and parent response is excellent. Motivational factors play an important role in interest and achievement."

Grover City, Ohio (15,322): "We have placed most of our funds in the area of books and are just now moving into the IMC concept so will be buying much more in the area of other Instruction Materials."

Berne, Indiana (1,870): "Elementary libraries have been established with the help of Title II funds and a systemwide media center is now in operation, upgrading all libraries and providing fine instructional materials services."

Washington, D.C. (149,021): "No instrument has been devised for measuring such an effect, but to the extent that more and bettter materials have been made available to our school libraries, to that extent has the possibility for better teaching and learning resulted."

Auburn, Indiana, (4332): "Monies from Title II have been very much appreciated. Title II has helped the District to advance now in library materials to a point comparable to a local effort of 10 years."

Fairfax, Virginia, (130,343): "Title II, one of the most effective programs, has been directed to achieve a specific need—improved supply differentiated instructional materials."

San Bernardino, California (37,907): "Insufficient funding levels, under Title II, with decreasing amounts provided yearly since inception of program have not permitted expenses of library resources to the level required."

Hillsboro, Kansas, (1039): "One of the best things that the Federal Government has done!"

The next questions concern title III: "Have programs initiated under title III for supplementary educational centers and services contributed to the improvement of overall school programs?" The possible answers were: "Yes, very much"; "Yes"; "No"; "Undecided"; "No title III funds."

Funds under title III are used for the establishment of innovative school programs which the local districts themselves would otherwise be unable to afford. Federal funding for any one program is limited to 3 years, after which time it was hoped that the successful programs would be incorporated into the regular curriculums and be financed with local funds.

The 71.5 percent of all our replies answered this question in the affirmative. Nearly 25 percent answered "yes, very much." Among the responding superintendents who represent districts of over 35,000 enrollment, 84 percent of those who received title III funds replied either "Yes, very much," or "Yes."

Superintendents were then asked: "Has Federal funding for any of your title III programs been discontinued, and if yes, have you found other sources of funding?"

Of those who have had title III programs, just over half of all respondents have had funding of their program discontinued. Of those, 86.3 percent have been unable to find other sources of funding. This particular problem, the inability to continue Title III services after Federal support has been discontinued, plagues smaller districts much more frequently than the larger ones.

Of the responding superintendents in the under 1,000 category of enrollment, a group representing about 1½ million pupils, 71.4 percent of those whose programs had been discontinued reported that they had not found other sources of funding. In the two largest enrollment categories, involving those systems with enrollments higher than 35,000 pupils, 46 percent had not found other sources of funding. From the responses to these two questions, two notable conclusions are evident: First, that in the opinions of over seven out of 10 superintendents responding to this survey, title III-initiated supplementary centers and services have contributed positively to the quality of education in the Nation's schools; and second, that programs have not been funded locally for a majority of those who have had Federal funding discontinued. Comments confirm these conclusions.

Elwood, Nebraska (260): "We have used Title III funds for science and math materials. It was a very good program but seems to be discontinued in our area. Funding will have to be done locally."

Yanceyville, North Carolina (5300): "Caswell Schools received a Mini-Grant and a Title III grant. Both have contributed greatly to the overall improvement of the school program. However, limited funds have limited scope of program."

Red Oak, Iowa (1900): "The Red Oak Community School District had a successful Title III project which was turned into a nonprofit corporation when Federal funds were no longer available. Sponsored by the Red Oak Community School District it served an eight-county area. Continued Federal funding and sponsored yet by the Red Oak Community School District would have given stability to this service that it no longer is assured of having."

Oswego, Kansas (640): "Our project was a joint project between four districts but was not refunded at the end of three years and due to tax-lid on school expenditures local districts had to drop all positive gains made."

Baldwin City, Kansas (930): "We have been fortunate to have the services of the Education Modulation Center (a Title III project in Olathe, Kansas.) However, the funding has run out and local funds will not keep it going at full capacity."

Dearborn, Michigan (21,451): "Title III (Project Rebuild) has allowed us to experi-

ment with a program we would not ordinarily have been able to afford. As a result, we have been able to structure a program that will probably be adopted throughout the school system when the project is completed and completely evaluated next year. . . . Title III funds are important for curriculum planning and experimentation. It allows school systems to implement successful experiments at a lower cost because only the successful portion is implemented system-wide."

Spartanburg, South Carolina (5071): "The regional reading center supported by Title III has made a real contribution toward the improvement of our reading program. The center has also assisted in providing valuable inservice training for our staff."

Santa Fe, New Mexico, (11,572): "Santa Fe, New Mexico has a highly successful Title III Summer Program in Grades 1–3 for Under-Achievers. The response on the part of the students, parents, and the school system has been splendid and the young students in the program have shown by standardized tests, marked improvement."

Grove City, Ohio, (15,322): "We have been fortunate enough to have had 3 programs funded and projects completed. Much of what was tried in these projects have now been incorporated into the regular curriculum."

Grinnell, Kansas, (391): "We were able to secure much equipment that we could not have gotten such as language lab, science equipment and shop."

Rochester, New York, (46,675): "The programs of Project UNIQUE, Rochester's exemplary Title III Center, particularly the World of Inquiry School, have pointed the way to better urban education. Unfortunately the District lacks the funds to implement the program in other schools. . . . Some projects have been assumed by Title I (while other Title I programs were dropped.) Some, including the World of Inquiry School, are still seeking private as well as public support. Some have been dropped. All in all, a few hundred thousand dollars have been raised to support $1.5 million dollars in innovative Title III programs."

Princeton, West Virginia, (14,583): "The West Virginia Region VII PACE Center will be discontinued in August, 1970, because of insufficient funds to continue the program. What a waste!"

Two questions dealt with Federal vocational education programs. The Vocational Education Act and amendments have made possible a considerable range of programs aimed at providing basic vocational training to secondary and postsecondary students. Funds are authorized for work-study, model transition, home economics, and other programs, and opportunities for the disadvantaged and handicapped. The first question asked: "Have the programs initiated under the Vocational Education Act been of benefit to the students in your district?" The possible responses were: "yes, very much," "yes," "no, insufficient funds restrict scope of program," "no," or "no funds."

To this question, 84.8 percent of all respondents, who presently had vocational education programs, and 100 percent of all respondents in districts of over 35,000 enrollment, answered affirmatively. The 12.6 percent of the respondents with such programs indicated expansion, but added that insufficient funds restricted programs. Among all respondents with vocational education programs, 27 percent chose the unqualified "Yes; we have greatly expanded our programs" response.

The second question asked about the 1968 amendments on vocational education: "Has your school district initiated the new programs included in the 1968 Vocational Education Amendments?" Here the possible answers were: "Yes; we have greatly expanded our programs," "Yes," "We have expanded, but insufficient funds have restricted our programs," "No," or "No funds." Ninety-nine percent of the respondents who receive funds in the districts enrolling over 35,000, a group representing collectively approximately 9.6 million pupils, responded that they had expanded their program, but over a quarter of them said that insufficient funds restrict its scope. Among all respondents receiving funds, 61.4 percent said that they had expanded their vocational education offerings. Again the comments of the individual superintendents were revealing:

Princeton, West Virginia, (14,583): "Through Vocational Education we have been able to establish a first class, first rate, superior vocation-technical program. . . . We applied for a summer program for junior high school students but it was not funded—insufficient funds, I guess!"

Buffalo, New York, (6700): "Yes, however funding cut-back has adversely affected this program."

Pittsboro, North Carolina, (7265): "Insufficiency of funds has restricted program to secondary level. I feel junior high is best level for vocational program since trend to drop-out becomes evident at this level."

North Manchester, Indiana, (2189: "This program has been a great help in establishing our new area vocational high school. Five school corporations are cooperating and participating in this project."

San Bernardino, California, (37,907): "Yes, very much. [We have] expanded existing programs and permitted the institution of new ones, i.e., food services, hospital services, business education."

Winona, Minnesota, (6000): "We have a post-high school vocational school and our enrollment has *tripled* as a result of Federal funding making more facilities available."

Nowata, Oklahoma, (1035): "Yes, very much. [The program] provided for a badly needed improvement in our educational program through an area Vocational-technical high school."

Aztec, New Mexico, (1888): "Vocational funds have enabled the school district to provide certain pre-vocational and vocational programs . . . However, limited and new reduced funding have restricted the programs and may necessitate closing of some."

Madison, Kentucky, (403): "It has made programs available to our students that were not available before."

Hutchinson, Kansas, (8428): "Cooperative programs have been initiated which are developing marketable skills and improving the job opportunities of non-college bound students . . . These should be enlarged."

Grove City, Ohio, (15,322): "We have over 50% of our Junior and Senior students in Vocational Programs and a very high employment rate in fields related to training . . . We already had a Vocational School and a good vocational program prior to the 1968 Amendments and have been able to augment it by some of the new provisions incorporated into the 60 Amendments."

Rochester, New York, (46,675): "We have a large and varied program of vocational education, including half-day annexes for students who wish to remain identified with their community high school, a Manpower program for dropouts, and several others."

Hillsboro, Kansas, (1039): "We have initiated a new program this year which has been excellent. Need to start some more. A good idea! Keep it up!"

The next question dealt with title V: "Have the title V funds for State Departments of Education made any noticeable improvement in State services available to you?" The possible responses were: "yes, very much," "yes," "undecided," or "no."

Overall, only about half of the respondents answered this question in the affirmative, and in the lower enrollment categories, less than half answered either "yes" or "yes, very much." The 37 percent of the respondents answered "no." Generally the proportion answering positively was higher in the higher enrollment categories. Less than 40 percent of the respondents from systems of under 1,000 answered "yes," while about 55 percent answered affirmatively in the enrollment groupings of over 35,000.

Another question dealt with various policies and requirements in Federal programs, many of which are directly related to title I. Each superintendent was asked how the following affected the quality of education in his district:

First. The emphasis on disadvantaged in Federal programs;

Second. Provision for participation of nonpublic school children;

Third. Rules, regulations, and guidelines which encourage parental involvement in education programs;

Fourth. Rules, regulations, and guidelines which encourage community participation in education programs; and

Fifth. Federal requirements for evaluation of programs.

Of all these policies, the emphasis on disadvantaged pupils received the highest percentage of favorable response. The 85.1 percent of all the respondents reporting that they received Federal funds felt that such emphasis "improved" or "greatly improved" the quality of education in their school systems. One hundred percent of those over 100,000 responded affirmatively.

The highly favorable feeling toward emphasis on the disadvantaged revealed in this question corresponds closely to the results on our questions dealing directly with title I, which all showed very high evaluations of title I. Only 2 percent of all responding superintendents receiving Federal funds made a negative response to this question, of whom only six-tenths of 1 percent said that emphasis on the disadvantaged "reduced"—and 1.4 percent that it "reduced slightly"—the quality of education in their districts.

Over half of our respondents, 51.8 percent, answered that the provision for participation of nonpublic school children had "no impact" on their schools' educational quality. Of the remainder, nearly all felt that it had benefited their districts. Only 1.5 percent of all responding recipients of Federal funds, and none of those in the enrollment categories of over 35,000, replied that such provision had a deleterious effect. The 45.7 percent of all participating respondents—and 75 percent of those in the over 100,000 category—responded that the participation or nonpublic pupils had "improved" or "improved greatly" the quality of education in their districts.

Regulations encouraging parental involvement in programs were regarded to have "no impact" by a majority of the re-

spondents. Of the rest, nearly all reported that the parental involvement had a positive effect on their schools. Only 5 percent responded that it had "reduced" or "reduced slightly" the quality of education in their districts.

Similarly, regulations which encourage community participation in Federal programs were reported by 54.4 percent of the respondents who received funds to have had "no impact." Forty-one percent of the respondents replied that such regulations, rules, or guidelines "improved" or "improved greatly" the quality of education in their schools while only 2.8 percent reported that these provisions had a negative effect upon their school systems. In the top enrollment category, representing over 5 million pupils, a fifth of the respondents answered "improved greatly" with regard to parental involvement and slightly over a fifth made the same response regarding the regulations relative to community participation.

Many of the respondents expressed concern over the quantity of paperwork involved in participation in Federal programs, much of which is related to evaluation requirements. The last question of this series asks directly whether requirements for evaluation of programs has been beneficial. The results show that over half of all participating respondents considered these requirements to have "improved" or "improved greatly" the quality of education in their schools. Thirty-nine percent felt that evaluation requirements had "no impact." Only 6.4 percent—and none of those from districts of over 35,000 enrollment—reported that the requirements injured the quality of their school systems.

A second question dealt with the superintendents' attitudes toward policies in Federal programs in another way: "Please indicate your assessment of Federal policies in the following areas: parental involvement; coordination with other agencies; evaluation; and nonpublic school coordination." The possible choices for answers were: "constructive," "burdensome," and "no effect."

Forty percent of the respondents replied that the requirements for parental involvement were "constructive" and another third considered them to have "no effect." Eighty-five percent of the respondents from the largest category of enrollment, those systems of over 100,000 pupils, find the parental involvement provisions "constructive." These findings confirm the results of the question discussed previously, in which 42.3 percent of all respondents who receive Federal funds said that the rules and regulations encouraging parental involvement had a positive impact upon their schools.

Of all respondents to this question, 41.2 percent indicated that coordination with other agencies was "constructive." Another 28.9 percent said this has "no effect." Of the respondents in the categories of all districts enrolling more than 35,000 pupils, 58.6 percent replied that coordination was "constructive."

Fifty-eight percent of the respondents claimed that evaluation requirements have a "constructive" effect upon the programs in their districts; 80 percent in the largest enrollment group made this response. Of all respondents, 13.6 percent felt that evaluation requirements have "no effect." These findings correspond to the findings of previously discussed questions about evaluation, in which it was reported that 54.6 percent of the respondents felt that evaluation requirements have a favorable impact upon their programs.

As to the effect of non-public-school coordination, 31 percent of all the respondents said it is "constructive," and 56.6 percent indicated that it has "no effect" upon their districts. Sixty percent of the respondents from the largest enrollment category reported that nonpublic-school coordination has a "constructive" effect. These findings bear out the results of the earlier question about the provisions in Federal education programs for the participation of nonpublic-school children. There we found that 45.7 percent of the respondents considered such provisions to have "improved" or "improved greatly" the quality of education in the districts, and 51.8 percent to view them as having "no impact." In both cases, more of the districts enrolling higher numbers of pupils find the participation of non-public-school children beneficial.

One question dealt with the respondents' attitudes toward the overall effect of Federal programs upon the quality of teaching in their systems: "Do you feel that Federal programs have contributed to improved teacher performance?" The possible responses were: "yes, very much," "yes," "no," "undecided," or "not receiving Federal funds." Of all respondents who receive Federal funds, 76 percent replied that Federal programs had contributed to improved performance of teachers. Fifty-seven percent responded "yes," and 19 percent responded "yes, very much."

The proportion making a positive response rises significantly in the districts of higher enrollment. In the highest enrollment group, those with over 100,000 pupils, 100 percent responded that the teaching in their districts had improved due to Federal education programs. Comments we received on this question bear out the statistical results, and show the variety of benefits in teaching made possible by new approaches and programs:

New Rochelle, New York (18,000): "Our training program has helped teachers to look at children as individuals rather than as stereotypes. We have also introduced multimedia and multi-ethnic materials into the classrooms and have helped teachers in the use of these materials to supplement the basal readers and to reach children where they are."

Athens, Michigan, (1100): "Because of the nature of our program, elementary counseling and social worker, teachers performance has improved where teachers have cooperated with these professionals to improve the disadvantaged child's school environment."

Jackson, New Jersey, (5300): "Experiences gained from our summer programs have carried over to other year round staff members. Especially in the area of environmental education."

Palisades Park, New Jersey, (1900): "In some cases the uniqueness of the federal programs and the students participating provided unusual experiences and new insights for some teachers."

Pennsauken, New Jersey, (6843): "Teachers have an opportunity to implement new, effective techniques through small classes and latest materials. They carry this experience to the regular classroom."

Hoosick Falls, New York (1660): "It has brought the whole problem of the disadvantaged to the fore, and therefore it has made the ripples needed to get educators moving."

Manchester, Tennessee, (1215): "Federal monies have permitted us to get better teachers who have more enthusiasm and whose morale is higher. These factors directly affect teacher and pupil performance. Better quality teachers mean better quality education for us."

Princeton, West Virginia, (14,583): "Yes, to the extent that they have been involved in workshops, training sessions, institutes, etc. Also, I believe Title I has improved teachers' efforts to get the job done because of the urgency school administrators have shown, and are showing, to show results."

East Montpeller, Vermont, (1500): "Title I and Title III have been used in this area to change attitudes and demonstrate new methods."

Capitan, New Mexico, (230): "The additional equipment and materials have done much to improve performance and morale."

Phoenix, Arizona, (2689): "Yes, very much where we have teacher aides under Title I. Yes, for other elementary grades because of corrective reading program."

Abilene, Kansas, (1971): "Education comes slowly—not in leaps and strides. Therefore we would like to say that many of our teachers are beginning to use new and effective teaching methods and materials as a result of the Federal program and it is our aim to influence all."

Farmingdale, New Jersey, (190): "Yes, in the area of being able to cover more material with regular classes due to remedial students receiving special help outside the classroom. Often the slow students hold the whole class back."

Frenchtown, New Jersey, (789): "In our district where teachers have gone on to further training under a Federal program we have benefitted."

Grinnell, Kansas, (391): "We feel that as students improved their reading the teacher was able to cover more materal per class hour."

Falls Village, Connecticut, (2748): "Yes, one of the objectives in the summer program has been to help teachers improve their diagnostic skills, look at the needs of individuals, and improve the learning environment in the hope that there would be improvement in teaching the disadvantaged in the classroom."

Irvington, New Jersey, (7700): "Yes, very much. Each teacher that has had contact with the program has had the opportunity to see and work with children with other than the average background. They now have a different picture and have broadened their knowledge."

Buffalo, New York, (6700): "Yes, very much. Teachers involved have become accustomed to using a wide variety of instructional methods to deal with educationally disadvantaged students. Thus, they have begun to consider individual differences in their programs of instruction."

Caldwell, New Jersey, (4300): "Techniques developed in Title I have proven themselves to classroom teachers so that these techniques are being incorporated into regular class procedures by the teachers' initiative, and with supervisory and financial support of the District. NSF grants have helped initiate elementary science program improvements; NDEA has been excellent support for guidance service which would not other-

wise have been achieved. . . . Further 'seed money' would, based on present experience, have solid assurance of returning value."

Dearborn, Michigan, (21,451): "The in-service training programs have helped teachers to better understand the problems in under-privileged homes."

Rochester, New York, (46,675): "Although teacher-training programs have not been far-reaching enough, particularly in the case of experienced teachers, they have helped. Perhaps more important is the partipication of para-professionals from the low-income neighborhoods being served."

Spartanburg, South Carolina, (5071): "Several of our staff members have received certification or are working toward certification in the field where they have been assigned. The reading inservice training provided by the Reading Center has been very valuable to our staff."

Fort Collins, Colorado, (12,068): "Due to an opportunity for in-service training, especially in reading, we feel there has been significant improvement in teacher performance and this would not have been available had it not been for these federal funds. Basically this same statement can be applied to the pre-school program where there is considerable in-service training."

Englewood, Colorado, (6300): "Our Title I programs have served as models for other programs—successfully."

Picher, Oklahoma, (750): "Teachers are happy to see progress in their students. To have materials to work with and equipment to use is a highly teacher motivating factor with our faculty."

Van Homesville, New York, (355): "Absolutely—steps are being taken that are unprecedented."

The last question asks simply: "Have Federal funds contributed to improving the quality of education in your school district?" The possible choices here were: "yes, very much," "yes," "no," or "not receiving Federal funds."

To this question, 95 percent of all our respondents answered affirmatively. Over 98 percent of all respondents from districts of over 5,000 enrollment, a group representing collectively more than 21 million schoolchildren, answered "yes" or "yes, very much." Of the respondents in the over 100,000 enrollment group, 100 percent replied to this question positively. The overwhelming results to the question are further illuminated in the comments—as is the necessity for continuing and strengthening the Federal involvement in elementary and secondary education:

Englewood, Colorado, (6300): "We have been able to try new approaches we could not afford previously. The spin-off especially in staff training has been excellent."

Palmyra, New Jersey, (1910): "We believe our program now in operation in the lower grades will in time significantly improve education—The earlier we define our problem the better the future for the youngster, school, community and nation—That is our philosophy."

Auburn, Nebraska, (1200): "Many children are now achieving success whereas before they were in deep trouble."

Ponca, Nebraska, (410): "Improvements have been made in the academic attitudes, habits, progress rate for 90 percent of those participating in the Title I program."

Taos, New Mexico, (3100): "There has been a significant change in this regard in our school district. The improvements in the various instructional and supportive service areas which were possible only with Federal assistance have certainly upgraded our program in every way."

Watertown, South Dakota, (3968): "We have enabled students, through the use of federal funds, an opportunity to work with more people or teachers. This improves any educational program."

Spartanburg, South Carolina, (5071): "Federal funds have provided materials, equipment and services which could not have been made available from State and local funds."

Winona, Minnesota, (6000): "The programs inaugurated with Federal funds have provided an outlet for trying new things which in turn are made known to the classroom teachers. As a result, the quality of education has improved with the Federal programs."

San Bernardino, California, (37,907): "Availability and use of Federal funds have encouraged and permitted creative experimentation in program development and implementation. Staff development programs, in addition to the variety of facilities, materials and equipment available, have contributed to the improvement of the quality of our educational program."

Green Bay, Wisconsin, (21,876): "Child study, instructional media, and guidance programs have benefitted our general program through initial federal subsidies. There is little way to measure community reaction to federal programs except by parental appreciation and Board of Education support for the new programs. Despite the recent budget cuts, educational expenditures of our district have more than doubled within five years."

Buffalo, New York, (6700): "When available, ESEA Title II funds produced a measurable impact upon district school libraries including private schools. NDEA Title III has greatly assisted in the acquisition of needed equipment. Our basic skills instructional program has been an excellent assist to students enrolled in the ESEA Title I program."

Nowata, Oklahoma, (1035): "We are providing programs that would not be possible without federal funds."

Picher, Oklahoma, (750): "Testing and personal observations confirm improvement. Our product is superior in many areas due to a better school program—food, culture, equipment, programs, specialized classes, etc."

Falls Village, Connecticut, (2748): "Yes, the introduction of new methods, techniques, materials, and the application of the latest research has resulted in some 'fall out' on the quality of education in the district."

Auburn, Indiana, (4332): "Funding in Title II has allowed us to provide Curriculum Centers, two elementary libraries, and many materials. Title III NDEA has provided an extension to the equipment and materials dollar."

East Montpelier, Vermont, (1500): "Yes—with no hesitation. We have had non-local funds, even within restrictive guidelines, to try new ideas, improve teaching situations, expand offerings to certain groups which have had carry-over."

Wakeeney, Kansas, (975): "Yes, through increased teacher efficiency, remedial and developmental summer school activities, increased funds for both hardware and software."

Mercer Island, Washington, (5612): "Although Federal funding has been quite small, the new dimensions and interest they have created have improved the quality of our program."

La Mesa, California, (14,914): "1. They have given focus to needs not previously recognized.

"2. They have brought about improved adult/student ratios.

"3. They have pioneered the use of para-professionals in our district.

"4. They have established a precedent for elementary school libraries in our district."

Lakehurst, New Jersey, (766): "Yes, the expansion of library facilities, addition of books, records, machines such as movie-overhead-filmstrip projectors, phonographs, maps, globes, and other audiovisual aids have improved the quality of education."

New Rochelle, New York, (18,000): "Much of the change that has come about has been due to our ability to experiment and innovate, made possible with Federal funds. More and more of our teachers have expressed an interest in, or are experimenting with, the Infant School philosophy of the English schools. In addition, we have developed a Black History curriculum, grades 1–12, and have given many children educational experiences during the summer to bridge the gap between June and September. None of this would have been possible without Federal funds and much more remains to be done."

Kennebunk, Maine, (2200): "Yes, very much. Through increased equipment, innovation library books, teacher enthusiasm—But now that it is rolling, really put it in 'high gear' and develop our most precious resource—our children—to fullest potential. Cut it off and there will be disillusioned people, top to bottom."

Capitan, New Mexico, (230): "Federal funds are a *must* if we are to continue the improvement in our educational programs."

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY

"Have Federal funds contributed to improving the quality of education in your district?"

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)
A. Yes, very much	24	25	31	24	25
B. Yes	67	71	67	74	75
C. No	4	3	1	1	0
D. Not receiving Federal funds	4	1	4	0	0

PERCENT OF RESPONSES BY ENROLLMENT CATEGORY FOR THOSE RECEIVING FUNDS

"Do you feel that Federal programs have contributed to improved teacher performance?"

Enrollment category	Under 1,000 (1)	1,000 to 4 999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)
A. Yes, very much	17	18	25	23	30
B. Yes	53	59	63	68	70
C. No	14	10	5	1	0
D. Undecided	16	13	8	8	0

PERCENTAGE OF RESPONSES BY ENROLLMENT CATEGORY FOR THOSE RECEIVING FUNDS

"WHAT EFFECT HAVE ANY OF THE FOLLOWING HAD ON THE QUALITY OF EDUCATION IN YOUR SCHOOL DISTRICT?"

[In percent]

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)	Total
(a) ESEA—Title I:						
1. Improved greatly	24.2	24.8	29.7	21.8	20.0	25.3
2. Improved	71.1	27.1	68.5	78.2	80.0	71.5
3. No impact	2.0	2.0	1.5	0	0	2.6
4. Reduced slightly	1.5	1.0	.5	0	0	.5
5. Reduced	.5	1.0	0	0	0	.1
(b) ESEA—Title II:						
1. Improved greatly	30.0	38.5	41.2	31.2	39.0	35.5
2. Improved	62.1	58.4	57.0	68.8	61.0	59.8
3. No impact	6.6	2.0	1.5	0	0	4.2
4. Reduced slightly	2.0	1.5	.5	0	0	.3
5. Reduced	1.5	.5	0	0	0	.2
(c) ESEA—Title III:						
1 Improved greatly	16.8	16.5	20.7	17.9	22.0	17.5
2. Improved	50.7	53.3	55.2	65.7	72.0	53.1
3. No impact	31.7	29.3	23.1	16.5	6.0	28.6
4. Reduced slightly	.5	.5	.5	0	0	.4
5. Reduced	.3	.4	.5	0	0	.4
(d) Vocational Education Act:						
1. Improved greatly	17.2	22.2	30.0	34.7	30.0	22.3
2. Improved	57.4	62.0	59.2	61.3	70.0	60.0
3. No impact	23.5	14.6	10.0	4.0	0	16.4
4. Reduced slightly	1.0	.7	.4	0	0	.7
5. Reduced	1.0	.6	.5	0	0	.7
(e) Public Law 815	6.2	20.7	29.5	31.0		
1. Improved greatly					43.0	14.3
2. Improved	12.2	33.6	39.0	41.4	43.0	22.8
3. No impact	57.1	45.5	31.4	27.6	0	32.0
4. Reduced slightly	1.0	0	0	0	14.0	.4
5. Reduced	.9	.3	0	0	0	.2
(f) Public Law 874:						
1. Improved greatly	20.5	30.6	35.4	23.4	22.2	26.3
2. Improved	29.3	48.4	49.5	64.1	67.0	39.8
3. No impact	24.9	19.7	14.8	12.5	5.0	17.5
4. Reduced slightly	6.5	.4	.5	0	5.0	2.3
5. Reduced	0	.9	.5	0	0	.3
(g) Headstart:						
1. Improved greatly	17.5	18.5	20.6	20.0	6.0	27.8
2. Improved	52.0	56.4	63.8	64.6	88.0	52.3
3. No impact	27.6	23.8	14.6	15.4	6.0	20.0
4. Reduced slightly	1.1	.9	.5	0	0	.7
5. Reduced	1.8	.4	.5	0	0	.8
(h) Emphasis on disadvantaged in Federal programs:						
1. Improved greatly	12.7	14.2	20.8	18.7	26.0	15.1
2. Improved	68.3	71.1	70.2	78.7	74.0	70.0
3. No impact	16.6	12.5	8.6	0	0	12.9
4. Reduced slightly	1.5	1.8	.3	2.7	0	1.4
5. Reduced	1.1	.5	.1	0	0	.6
(i) Provision for participation of nonpublic school children:						
1. Improved greatly	3.0	6.1	9.5	8.1	0	6.1
2. Improved	25.3	42.5	48.3	51.4	75.0	39.6
3. No impact	68.9	49.3	39.8	36.5	20.0	51.8
4. Reduced slightly	1.3	1.3	1.5	4.0	5.0	1.4
5. Reduced	1.5	.8	.9	0	0	1.0
(j) Rules, regulations, and guidelines which encourage parental involvement in education programs:						
1. Improved greatly	2.8	2.7	5.6	5.1	20.0	3.4
2. Improved	33.6	38.2	48.7	65.4	70.0	38.9
3. No impact	57.1	54.8	41.6	24.4	10.0	52.7
4. Reduced slightly	3.5	2.4	2.4	2.5	0	2.8
5. Reduced	2.9	1.9	1.6	2.5	0	2.2
(k) Rules, regulations, and guidelines which encourage community participation in education programs:						
1. Improved greatly	2.8	2.5	4.7	2.6	21.0	3.1
2. Improved	33.8	36.6	46.8	64.1	63.0	37.9
3. No impact	58.0	56.8	44.1	29.5	10.0	54.4
4. Reduced slightly	2.5	2.6	2.9	1.3	5.0	2.6
5. Reduced	2.8	1.5	1.3	2.6	0	2
(l) Federal requirements for evaluation of programs:						
1. Improved greatly	1.9	4.5	7.9	11.0	32.0	4.6
2. Improved	30.2	49.8	61.0	69.9	58.0	50.0
3. No impact	43.8	39.7	28.7	19.2	10.0	39.0
4. Reduced slightly	5.4	3.6	1.9	0	0	3.9
5. Reduced	3.5	2.4	.5	0	0	2.5

"PLEASE INDICATE YOUR ASSESSMENT OF FEDERAL POLICIES IN THE FOLLOWING AREAS:"

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)	Total
Parental involvement:						
(a) Constructive	36.4	38.9	53.5	66.2	85	40.4
(b) Burdensome	25.3	27.4	24.6	23.4	10	26.0
(c) No effect	38.3	33.7	21.9	10.4	5	33.6
Coordination with other agencies:						
(a) Constructive	38.5	39.8	50.7	59.5	55	41.2
(b) Burdensome	28.3	32.0	28.8	31.6	35	30.0
(c) No effect	33.2	28.2	20.5	8.9	10	28.9
Evaluation:						
(a) Constructive	52.0	59.1	71.0	71.8	80	58.0
(b) Burdensome	32.1	28.1	19.4	16.7	15	28.3
(c) No effect	15.9	12.8	9.6	11.5	5	13.6
Nonpublic school coordination:						
(a) Constructive	17.3	34.8	51.1	55.1	60	31.0
(b) Burdensome	10.2	13.8	13.4	19.2	25	12.4
(c) No effect	72.5	51.3	35.5	25.6	15	56.6

"HAS TITLE II (SCHOOL LIBRARY RESOURCES) HELPED TO EXPAND OR TO ESTABLISH THE FOLLOWING?"

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)	Total
A. School library:						
1. Yes, very much	47.9	58.0	61.8	58.1	75.0	54.6
2. Yes	46.0	40.0	36.6	41.9	25.0	41.8
3. No	6.0	2.0	1.6	0	0	3.6
B. Textbooks:						
1. Yes very much	12.7	13.5	13.8	9.8	6.7	13.2
2. Yes	29.4	32.4	35.3	44.3	46.7	32.0
3. No	57.9	54.1	50.9	45.9	46.7	54.8
C. Instructional materials:						
1. Yes, very much	27.1	31.3	35.3	35.2	27.8	30.4
2. Yes	52.1	55.8	53.3	54.9	61.1	53.9
3. No	20.8	12.9	11.4	9.9	11.1	15.7
D. Medical centers:						
1. Yes, very much	22.2	24.3	30.1	31.0	31.6	24.7
2. Yes	36.5	40.1	44.6	46.5	42.1	39.7
3. No	41.3	35.5	25.3	22.5	26.3	35.6

"HAVE PROGRAMS INITIATED UNDER TITLE III FOR SUPPLEMENTARY EDUCATION CENTERS AND SERVICES CONTRIBUTED TO THE IMPROVEMENT OF OVERALL SCHOOL PROGRAMS?"

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,9999 (4)	Over 100,000 (5)
A. Yes, very much	24	24.0	27.5	27	23.5
B. Yes	44	48.0	49.0	58	59.0
C. No	21	19.0	15.0	13	18.0
D. Undecided	11	9.5	8.0	3	0

"HAVE TITLE V FUNDS FOR STATE DEPARTMENTS OF EDUCATION MADE ANY NOTICEABLE IMPROVEMENT IN STATE SERVICES AVAILABLE TO YOU?"

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)
A. Yes, very much	7.4	9.3	12.4	8.1	11.1
B. Yes	32.4	39.6	42.5	47.3	44.4
C. No	39.1	32.0	27.4	29.7	27.8
D. Undecided	21.0	19.0	17.7	14.9	16.7

"HAVE THE PROGRAMS INITIATED UNDER THE VOCATIONAL EDUCATION ACT BEEN OF BENEFIT TO THE STUDENTS IN YOUR DISTRICT?"

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 100,000 (4)	Over 100,000 (5)
A. Yes, we have greatly expanded our program	18.8	27.8	40.6	60.5	55.6
B. Yes	41.7	48.5	47.5	36.8	44.4
C. We have expanded, but insufficient funds restrict scope of program	13.8	12.5	11.9	2.6	0
D. No	25.7	11.2	5.3	0	0

"HAS YOUR SCHOOL DISTRICT INITIATED THE NEW PROGRAMS IN THE 1968 VOCATIONAL EDUCATION AMENDMENTS?"

Enrollment category	Under 1,000 (1)	1,000 to 4,999 (2)	5,000 to 34,999 (3)	35,000 to 99,999 (4)	Over 100,000 (5)
A. Yes, we have greatly expanded our programs	6.0	10.7	17.4	19.7	22.2
B. Yes	19.0	30.2	34.0	47.4	55.6
C. We have expanded, but insufficient funds have restricted our programs	19.7	26.1	30.4	31.6	22.2
D. No	55.3	33.0	18.3	1.3	0

COAL MINE SAFETY

(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, in connection with the continued concern to see that the Federal Coal Mine Health and Safety Act of 1969 is fully enforced in line with congressional intent, there follow three letters which I wrote to Secretary of Interior Walter J. Hickel and Assistant Secretary of the Interior Hollis Dole, dated August 31, September 14, and September 25, 1970, and two replies, dated September 22 and September 24, 1970:

AUGUST 31, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: I have just been informed that the Interior Department instituted about four to six weeks ago a practice of requiring that its inspectors first contact by telephone the Deputy Director of Health and Safety or the Assistant Director for Coal Mine Safety of the Bureau of Mines before issuing a closing order under section 104 (b) of the Federal Coal Mine Health and Safety Act of 1969. The objective, as I understand it, is to give the operator an additional opportunity to correct a violation that gave rise to the issuance of a notice by the inspector under section 104(b), but which was not corrected within the "reasonable time" prescribed by the inspector in that notice.

I further understand that Under Secretary Fred J. Russell has sanctioned this practice.

Section 104(b) of the Act provides:

Except as provided in subsection (1) of this section, if, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard but the violation has not created an imminent danger, he shall issue a notice to the operator or his agent fixing a reasonable time for the abatement of the violation. *If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons,* except those referred to in subsection (d) of this section, *to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.* (Italic supplied.)

This section specifically provides that only "an authorized representative of the Secretary" shall make the findings in the second sentence of the above section. Once made, such person has an obligation to issue a closing order "promptly" without referring to any superior before doing so. The Department has delegated to the Federal coal mine inspectors the duties prescribed in section 104(b).

I call upon you to issue appropriate orders publicly terminating this illegal phone call requirement immediately and making it clear that the inspector who is on the scene of the violation, not his superiors, who are far removed, will be the sole judge of (a) whether or not a closing order should be issued under this section and (b) whether or not additional time should be granted to abate a violation. The operator, if he disagrees with the inspector, can seek review of the inspector's action under the appeals procedure established under the statute.

Every day this illegal practice is allowed to continue will jeopardize the health and safety of the miners.

Please provide to me a copy of the Deputy Director's memorandum or other document pursuant to which this practice was instituted.

Sincerely,

KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 22, 1970.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: This is in reply to your letter of August 31 concerning a requirement in the Bureau of Mines for coal mine inspectors to call Washington before issuing an order requiring mine workers to be withdrawn from a mine where there is not an "imminent danger," but where the operator has failed to abate a violation in the "reasonable time" specified by an inspector. Because your letter indicates that copies were sent to Senator Harrison A. Williams, Jr. and Congressman John H. Dent, we are also sending them copies of this reply.

Bureau of Mines inspectors were informed on September 4 that the subject telephone calls are no longer required. A copy of a telegram which was sent by the Assistant Director—Coal Mine Health and Safety to all of the Coal Mine Health and Safety District Managers on September 4 is attached.

We have discontinued this practice because we feel that it has served its purpose in the early days of the law's enforcement when there was some uncertainty among some mine operators and some of our inspectors as to the law's requirements, and because the publicity afforded the practice might encourage some operators to delay the abatement of violations until after a telephone call is made.

We do not agree with your statement that the practice was illegal or that it jeopardized the health and safety of the miners. We recognize that the inspectors have the responsibility and the authority to prescribe "reasonable time" for the abatement of violations, but our officials in Washington also have the responsibility and the authority to inform the inspectors regarding the factors which shall be considered in determining "reasonable time." The practice was not followed where there was an imminent danger to the miners. In such circumstances, our inspectors order the workers to be withdrawn from the mine immediately. In a non-imminent danger situation, the "reasonable time" determination is not so precise as to make inappropriate the inclusion of enough time for a couple of telephone calls to be made.

The purpose of the calls was to reinforce the efforts of the inspectors by calling the attention of top management officials, as well as the managers at the mines, to their responsibilities to achieve compliance with the law. As you know, the new law recognizes more than ever before the necessity for well-defined corporate, as well as at-the-mine, health and safety responsibility. In no case was the judgment of an inspector compromised. In every case, either the violation was abated in a reasonable time or a withdrawal order was issued.

The instructions regarding the telephone calls were issued orally, and consequently, we cannot comply with your request for a copy. They went from the Deputy Director—Health and Safety to the Assistant Director—Coal Mine Health and Safety and from there to the District Managers and the inspectors.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1970.

A. C. MOSCHETTI,
Bureau of Mines,
Denver, Colo.:

Effective immediately, inspectors shall no longer be required to call this office before issuing withdrawal orders for failure to abate violations in the reasonable time specified in notices of violations and modifications thereof.

JOHN W. CRAWFORD,
Acting Assistant Director,
Coal Mine Health and Safety.

RÉSUMÉ OF DONALD E. PIERCE

Born: March 17, 1922—Sheridan, Wyoming.

Parents: Frank E. & Katie I. Pierce (deceased).

Married: May 26, 1955—Mary Agnes Pierce.

Children: John M., July 25, 1949 (adopted); Nancy B., November 17, 1950 (married) (adopted), and Robert E., March 15, 1959.

Residence: Elizabeth Park, Shoshone County, Idaho, Box 945, Kellogg, Idaho.

Education: Grades 1–12, Kellogg Public Schools; 1945 (3 months), University Training Center, Florence, Italy.

Military: April 1944, Drafted U.S. Army; July 1946, Honorable Discharge—1st Sergeant; July 1946, U.S. Army Reserve; End September 1948, Active Duty Escort Detach-

ment—WW II—(Graves Registration); June 1949, Discharged 1st Sergeant, and May 1964, Retired U.S. Army Reserve—1st Sergeant.

Employment: Presently President, N.W. Metal Workers Union (Independent) 1969; 1968, Bunker Hill Co.—Lead man—Paint Crew; 1964, President, N. W. Metal Workers Union, Independent; 1949, Bunker Hill Co.—Painter; 1948, U.S. Army 1st Sergeant; 1946, Bunker Hill Co.—Electrolitic Operator; 1944, U.S. Army Sergeant, and 1942, Bunker Hill Co.—Laborer—Box 29, Kellogg, Idaho.

RÉSUMÉ OF KENNETH C. KELLAR

Date of Birth: January 6, 1906, Lead, South Dakota.

Education: Lead High School; A.B. degree University of Michigan, 1926; Michigan Law School 1927–28; J.B. degree Stanford University, 1929.

State Senator, South Dakota Legislature, 1930–37–41 (R). Member of South Dakota Resources Commission by gubernatorial appointment (R) 1955–59. Employer-delegate, ILO Tripartite meeting on mining, other than coal, Geneva, Switzerland, November 1956. Western Governor's Mining Advisory Council 1965, 1966. President, Greater South Dakota Association, 1952.

Memberships: Sigma Delta Chi professional journalistic fraternity No. 584 early in the formative days of that organization; 32d degree Mason, Shriner; State Bars of both South Dakota and California; and American Bar Association.

Director: First National Bank of the Black Hills, 1950—to date; Homestake Mining Company; American Mining Congress; and National Association of Manufacturers.

Vice-President: Homestake Mining Company and Chief Counsel at Lead, South Dakota.

During World War II, served in the Ordnance Department U.S. Army and held rank of Major at time of discharge. During assignment to the Pueblo Ordnance Depot at Pueblo, Colorado, 1942–43, as well as Security Officer at that depot, was also the Safety Officer charged with safety responsibilities concerning all personnel both civilian and military, as well as having the fire and guard forces under his jurisdiction.

RÉSUMÉ OF HOWARD LEVI

Hartman, Prof. Howard Levi, b. Indianapolis, Ind., Aug. 7, 24; m. 47; c. 2. Mining Engineering. B.S., Pa. State Col., 46, M.S., 47; Ph.D. (mining eng.), Minnesota, 53. Instr. mining eng., Pa. State Col., 47–48; jr. mining eng., Phelps Dodge Corp, Ariz., 48–49; state mine dust eng., Ariz. State Mine Inspectors Off., 49–50; instr. mining eng., Minnesota, 50–54; asst. prof., Colo. Sch. Mines, 54–55, assoc. prof., 55–57; prof. mining & head dept., PA STATE, 57–63, ASSOC. DEAN ENG., 63– Consult, Minn. Tax Cmn, 51–54; Colo. State Hwy. Dept. 5?; U.S. Dept. Justice, 54–57; Am. Peoples Encyclop, 58; U.S. Steel Corp. 60; Standard Oil Co., N.J., 60–; H.E. Fletcher Co, 61–; Ingersoll-Rand Co., 63–; U.S.N.R., 44–46, Lt. (jg). Inst. Min, Metall. & Petrol. Eng. (Mineral Indust. Ed. Award 65); Soc Eng. Ed. Mine dust control; Ventilation; air conditioning; rock drilling, penetration. Business Address: School of Engineering, Sacramento State College, Sacramento, California. Home Address: 2728 Morley Way, Sacramento, California 95825.

RÉSUMÉ OF ROBERT NIXON STEWART

Born, Bartholomew County, Indiana, March 7, 1929. Married, has one daughter.

Graduate, Franklin College, Indiana, 1951; A.B. in History, Economics and Sociology; Phi Delta Theta Social Fraternity; Phi Alpha Theta History Honorory; and Blue Key Men's Honorary.

U.S. Naval Reserve 1950–1952.

Owner, grain and stock farm in Dectaur County, Indiana. Owner, Stewart Agricultural Limestone Service since 1958. Vice-President of Sales, Cave Stone, Inc., Flat Rock, Ind., Meshberger Stone, Inc., Columbus, Ind., U.S. Aggregates, Inc., Plainfield, Ind.

President, Columbus, Indiana Rotary Club, 1967. Director, Bartholomew County Hospital Foundation 1970. Treasurer, Bartholomew County Library Association, 1969. Director, Franklin College Alumni Council since 1967.

State Chairman, Indiana Republican Central Committee 1963–1965. Delegate, Republican National Convention 1964. Chairman, Indiana Delegation, Republican National Convention 1964. Member, Executive Committee, Republican National Committee 1964.

Recipient, Distinguished Service Award, Columbus, Indiana, Junior Chamber of Commerce, 1965.

RÉSUMÉ OF HUGH C. MATLOCK

Birth date: March 13, 1907.

Birth place: Delta, Colorado.

Education: High School.

Experience: Worked for Climax Molybdenum Company June 1941 to March 1, 1967.

1944 to 1953, served several terms as President of Climax Molybdenum Workers Union, which is now Local 24410 of the Oil, Chemical, and Atomic Workers Union, AFL–CIO. I am a lifetime member of this Local Union. Served on all Climax Union negotiating committees 1944 to 1953. Handled union grievances and arbitrations 1944 to 1953. All grievances, arbitrations and negotiations were settled amicably 1944 to 1953.

1946 and 1947 was a Representative for International Union of Mine, Mill, and Smelter Workers, CIO. At that time the Climax Union was IUMM&SW Local 801. In 1948, led the movement which resulted in the Climax Union seceding from IUMM&SW because of the communist activities and vote for Wallace for President program of IUMM &SW. In 1949 the Climax Union affiliated with the AF of L as a directly affiliated union known as Climax Molybdenum Workers Local Union 24410, AFL.

Went on Climax management as first line supervisor in 1953.

Established and developed orientation program for new employees in 1953. This program aided in reducing turnover from 266% in 1952 to 166% in 1953, to 46% in 1954.

Held position of Training Manager 1957 to 1960. Set up and developed a "Management Development Program," the scope of which covered Labor Law, Purchasing, Labor Contract Interpretation, Company Policy, Fringe Benefits, Employee Evaluation, Grievance Handling, Employee Motivation, Safety, First Aid, etc. Set up an indentured training program for electricians. Set up a school to train welders. Was a member of American Society of Training Directors.

Held position of Director of Industrial Relations 1960 to 1966. This department included Personnel, Labor Relations, Safety, Training, Protection and Hospital.

Personnel recruited, screened and hired approximately 1,000 new employees per year. Set up and developed a college recruiting program in 1961. Handled negotiations, grievances, and arbitrations for the company. Developed an employee counseling program.

Member of B.N.A. Personnel Policy Forum 1965–1966.

Industrial Relations Consultant to Climax Molybdenum Company from 1966 to March 1, 1967.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 14, 1970.

HON. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR SECRETARY HICKEL: Recently, several petitions have been filed with Interior's Office of Hearings and Appeals pursuant to section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S. Code, Supp. V, 861(c)). The petitions are entitled "Petition for Modification of Safety Standard" and notice thereof was published in the *Federal Register*. A list of those petitions is enclosed.

Section 301(c) of the Act authorizes the Secretary of the Interior to modify "the application of any mandatory safety standard to a mine." Upon receipt of a petition requesting such modification, the Secretary must (1) publish notice of such petition; (2) give notice, in these cases, to the representatives of miners in each of the affected mines, and (3) "cause such investigation to be made" as the Secretary deems appropriate. This investigation must also provide an opportunity for a public hearing at the request of anyone. The Secretary must, upon completion of the investigation and, when held, the public hearing, make findings of fact and issue a decision. The Secretary's decision is subject to judicial review under section 109 of the Act.

The Interior Department's regulations of March 28, 1970 (35 F.R. 5221, 5256), which were adopted without an opportunity for public comment, set forth the form of the petition. These regulations also provide that "the Bureau and any other party affected" must file "an answer with the Examiner assigned to the case" within "20 days after the date of service" (see Sec. 301.33 of regulations).

It is not my intention to go to the merits of any of these petitions. I believe, however, that the Department has committed serious procedural errors in connection with these petitions and the March 28 regulations and the Act. I request that the petitions be dismissed and that the regulations be modified in light of the following comments:

1. As I have said, section 301(c) of the Act directs the Secretary to conduct an "investigation" when a petition is filed and notice thereof given. Yet section 301.33 of the Department's regulations give the Bureau of Mines and the miners only 20 days to file an answer to the petition.

(a) How can the Bureau conduct a meaningful investigation to determine if the petitioner's allegations concerning the application of a standard to its mine are sound from a safety standpoint and file an answer within 20 days, particularly when several petitions cover more than one coal mine?

(b) If the Bureau or the miners fail to meet this unreasonable deadline are they forever precluded from objecting to the petition?

(c) If the answer to (b) is yes, please state what is the basis for imposing such a deadline?

(d) If the answer to (b) is no, please state what basis there is under the regulations for considering answers filed after the deadline without the petitioner's concurrence to an extension of that deadline.

(e) When does the 20 day period begin to run in the case of "other"parties affected who want to file an "answer" but have not been served?

(f) How does such "other party affected" learn who the "Examiner" is with whom he must file?

2. Notice of each petition was published in the *Federal Register* by the chairman of the Board of Mine Operations Appeals in differing form.

The notice of the first petition (Carbon Fuel Co.) contains a detailed statement by the petitioner describing his mining system and setting forth his arguments for modification. No similar statement is contained in any of the other petitions.

(a) Why did the Board fail to follow this notice procedure of the first petition in the case of all of the petitions?

(b) Since the Board adopted a notice procedure in the first petition that informs the public of the modification sought, are not all the other notices defective unless such procedure is also followed in their case?

3. The last paragraph of the first petition provides that an "opportunity is hereby given to interested parties to present information" relative to the petition within 20 days "from the date of publication of this notice" in the *Federal Register*. Also, the paragraph provides for reply comments and for requesting a public hearing within 30 days after such notice. No similar provision is found in the notice published in regard to the other petitions. The notice was filed with the *Federal Register* on June 9, 1970, but not published until June 17, 1970.

(a) Is the term "information" used in the above cited paragraph intended to be an "answer" under section 301.33 of the March 28 regulations?

(b) If the answer to (a) is no, what is intended?

(c) If the answer is yes, hasn't this notice, in effect, extended the time for filing an answer beyond the 20 days permitted under section 301.33 of the March 28 regulations?

(d) If the answer to (c) is yes, what is the basis for granting this extension?

(e) Who are the "interested parties" referred to in the above cited paragraph? Are (i) the Bureau, (ii) the miners, (iii) a State or, (iv) a congressman interested parties?

(f) Why wasn't this paragraph included in all of the other notices published in the *Federal Register*?

(g) Without such a paragraph, aren't the notices defective?

(h) When must one request a public hearing in the case of the other petitions where the notice or the March 28 regulations do not indicate the time for making such a request?

4. The first petition alleges that the application of a particular standard to its mine "would . . . result in diminution of safety to the miners." No similar allegation appears in the case of the other petitions. In fact, unlike the first petition, the other petitioners seek to modify the statutory language.

(a) Why don't the notices of all the petitions contain allegations of what will happen at the particular mine if the standard is applied to it?

(b) Are not the notices therefore defective?

(c) Since section 301(c) merely authorizes the Secretary to "*modify* the application of any" statutory safety standard, are not the petitions defective for seeking, not a modification in application of the standard, but a change in its wording which can only be accomplished under section 101 of the Act?

(d) If the answer to (c) is no, please state why not.

5. Several of the petitions for which notices were issued appear to cover more than one coal mine. Section 301(c) only permits a modification on a mine-by-mine basis.

(a) Are not the notices, and possibly the petitions themselves, defective for not indicating that the petitions are for a modification of a standard on a mine-by-mine basis?

(b) If the answer to (a) is no, please state why not.

6. Please provide copies of (a) the petitions shown on the enclosed list, and (b) the answers filed by the Bureau of Mines.

I appreciate your cooperation in this matter.

Sincerely,

KEN HECHLER.

LIST OF PETITIONS FOR MODIFICATION OF INTERIOR MANDATORY SAFETY STANDARDS

1. Petition of Carbon Fuel Co. (35 F.R. 10035) Doc. No. H70–417.
2. Petition of Armco Steel Corp. et al. (35 F.R. 10383) Doc. No. M70–1.
3. Petition of Kentucky Carbon Corp. (35 F.R. 10383) Doc. No. N70–199.
4. Petition of Armco Steel Corp. et al. (35 F.R. 12290) Doc. No. M70–2.
5. Petition of Armco Steel Corp. et al. (35 F.R. 12290) Doc. No. M71–1.
6. Petition of Armco Steel Corp. et al. (35 F.R. 12291) Doc. No. M71–2.
7. Petition of Armco Steel Corp. et al. (35 F.R. 12291) Doc. No. M71–3.
8. Petition of Carbon Fuel Co. (35 F.R. 12292) Doc. No. M71–4.
9. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292) Doc. No. 70–207.
10. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292) Doc. No. 70–208.
11. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292) Doc. No. 70–209.
12. Petition of Jewell Ridge Coal Corp. (35 F.R. 12292) Doc. No. 70–210.
13. Petition of United States Steel Corp. (35 F.R. 12729) Doc. No. M71–5.
14. Petition of Lanscoal Mining Co., Inc. (35 F.R. 14224) Doc. No. M71–6.
15. Petition of Clinchfield Coal Corp. (35 F.R. 14409) Doc. No. Nort 70–185.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 24, 1970.

DEAR MR. HECHLER: This is in reply to your letter of September 14, 1970, concerning the administration of the Federal Coal Mine Health and Safety Act of 1969. For your convenience, our reply is keyed to the numbered paragraphs in your letter.

I

1. The regulations will be published and made effective at the earliest possible time, without regard to the scheduled hearing in the pending litigation.

2. There possibly remain pending in the litigation issues as to the constitutionality of the Act.

3. Copies of the proposed regulations have been mailed to each coal mine operator and the counsel for plaintiffs have assured the Department that a copy has been personally delivered to the Court. Comments from all interested persons will be received through September 30, 1970.

4. The validity of the March 28, 1970 safety regulations is in issue in the litigation. Republication of the safety regulations should preclude further litigation. No assurances have been received from plaintiffs "that they will not again seek to enjoin enforcement of these regulations."

5. The new safety regulations were not designed to meet the objections of the plaintiffs. Rather, they reflect changes and additions which the Department, in light of experience and further study, feels are appropriate for the effective enforcement of the Act.

6. Revised procedural rules will be published in the very near future.

II

1(a). Only one case is pending before the Board of Mine Operations Appeals. The appeal was filed under section 300.1a(5) by the Solicitor on behalf of the Bureau of Mines from an adverse decision of a hearing examiner in the matter of Freeman Coal Mining Corporation. (Docket Nos. VINC 70–145/6) Oral argument on the case was heard on September 18. A decision will be rendered in the near future.

2(a). The Board cannot deny a party his right to public hearing. Where such hearings are requested they are referred to the Hearings Division of the Office of Hearings and Appeals. All hearings are conducted by examiners appointed under the Administrative Procedure Act. A party may appeal the examiner's initial decision to the Board of Mine Operations Appeals. The Board in its discretion may or may not permit oral argument in determining such an appeal. This in no way affects a party's opportunity for public hearing.

2(b). The Board's power of review is limited to the record certified by a hearing examiner unless a hearing has been waived and the parties stipulate or agree as to the facts. The Board may remand a case to the hearing examiner for the purpose of ascertaining necessary facts at issue.

2(c). See 2(b).

2(d). The Board is authorized to exercise in accordance with existing regulations and procedures of the Department the authority of the Secretary to hear and decide all appeals under the Act. Thus, the Board provides a review independent of the Bureau of Mines and Office of the Solicitor.

2(e). Yes.

2(f). Not Applicable.

3(a). No.

3(b). Names of members of the Board have been forwarded to the Senate. A brief biography of each member is attached.

3(c). No. The primary review functions of the Federal Metal and Nonmetallic Mine Safety Act are under the jurisdiction of the Federal Metal and Nonmetallic Mine Safety Board of Review. In addition, the review function of the Interior Board would be limited to a review of the report of the three man inspection team appointed under section 9 except in rare cases where issues of law are involved. Further, section 18 of the Act states the Administrative Procedure Act does not apply to the making of any findings or orders. Therefore, hearing examiners are not involved under the section 9 review of the Secretary.

3(d). Following is a list of the Board of Mine Operations Appeal Members all of whom are Federal full time employees:

Christian E. Rogers, Jr., Chairman, 55 years of age, formerly an Attorney Advisor with the Bureau of Mines and a Federal employee since 1946;

Emery David Doane, Jr., 50 years of age, formerly Legislative Assistant to Senator Len Jordan of Idaho, Attorney and member of the Bar since 1946;

George V. Allen, Jr., 35 years of age, formerly practicing Attorney with 8 years experience, member of the Bar since 1962;

James M. Day, ex officio member, 40 years of age, practicing Attorney and member of the Bar for 11 years.

3(e). While the safety standards and mining problems under the two Acts are such as to require an array of specialized knowledge and experience, the legal issues arising from the cases will be similar. In addition, it is felt that unless the caseload warrants separate boards, it would be inefficient and costly to the taxpayer to establish a separate board at this time. However, should the caseload develop and increase substantially as to warrant the organization of a separate board, please be assured we shall act accordingly.

We hope that this information is fully responsive to your inquiry.

Sincerely yours,

GENE P. MORRELL,
Assistant Secretary for Mineral Resources.

SEPTEMBER 25, 1970.

Mr. HOLLIS DOLE,
Assistant Secretary of Interior, Department of the Interior, Washington, D.C.

DEAR MR. DOLE: Thank you for your letter of September 22, 1970, in reply to my letter of August 31 concerning the now terminated Department's policy of requiring Federal coal mine inspectors to call Washington officials before issuing closing orders in non-imminent danger cases.

I am puzzled by your statement that while you recognize that the Federal coal mine inspectors have the responsibility under the statute to prescribe "reasonable time" for abatement of health and safety violation and for the issuance of closing orders where such abatement is not completed within that time you also state, "our officials in Washington also have the responsibility and the authority to inform the inspectors regarding the *factors* which shall be considered in determining "reasonable time". It is my understanding that the Federal Coal Mine Health and Safety Act very clearly states that if a violation of any mandatory health and safety standard occurs, which has not created an imminent danger, the

inspector who is on the scene must issue a notice of violation prescribing the reasonable time for abatement. It is his judgment that determines what that reasonable time is.

The above quoted language, however, indicates that the Department has prescribed "factors" which the inspectors must consider "in determining reasonable time."

Please provide to me a statement indicating in detail what these factors are and whether or not they have been set forth in any publication or manual of the Department or Bureau of Mines and, if so, please provide to me a copy of such publication.

The penultimate paragraph of your September 22 letter states that in every case "either the violation was abated in a reasonable time or a withdrawal order was issued." Please provide to me a list of each instance in which the inspector telephoned Washington since the Act became effective April 1, 1970, and include in that list the names and addresses of each coal mine involved, the date of each violation, the reasonable time prescribed by the inspector, the section of the statute violated and the date of the telephone call and the action taken by Washington officials.

Sincerely,

KEN HECHLER.

BUREAU OF MINES DIRECTOR

(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, I have this comment concerning the President's new appointee as Director of the Bureau of Mines, Dr. Elburt F. Osborn of Pennsylvania State University.

I simply want to ask Dr. Osborn personally whether he fully subscribes to the spirit and letter of the preamble to the Federal Coal Mine Health and Safety Act of 1969, which states:

Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the coal miner.

Dr. Osborn has publicly stated that he plans to enforce the law, and it is a sad commentary that such a statement has to be considered newsworthy because the general practice has been for the Department of the Interior and Bureau of Mines to flout and circumvent the law.

There is a tremendous vacuum of leadership on behalf of protecting those human beings who dig coal in this most hazardous occupation in the United States of America. After all, the new law was passed primarily to protect the lives, health, and safety of coal miners. Those narrow bureaucrats and insensitive coal operators resisting enforcement of the law are desperately trying to turn the clock back to the time when production reigned supreme over protection.

There will be heavy pressure on Dr. Osborn by coal operators who feel the new law is too strict, by those who say the coal shortage is caused by strong health and safety regulations, by higher-ups in the Nixon administration who yield to demands for dangerous mining-as-usual, and by superannuated bureaucrats who shun new ideas for the protection of human beings. The entire attitude in the Bureau of Mines must change to give the benefit of the doubt to the protection of the health and safety of human beings, instead of the traditional bowing and scraping whenever a coal operator puts the heat on to protect high production and high profits at the expense of the coal miners.

WAY DOWN YONDER IN NOSTALGIA, LA.

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

Mr. MONAGAN. Mr. Speaker, one of the most delightful and nostalgic pieces of journalism that I have seen in many years appeared recently in the Meriden, Conn., Journal and I want to share it with my colleagues.

This article which purports to be about New Orleans cooking but really concerns a man's youth in that romantic old city was whipped up by a skillful creator of verbal soufflé, Gerard Harrington, managing editor of the Meriden Morning Record. Mr. Harrington is no stranger to the House, having served at one time as administrative assistant to a predecessor of mine, J. Joseph Smith, now a Judge of the Circuit Court of Appeals for the Second Circuit. In the introduction to the article Mr. Harrington is labeled as "a past master" of the art of good living. I must question this description since no one who knows Mr. Harrington would apply the adjective "past" to any of his activities and particularly to his getting the maximum enjoyment out of life.

Gerry Harrington's love of good English and his reverence for its effective expression are evident throughout this article. I hope that my colleagues will enjoy it as much as I have. The article follows:

SAMPLING OF NEW ORLEANS CUISINE

(EDITORS NOTE.—Gerard Harrington is Managing Editor of the Morning Record and a past master of the art of good living.)

(By Gerard Harrington)

Of new cookbooks there is no end. Year after year they gush from the presses, and sometimes one wonders why.

In fact it was while wondering why the other day that I hunted out my copy of the most extraordinary cookbook I have ever looked at. I finally found our "Sixth Edition of The Picayune Creole Cook Book," first published in 1901 by The New Orleans Times-Picayune, a newspaper. My edition, the fifth revision, was copyrighted in 1922.

The book has been much handled since 1927, when I bought it in New Orleans, but it's still all there, if a bit battered.

This must be one of the most conscientious and meticulous cookbooks ever compiled. And its editors' regard for the art of Creole cookery is so reverential as to stop just short of worship.

The Creole Cook Book is a great curiosity as we pore over it again, with its scores of recipes for those hybrid but French-oriented dishes that distinguish the New Orleans cuisine.

And at the Menu Section one can only gasp.

In this age of the TV dinner and canned soft drinks, who could imagine this dinner menu "for Thursday?"

Green Turtle Soup. Croutons. Radishes. Celery. Olives. Pickles. Vol-au-Vent of Oysters. Veal Saute aux Champignons. Rice. Squash. Potatoes a la Creme. Roast Mallard Duck. Green Peas. Banana Fritters. Watercress Salad. Asparagus. Peach Pie. Roquefort. Biscuit Glace. Assorted Cakes. Cafe Noir.

Verily the senses reel. This was just an old Thursday dinner.

The recipes for oysters alone fill nine pages. And there are six recipes for frogs.

"Huitres en Brochettes" calls for 3 Dozen Large, Fat Oysters. Thin Slits of Bacon. A Tablespoon of Butter. 1 Tablespoon of Minched Parsley. Sliced Lemon and Olives to Garnish.

And here is what you do:

"Have ready a furnace with redhot coals; take fine sliced breakfast bacon and cut into thin slits about the size of the oyster. Drain three dozen large fat oysters; take a long skewer of silver or metal that is not dangerous, and string it first with a slit of bacon and then an oyster, alternating this until it is filled, the extreme ends terminating with the bacon.

"Then hold the oysters over the clear fire and broil until the edges begin to ruffle, when they are done. In the meantime prepare some drawn butter by placing about a tablespoon in a cup before the fire to melt; place the oysters in a hot dish, alternating with slices of bacon, sprinkle with pepper and salt, and pour over the drawn butter mixed with about one tablespoonful of parsley chopped fine; garnish with slices of lemons and whole olives and serve. The oysters and bacon may be served on the skewers if they are not charred or blackened, but the other is the far daintier method."

There is a great deal of frying in the book, and most of it is with lard. This seems to be still true in New Orleans. Some time ago the proprietor of one of the famous NEW high-priced restaurants told an interviewer that his frying was exclusively with lard, which he called one of the great secrets of New Orleans cookery.

When we lived in New Orleans we went by the book and enjoyed a lot of food cooked in lard. In an experiment of our own, we even cooked a whole medium-sized chicken in a big iron pot of bubbling lard. It was great.

Mention of New Orleans food brings back a flood of memories of a time which has receded with incredible speed.

In the middle twenties in New Orleans, food was cheap and almost always good—in the markets and the restaurants.

Even the smaller eating places served incomparable coffee, and such Creole dishes as chicken gumbo, sweet fresh fish, all varieties of meat. Specialities were saucissons and chaurices (two types of sausage) and jambalaya—made with chopped-up ham, pork, pork sausage and rice, all highly seasoned.

The rice always came up hot and steaming, each grain mysteriously standing alone, firm as a sunflower seed kernel.

Consider the coffee. Most of the brands were blended with chicory. This very subtly strengthened the flavor and gave the coffee a rich, dark-brown color that was good to look at in the cup.

To the New Orleans housewife of that day, making coffee was a ritual of the utmost seriousness. The pot was tall, quite narrow at the top and flaring gradually to a wide base. The spout was a tall curve.

Dark powdery coffee filled a very deep basket with perforations so small that the dripping went on forever, as the wife stood by with her kettle of boiling water, patiently pouring it in by the ounce during the slow seepage.

It was also customary to take half of a small raw potato and spear it on the top of the spout to prevent the escape of flavor in the steam.

We had a few friends in the French Quarter's painting and writing set who introduced us to some eating places never discovered by visiting firemen. In a second-floor spot on Royal Street, one of the specialties was a rabbit stew made with wild rabbits from the French Market, and spiced with garlic, onions

and herbs. Good gin drinks were also available.

These hideaways had a kind of family resemblance—plain and informal with red check tablecloths, and an invisible cloud of pungence floating in the air. The ingredients were obviously onion, garlic and assorted herbs. There was always good, cheap, white wine, and as everywhere else in town, crisp French bread. There was no menu; just a couple of specialties of the house. Where you went was what you were going to eat.

Eating almost anywhere was a pleasure because the cooks were serious people and they wanted to win all the ball-games.

Garlic was well understood in New Orleans. Most meat recipes called for one or two cloves of it. A judicious touch of garlic added savor, and the barely perceptible aroma somehow sharpened the appetite.

Scattered through the city, in neighborhoods where working people lived, there were outdoor markets that gave stuff away. At one of them we could pick up a couple of good rabbits for 30 cents. (When we got home we had to pick out the shotgun pellets.) We actually got a loin pork roast for 50 cents. Chickens were cheap, too.

We found a neighborhood eating place that sold only "oyster loaves." The man cut a long loaf of French bread in half, split it vertically and hollowed out the center. This he filled with oysters fried in batter to produce a kind of Creole grinder. In good weather you devoured these at a table in the owner's back garden, or you could take them home and have them with ice cold home brew.

Oyster bars were big in New Orleans. In streets branching off Canal Street toward the French Quarter there were many of them, with white-coated oyster-openers standing behind long bars, springing the shells and serving them by the dozen, ice-cold in the half-shell. Tabasco sauce and horseradish stood by every elbow. These spots were usually crowded, with a constantly changing cast of characters, all talented performers, some of whom were not fazed by three dozen at a time.

Strangely enough, I don't remember the price of the bi-valves.

This all started with a cookbook, which I did not in any case intend to review. I am pleased, however, to reprint one small recipe to illustrate the elegance of the style as well as the delicacy of the dish.

ELDERFLOWER FRITTERS

Beignets a la Fleur de Sureau 1 Cup of Tender White Elder Flowers, 1 Cup of Sugar, White of 2 Eggs, Creole Fritter Batter.

"Select a sufficient quantity of beautiful, tender white flowers, and soak them in the white of two eggs, beaten to a snowy froth, and well blended with white sugar. Dip them by spoonfuls into the fritter batter, and fry according to directions."

And if you ever run across a copy of the book, you might look into Pigeons Broiled a la Crapaudine or Stewed Squirrel (Salmi d'Ecureuil) or even Frogs Saute a la Creole (Grenouilles Sautees a la Creole).

As the editors say, this "is more than a cook book. It is, in fact, the record of a school of cookery, the most savory and yet the most economical ever devised."

TRIBUTE TO WALTER S. SMITH

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

Mr. HANSEN of Idaho. Mr. Speaker, we were saddened to receive the news last weekend of the death of Walter S. Smith, one of the most widely known and highly respected men on Capitol Hill.

"Smitty" as he was affectionately known to thousands of friends was 74 at the time of his death on October 3, 1970.

Walter Smith's roots were deep both in Idaho and in the Nation's Capital. He not only was a witness to much of the history of our Nation, he was a participant in it. He was born in Washington, D.C. on August 15, 1896. In fact, he was born on Capitol Hill at the site of the present New Senate Office Building where his parents were living at the time. His father, Addison T. Smith, served as a secretary to Senator George Shoup of Idaho. His father was later elected to the Congress from Idaho and became the first Member of Congress to serve the district that it is now my privilege to represent.

Walter Smith spent much of his early life in Idaho, graduating from the Twin Falls High School. He served in the Army during World War I. He later attended the University of Idaho where he met and married Mable Sweeney from St. Maries, Idaho. The couple were married on November 25, 1920, and would have observed their golden wedding anniversary next month.

In 1929 the Smith family moved back to Washington where he was employed by the Washington Gas Light Co. until 1942. A strong interest in public service motivated him to accept a position with the Veterans' Administration at the regional office in Kentucky. For over 6 years he served on a rating board and because of his understanding and compassionate nature he found great satisfaction in aiding veterans and their dependents as well as members of the Armed Forces. This experience led naturally to the later legislative specialty that became his first love.

In 1949 Walter Smith was appointed as a staff assistant to Senator Henry Dworshak of Idaho. Upon Senator Dworshak's death "Smitty" continued to serve his successor Senator LEN B. JORDAN. He specialized in veterans and armed services matters and gained a reputation as one of the most knowledgeable men on that subject on Capitol Hill. His advice and assistance was sought by those not only in Washington but throughout the Nation. It was my privilege to get to know and work with "Smitty" during the 4 years we both served as members of the staff of the late Senator Dworshak.

Walter Smith retired in 1965 but in order to give much-needed assistance following my election to Congress in 1968, he came out of retirement and served as a part-time assistant to me specializing in veterans and armed services matters. Again, he performed outstanding service in this area and added great strength to our staff. His knowledge of Congress and Government and his wide acquaintance were of great value to us in organizing our congressional office. His service continued until a few weeks ago when declining health made it necessary for him to limit his activities.

Walter Smith will be remembered by thousands of veterans and servicemen who are deeply indebted to him for the interest and understanding that characterized his faithful service to them.

He was an active member of the American Legion which presented him with a life membership. He helped to organize and served as the first commander of the Washington Gas Light Post No. 44. He was a member of Phi Delta Theta Fraternity, one of the founders and active members of the Idaho State Society and a member of the Holy Name Society of Blessed Sacrament Church.

Besides his wife Mable, he is survived by a son, Ben J. Smith of Scottsdale, Ariz., Mrs. Martha Whalen of Rockville, Md., Mrs. Patricia Daley now living in Oslo, Norway, and 14 grandchildren.

Mr. Speaker, Walter Smith lived a rich and full life that was devoted to the service of others. He was motivated by a deep love of our country and a determination to help his fellow man. He set a high standard in personal integrity, patriotism, loyalty and service that all Americans can do well to follow. He will be missed by the many who knew and loved him and the legacy that he left will be long remembered and will be a source of inspiration to all of us.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The average nonfarm income in the United States is $468 a month compared to $125 a month in the Soviet Union.

FEDERAL EVALUATION POLICY

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

Mr. BELL of California. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent document recently published in book form by the Urban Institute. "Federal Evaluation Policy" contains the results of Department of Housing and Urban Development-funded evaluation of the Federal Government's ability to evaluate. I believe the recommendations set forth can, if implemented, provide a comprehensive, orderly system which will greatly enhance the possibility of genuinely rational decisionmaking based on program-impact data.

Every committee of this House can benefit from data which allow not only a measure of the effectiveness of a given program, but a comparison with other programs having similar objectives. The impact of such capability on both the executive and legislative functions cannot be overestimated. Few would argue with the notion that much of what we appropriate does not accomplish its intended result. The ability to filter out weak areas and reinforce strong ones can derive only from objective and reliable data—data made possible by new evaluative techniques which have, to a large extent, been borrowed from space technology and applied to domestic programs

in a manner which does not lose sight of people as individuals.

"Federal Evaluation Policy" sets forth cogent, step-by-step recommendations on how Government agencies can actually achieve this objective ideal. It is my understanding that many of these recommendations have already been adopted by various Departments. I believe that each of us should further encourage implementation of the institute's recommendations by agencies whose executive functions fall under our respective committee jurisdictions . . . and that we should provide the agencies with the resources necessary to the task. Spending money in this area could be the most economy-minded requirement of authorizing legislation.

Following are excerpts from the summary of recommendations which discuss the roles of the Executive Office, the Congress, and the agencies in the evaluation process:

FEDERAL EVALUATION POLICY—ANALYZING THE EFFECTS OF PUBLIC PROGRAMS

(By Joseeph S. Wholey, John W. Scanlon, Hugh G. Duffy, James S. Fukumoto, Leona M. Vogt)

ROLE OF THE EXECUTIVE OFFICE

The Executive Office plays a critical role in the evalution process. It must provide leadership, set priorities among studies and establish a federal evaluation system.

Leadership

S1. The President should continue to emphasize to federal agencies his determination to require and use objective evidence of program effectiveness in drawing up the Administration's budget and legislative program.

Priorities

S2. Both the Council for Urban Affairs and the Bureau of the Budget periodicaly should state the major questions on the effectiveness and appropriateness of existing programs that face the Executive Office.

Federal Evaluation System

S3. The federal government needs a system that provides timely answers to major questions on the effectiveness and appropriateness of existing programs. The Bureau of the Budget should develop such a system. To do so it must have the resources and authority to require, review and approve agency evaluation plans, to prepare overall federal evaluation plans, and to undertake evaluation studies itself.

To accomplish these tasks, the Budget Bureau should first require each federal agency to submit, as part of its annual budget justification, a two- to three-year plan for evaluating each of its major programs.

Second, on the basis of these agency plans and inputs from the White House and Council for Urban Affairs, the Budget Bureau should prepare annually its own comprehensive two- to three-year evaluation plan. For each major federal program (or set of related programs) the plan should show the national program impact and program strategy evaluations required and under way; the questions to be answered and by what dates; and the major assumptions and measures to be used. The Bureau's evaluation staff, in preparing the plan, should solicit the BOB examining divisions and the agencies for indications of priorities and timing requirements.

Third, through the Bureau of the Budget, the President should require initiation of (1) national program impact evaluation that cross agency lines to compare the effectiveness of related programs in achieving common objectives and (2) evaluations of how different federal programs can be used together to create effective local programs. The Bureau of the Budget should attempt to have such evaluation studies accomplished through cooperative efforts of the agencies concerned. If the agencies concerned are unable or unwilling to undertake high priority interagency evaluations of these kinds, the Bureau of the Budget should be given the resources to accomplish the required studies.

A budget on the order of $3 million per year and six staff members should be provided for Bureau of the Budget evaluation activities.

Requests for resources

S4. To give life to an evaluation system, the Administration should request the necessary evaluation staff and funds from Congress for the Bureau of the Budget, agencies and operating organizations. The President also should encourage Cabinet officials to allocate existing staff and money to major evaluation efforts.

ROLE OF THE CONGRESS

Congress, as one of the primary users of evaluation studies, has a large stake in the active support and guidance of a federal evaluation system.

National impact evaluations

S5. Congress should require, every two to three years, program impact evaluations of each major federal program. When appropriate, Congress should specify that such studies be based on follow-up of samples of program participants and members of relevant comparison groups. These evaluations should be done at a level removed from direct control of the program manager—at department level, in the Bureau of the Budget or in an office directly responsible to Congress. Congress should provide funds and staff to design, supervise, execute and disseminate these evaluation studies.

Program strategy evaluation

S6. Congress should make available, in each major program, funds and staff for program strategy evaluation (unless the studies would not be expected to be worth the cost). In particular, in each demonstration or pilot program, Congress should require a statement of the projects planned and a description of the system to be used for comparing the relative effectiveness of the different strategies and techniques to be tested.

ROLE OF THE FEDERAL AGENCIES

The responsibilities of a federal agency can be broadly categorized as follows: definition of program objectives, development of agency-wide evaluation work plans, carrying out comprehensive evaluation efforts, and dissemination and use of evaluation studies. The agency head must provide official support and assign responsibility and resources among various agency offices.

Agency head support

S7. Each department head should establish an evaluation system with adequate staff and money to measure the effectiveness of major agency programs. Evaluation results should be required in the drawing up of budgets and legislative proposals.

S8. Agency heads should require program managers to conduct the evaluation activities necessary to operate their programs effectively and efficiently.

Evaluation plan

S9. At the beginning of each fiscal year, each agency should develop or update a two- to three-year evaluation work plan stating which studies are in progress and which are projected. Approval of this plan should be required at the beginning of each fiscal year as a condition for authority to spend evaluation funds. This plan should be prepared by the agency-level evaluation staff in cooperation with policy makers, budget staff, program managers and operating-level evaluation staffs. Evaluation planning is a continual process: when the agency appropriation is known, the evaluation plan should be reassessed in light of firm budget figures.

S10. Since useful evaluation studies are likely to be costly, agencies should place emphasis on *feasible* studies of *major* programs where the value of the findings would outweigh the costs.

S11. For each of the agency's major programs or groups of related programs, the agency work plans should address the question of priorities among the following tasks:

a. program impact evaluation
b. program strategy evaluation
c. field experiments and experimental demonstration projects
d. project rating
e. local project evaluation
f. monitoring
g. routine reporting
h. cost analysis
i. development of evaluation methodology
j. development and demonstration of incentive systems that would reward project managers for productivity.

ADDRESS OF DAN DANIEL

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

Mr. DANIEL of Virginia. Mr. Speaker, I include at this point an address I made before the American Legion:

ADDRESS OF DAN DANIEL, PAST NATIONAL COMMANDER OF THE AMERICAN LEGION AND MEMBER OF CONGRESS TO THE JOINT SESSION OF THE NATIONAL SECURITY AND FOREIGN RELATIONS COMMISSIONS OF THE AMERICAN LEGION, PORTLAND, OREG., AUGUST 30, 1970

The historian Mark Watson wrote, in discussing the adoption of a draft law just prior to World War Two, ". . . this measure, a vital impulse to the upbuilding of American defenses more than a year before Pearl Harbor, was designed and given its initial push, not by the Army or Navy or White House, but by a mere handful of farsighted and energetic civilians."

That is in the tradition of the American Legion, as served by this National Security Commission and its predecessor committees. It was in 1919 that Frank Knox and Henry Stimson were members of an American Legion committee whose report became the National Defense Act of 1920. America entered World War Two with that Act still in effect, with the same Henry Stimson as Secretary of War and the same Frank Knox as Secretary of the Navy. How different history may have been if the other Legion recommendations had been followed also; in 1919, you called for Universal Military Training; in 1921, for a strong Navy to counter the growing power of Japan, in 1923, for a separate Air Force; in 1925, for fortification of Guam and Hawaii; in 1932 for civil defenses, in 1936, for a mechanized Army with antitank and antiaircraft weapons; in 1939, you warned the nation to watch Japan as well as Europe; in 1941, you fought to retain the draft law; in 1932, you had asked for immediate building of 2500 airplanes, with a yearly addition of 800 planes, and since that was not followed, in 1938 you called for 8000 planes at once plus a yearly addition of 1500, which would have given the nation 12,500 planes on Pearl Harbor day.

In 1939 the aircraft industry had its best year with an output of 5,856 planes, but only 940 of those were military types, and this in spite of General Hap Arnold's statement that in 1938 "we had no Air Force." The Navy, and the rest of the Army in addition to its Air Corps, were in deplorable condition in view of the erupting world war. But that was in spite of your work, and you can rightfully

be proud that you had done your best to alert the nation, and that even now in your 51st year you continue to bring a keen selfless devotion and an informed opinion to the problems of maintaining security for the nation.

Your resolution, adopted at the National Convention in Atlanta last year, which sought to bring reason to the consideration of the unfairly maligned "military-industrial complex," deserved even wider dissemination and more thoughtful consideration by everyone than it received. As I speak to you now about the American military, I intend no slight to the industries, large and small, and their millions of employees, who are absolutely vital to meeting the needs of national security. The man who uses the weapons is dependent on the man who makes the weapons, and the American public must never forget that.

But let me talk to you, and through you and your comrades to the nation, about the American military establishment. It is under attack. Loud and raucous voices seek to discredit the United States by trying to bring disrepute upon the men who either *give* their lives, or *spend* their lives, defending the nation in military service.

From hippie coffee houses to the halls of Congress, catch-phrases, emotion laden words, twisted facts, false allegations and complete misrepresentation are used in an attempt to discredit the American military man.

The vast majority of American citizens, those of varying political persuasion as well as those indifferent to politics, those of economically deprived and socially handicapped groups as well as the affluent and privileged, those with little or no formal education as well as those of intellectual attainment, need and will welcome some simple facts and common-sense reasoning on this subject.

Reasonable words will not appeal to those extremists who seek to disrupt, uproot, or overthrow the Government of the United States. Some of them follow the plea of people like the folk-singer, Joan Baez, who calls for a revolution by what she terms non-violent means. She wants others to follow the example of her husband, David Harris, now in Federal prison for draft evasion, in refusing to support the Government by obeying its laws. There is room for others in prison, and some of us would like to see the laws applied more expeditiously to those lawless slackers who refuse to serve their country when ordered.

Then there are those whose twisted emotions and deranged minds have led them to defy society and the law which protects society by taking up arms against the forces of law and their fellow citizens. Like the murderous bomb-makers of the Weatherman faction of the Students for a Democratic Society, their course is suicidal, and they well know it. It is not repression for society to protect itself. We make here no appeal to unreasoning and irrational persons who deny the nation and its historic fulfillment of the national hopes of mankind for freedom and advancement.

Today I speak to the question of men of intellectual pretension, those with the responsibility of elective positions, those whose words seek to influence the climate of national opinion, those charged with the education of the youth of the nation.

I charge them with intellectual dishonesty when they constantly deplore the influence of "military experts" in relation to military forces, equipment, strategy, and tactics. Why is it they never question the influence of economists on fiscal and monetary policies. Why don't they question the influence of "urban experts" on the growing problems of our cities? Why haven't they questioned the influence of experts in science and medicine on the questions of food and drugs, or pollution? Why don't they deplore the influence of management experts on computer use or corporate operations?

It is our military leadership which they constantly seek to denigrate and degrade. Such efforts cast unwarranted aspersions on the great military men of American history, such as Pershing, MacArthur, Eisenhower, Arnold, Nimitz, Halsey, and Vandenberg, for it is in the great tradition of such men that our present military leadership carries on. Such attacks not only deny a fair evaluation of present military leaders, they viciously downgrade the magnificent junior officers now in service. These young men, from our service academies and ROTC programs, not only enter operational commands and do a tremendous job in the air, on the seas, and in the jungles of Southeast Asia. They not only man the deterrent forces in the United States and within the NATO command, they also are certainly as well educated as their civilian peers and undoubtedly as thoughtful and informed about the issues and challenges confronting our Nation in a troubled world.

Note the disproportionate number of service academy graduates who have been chosen as Rhodes scholars. One of these, for example, was Pete Dawkins, U.S. Army, who was so brilliant at West Point that it has been said, not entirely in jest, that if he and MacArthur had been classmates, MacArthur would have been second-in-command to Dawkins in the Corps of Cadets. An "All-American" in football at the Point, Dawkins also "won his blue" in soccer at Oxford. A man with guts to match his brain, Dawkins while a company commander in Vietnam called for an American airstrike right on his own position when he and his men were overrun by enemy forces.

It is with pride that I defend these men of the American Armed Forces, from Chiefs of Staff, to the largest single group of officers who re lieutenants and captains ranging from about 22 to 30 years of age, to the eighteen year old enlisted men pushing their way through jungle with rifles while toting ninety pound packs. In my book, they are better men than those who seek to discredit them.

The fundamental principle in the conduct of war is the selection and maintenance of the *objective*. The objective is selected as a matter of policy, and as one senior officer told his staff in the Pentagon: "Never forget that national policy is determined by the Administration. So we respond to those who criticize the military because air power did not end the war by bombing North Vietnam with a simple, well-known fact: that fact is that the President of the United States decided NOT to destroy the government of North Vietnam. That government exists today, not because it was able to defend itself, but simply by virtue of a policy decision made by the civilian head of the government of the United States, who is also, by virtue of his office, the Commander-in-Chief.

The planes of the U.S. Navy and the U.S. Air Force had almost uncontested supremacy of the air over North Vietnam. No one with the slightest knowledge of military operations has any reason to doubt that the government, the war-making power, and the people of North Vietnam could all have been destroyed, and without the use of other than conventional weapons.

Even in the last days before the bombing halt, when the Soviet Union and Communist China had supplied tremendous aid to North Vietnam, American planes hit their targets. A relative handful of men, as military forces are reckoned, tied down three-quarters of a million North Vietnamese by American bombing of the North.

General "Chappie" James spoke to you yesterday. When he returned in December 1968 from a tour as a tactical fighter pilot, he said in a press conference at the White House: "Speaking of the Hanoi, Haiphong area and around there . . . we have standing orders that if you cannot positively identify your target, you don't strike. You bring the weapons all the way back. That is a tough thing to do when you have fought flak and stuff to get all the way up there." He further said he didn't hear any fighter pilots asking, "Why am I here?" "All we want to know is 'Where the hell are they at?'"

American pilots hit their targets, restricted as those targets were, and they cut down the flow of men and materiel to be used against our troops and allies in South Vietnam. We lost planes; we lost men, some of them among those suffering inhuman treatment now in the "Hanoi Hilton", and the war will not be over, peace will not be reached, until the North Vietnamese repatriate them. We "spent" the equivalent of a good air force, but the job assigned was done. The civilian-directed policy was carried out in a professional manner and no criticism of our military forces on this matter can be fair.

Another criticism of the military is based on the procurement of weapons systems. You are well aware that the Congress, following full hearings and adequate consideration, repeatedly authorized and appropriated funds for an advanced bomber; you also remember that civilian leadership in the Executive branch refused to proceed with the program provided by the legislature. You know that civilian leadership chose the source for the F–111 and decided on a bomber version, the FB–111. You know that a former Secretary of Defense directed the "Total Procurement Package" on the C–5, about whose costs so much has been said, much of it obviously uninformed or biased. The "Cheyenne" helicopter program, nuclear powered naval vessels, especially aircraft carriers, a whole generation of aircraft such as the B–1, the A–X, the A7, the F–14 and F–15, the ABM system. The Poseidon and Minuteman-Three missiles, and many others, are known to many Americans primarily as matters used to criticize the military.

The military responsibility is to identify and describe an operational requirement, based on assigned missions. Take the F–111 for an example. "The basic goal set for this aircraft at the outset of the program (included) a severalfold increase in tactical striking power without sacrifice of the characteristics required for deployment flexibility such as long, unrefueled ferry ranges, short takeoff and landing distances, and operation from forward bases with high reliability and ease of maintenance." It's all-weather and night capability were to exceed anything ever before demanded of avionics and aeronautics. The contractor given the Herculean task of producing such a plane was chosen by a civilian Secretary of Defense. Regardless of the reasons for the Secretary's choice, the contractor faced the necessity for building an aircraft beyond the "state of the art," that is, that no one knew how to build, but that required new techniques, new scientific applications, and all this not only from the prime contractor but also from thousands of sub-contractors. It is pointless here to express a judgment on the awarding of the contract; that has been publicized, investigated, and discussed for over seven years, and the end is not yet in sight. It is important here, however, to take a look back and to stress two aspects: first, the civilian Secretary of Defense, Mr. McNamara, made the two crucial decisions, each of them contrary to the military advice he received; second, the civilian secretary's approach was based on a premise foreign to military responsibility. He decided on "commonality", in essence, one plane to meet the widely differing needs of both the Navy and the Air Force, and he imposed that decision on the military. He decided on a prime contractor contrary to the recommendation, made four different times, by the Source Selection Board composed of five general

and flag officers; contrary also to the Air Council composed of ten generals and admirals; contrary to the Chief of Staff of the Air Force, to the Chief of Naval Operations, and their subordinate commanding generals and admirals with responsibility on the matter.

History has already indicated that the decision for a common plane for both services has been superseded, and so it would be fair to say that thereby McNamara lost what has been termed his "$1 billion gamble."

As to the second of those two decisions, regardless of whether one agrees with and approves it or thinks it one of the historic blunders, one fact still remains unquestioned: it was not a *military* decision, and praise or blame for it do not belong to the military leadership.

The second aspect, that of the contrast between the basic premise of the civilian secretary which was that cost was of more importance than performance, and the approach of the military, which was that performance must be good enough to meet operational requirements if a weapons system is to be procured, is even more important. It is more important because the basis of decision continues to affect our planning and procurement.

"Cost effectiveness" has an impressive sound. Everyone will agree that to be effective at a lower cost is desirable in all realms of life. But is there really gold behind the glitter of that phrase? Take one of McNamara's own illustrations to prove his point; he pointed out that to improve the speed of a jet fighter plane from mach 2 to mach 2.1 gives only 5% more speed and might cost 20% more. That sounds sensible, but can be gross stupidity if the lack of 5% more speed means losing 100% of the battle.

Allow no one to tell you that military men are not cost conscious. Certainly they make mistakes and miscalculations, who doesn't? One of the most widely issued and repeated instructions in the armed forces is "we must do the job at the lowest possible cost." But in the national defense, "doing the job" must have priority over cost, not ony in dollars, but also in equipment and in the lives of American servicemen.

No wonder that a curent Chief of Staff recently wrote:

"The lessons of history are clear. They tell us that weakness in the face of strength possessed by potential conquerors is an open invitation to disaster. Is strength worth its price? The British author Oscar Wilde has said that a cynic is a man who knows the price of everything and the value of nothing. In America today, a growing number of responsible people are taking long, hard looks at the costs of national defense. They are asking, 'Is it worth the price?' It is a valid question. But the correct answer must necessarily lie somewhere within the answer to another question. 'What is the value of liberty?' "

Civilian control of the military has been a fact of life in America ever since George Washington relinquished command of the Continental Army to become President. The National Security Act of 1947 imposed still another layer of civilian control by establishing the Department of Defense. The Defense Reorganization Act of 1958 so expanded the powers of the Secretary of Defense that, under McNamara, official briefing from his office referred to him as "the highest ranking military man in the Pentagon." He was, in truth, a civilian, appointed to a civilian office, but no one in the military had the authority to rebuke or correct him; only the President of the United States was in a position to do so with effect. Subsequent Secretaries of Defense may have a different approach to the management of the Department, but the precedent has not been destroyed or repudiated. When the press says "Pentagon," the impression of many people is "military," and we can benefit the nation, as well as the members of the armed forces, by making the proper distinction between the layers of civilian bosses, distinguished public servants though they may be, and the men in uniform who follow the policy decisions of appointed civilians. And this is particularly true on the procurement of weapons, systems. Let's help the American public to place the credit, or the blame, where it belongs.

From newest recruit to the Chairman of the Joint Chiefs of Staff, all military men are subject to the Uniform Code of Military Justice. Your National Security Commission has had a special committee give study over the years to this specially designed body of law, and I congratulate you for your attention to it.

Now that a tide of publicity and propaganda has swept over the public in regard to forthcoming courts-martial, those who would weaken or destroy the military establishment seek to discredit it by attacks on the system of military justice. Writers and speakers of the rebellious Left lead such attacks.

A strong case can be made, by those familiar with both the military justice system and the civilian justice system, for judging the military system far superior to the civilian system in protecting the rights of the accused. Five features of the military system are important in this regard.

First, military accused have a far greater right to counsel than their civilian counterparts. The military member's right to counsel applies not only to felonies but to misdemeanors tried at special court-martial—the second of the three types of military courts. If a member is referred to the less serious one officer summary court, where he has not absolute right to counsel, he can refuse trial in the forum and go to trial at special court-martial, where he will be represented by counsel. In the civilian system, providing defense counsel is an acute problem, not always satisfactorily resolved.

Second, the military system has an elaborate procedure prior to trial by General court-martial for investigation of the charges to determine whether trial is appropriate. Quite often, based on this investigation, charges will be dropped or handled by lesser disciplinary means. This investigation is far more protective of the defendant's rights than is a civilian grand jury proceeding. A grand jury meets without the defendant present; the defendant is not allowed to present evidence or to cross-examine witnesses and it is usually shrouded in tight secrecy. In the military investigation, the defendant is present, represented by counsel, can cross-examine all witnesses and can call witnesses on his behalf. This provides the accused and his counsel with all the basic information about the government's case, so that if the charges do go to trial, the accused is better able to defend himself.

This procedure is closely tied to the right of the accused to a speedy trial, which is not only guaranteed by the 6th Amendment but by the Uniform Code of Military Justice. The Code demands that immediate steps be taken to try him or dismiss the charges and release him from any restraint imposed. By comparison, speedy trial protection offered a civilian is feeble. A comparison of the military and federal cases makes that abundantly clear.

Third, the military system has a comprehensive procedure for review of both the findings and the sentence after a trial. This includes review by the convening authority, and an automatic review by the Court of Military Review for most significant cases. During these reviews, the sentence as well as the finding of guilty may be reduced or dismissed, but cannot be increased. This possibility for quick review shortly after trial is also an important protection which is not found in the civilian system. The Court of Military Review is a panel of highly qualified judges in Washington. Beyond their review, a case may be further reviewed by the Court of Military Appeals which consists of three civilian judges appointed by the President with the advice and consent of the Senate. That court has the power of discretionary review of many classes of the more serious court-martial cases, and is required by law to review certain other cases.

Some of you may well be saying to yourselves that while the case for military justice is convincing as stated, it doesn't serve alone to enable you to give proper consideration and handling to resolutions which are before you. The General Counsel of the Department of the Army, Robert E. Jordan III, a distinguished man from my own Fifth District of Virginia, in a recent speech said this, and I commend it to your attention:

"Many people these days ask me for advice as individual citizens, concerning how they should proceed in making judgments about the Son My Matter. My advice to them, which may be helpful to you and others with similar concerns, is that judgment be reserved until the military justice system has had an opportunity to function through the normal trial process. The trials in question will be public trials. The evidence will be produced in accordance with the traditions and rules of the Anglo-American justice system. Both the prosecution and the defense will be given an opportunity to present their sides. I believe that when the American people become fully familiar with the evidence in these cases, many of them will want to reassess judgements which may have been hastily made on the basis of incomplete and sometimes inaccurate accounts which have appeared in the news media."

The recent acquittal in one of the Marine murder trials in Vietnam gives substance to that statement.

You can be certain that no one of the Armed Forces ever loses sight of the important *positive* requirement of military justice, which includes obedience to lawful orders and regulations. What a tremendous thing this is, when we realize that thousands, yea millions, of Americans have repeatedly risked their lives, aware of the risk, and all too often given their lives to carry out commands.

As Americans should be, you are concerned both with the rights of the individual and with maintaining proper military discipline. So are the United States Army, Navy, Marine Corps, and Air Force. So are the President and the Congress of the United States. Together we shall protect them, and we shall also protect ourselves from becoming the unwitting tools of those who care nothing for the nation, its military, or the rights of individuals.

Another unfair attack upon the military is based on manpower policies, especially the draft. Since almost 10 million young men and women have entered the enlisted ranks of the armed forces in the past fifteen years, and it is estimated that over half of these were either drafted or volunteered because of the draft, it is to be expected that many people equate the draft with the military. The fact is that the draft laws, and their extensions, have been enacted by the Congress and signed into law by the President. The military calculates its need for men, and the kind of men and skills needed to carry out assigned missions. How they are obtained must take second-place in military thinking.

As I stated before, the American Legion called for Universal Military Training in 1919. It kept working toward that goal, and renewed the effort after World War Two. Our departed comrade, National Commander Louis Gough, had a special committee hard at work preparing a nationwide effort. The concept met a sudden death when General Eisenhower repudiated Universal Military Training in a presidential campaign speech at Baltimore. Your work to improve man-

power policies continued, however, and with pleasure we acknowledge the many years of effort by Judge Granville Ridley of Tennessee. It is ironic to remember that educational groups were in the forefront of opponents of UMT. How different may have been the condition on American college campuses in the last few years if UMT had been in effect for the last twenty years.

At this time, it would be audacious to predict what changes will be made in manpower policies, outright repeal of the draft laws, a modified draft, or an all-volunteer force. Your interest and study will continue and you will contribute to governmental thinking and the attitude of the American people. But you will also recognize that the *need* for men is military and the *decisions* as to how they shall be obtained will continue to be *civilian* decisions. Here you can raise your voice against those who seek to discredit the military for the inherent inequities and uneven civilian administration of a civilian draft law.

Abraham Lincoln said: "With public opinion, nothing can fail; against public opinion, nothing can succeed." It is deplorable that just now, when dissident and destructive elements seek to undermine the Armed Forces, unreasonable and non-factual attacks have been made in both houses of the Congress on the information activities of the military.

Defense is the biggest business in America; supported by the tax dollars of our citizens, it can be said to have 200 million stockholders. Far more important to millions of Americans than the dollars spent are the investment of years of the lives of sons and daughters, brothers, fathers and husbands. The safety of the nation and its people, as well as the people and national existence of all free countries, depend upon the ability of the Armed Forces of the United States to deter aggression or to win a war. As a former Chief of Staff put it:

"A highly motivated military force is essential to superior combat capability—the kind of capability that can deter aggression. Equally essential is a resolute and self-possessed citizenry. Constant esprit de corps and determination in a military force and calm resolution in the citizenry are founded on understanding. And understanding of the ever-changing situation is dependent upon information—truthful, current information."

Americans need more, not less, information on the armed forces. That is why I speak to you today. The News Editor of the Washington Bureau of the New York Times, Robert Phelps recently said to military information people:

"This country must believe in its armed forces, they must believe that you are good men and true, and you are good for your country. I know that you are, but you are in serious trouble with large numbers of people in this land . . . The only way to win the hearts and minds of these people is to tell the truth, even when it hurts."

An outstanding reporter from the Baltimore Sun added that "the press probably could not cover the government without the assistance of information people."

Maybe the distinguished Senator who made the attack on military information activities last December needs to have pointed out to him that practically all the material he used in that assault was furnished him by the very people he sought to discredit. It would appear that the Senator not only wishes to usurp the President's constitutional authority to make foreign policy, but that he wants public discussion confined to his point of view. Rather than the fine military men who addressed this Commission in the past two days, maybe the Senator would have chosen for you to hear Abbie Hoffman, Eldridge Cleaver, or Norman Mailer. That seems not unlikely since he objected to the appearance of General William C. Westmoreland, Chief of Staff, U.S. Army, before the American Legion convention in New Oreans on September 10, 1968. Of the fifty-nine appearances of General Westmoreland, where the Senator thought he could "promote a military point of view," twenty-five were strictly military related audiences, ten were veterans affairs, and the others were "public", such as the annual meeting of the Boy Scouts of America.

You are correct, of course, in thinking that such an attack doesn't deserve to be dignified by a reply, that General Westmoreland and the other Chiefs are due commendation for their adding to their heavy responsibilities and duties in an effort to serve the American public. But I refer to it as symptomatic of the multitudinous, and sometimes nefarious, methods being used in an attempt to discredit the American military man and then to deny him even the right to defend himself and his service to the nation.

Contrast that, if you will, with the American Forces Radio and Television Service. On a twenty-four hour a day schedule, seven days a week, the service beams to our servicemen around the world the news *as received* from the Associated Press, United Press International, American Broadcasting System, Columbia Broadcasting System, Mutual Broadcasting System, Group W, and Metromedia news sources. They hear Huntley & Brinkley, (or did until Huntley retired), Walter Cronkite, Howard K. Smith. They hear "Meet the Press," "Face the Nation," "Issues and Answers." This is great, because our servicemen are Americans, and Americans like to hear all sides and make their own judgments.

This is what we ask for the American military man. Let him be judged by the people of his nation; but let him be judged on the facts. Where there is innuendo and misrepresentation, let the true be blazened forth. The judgment of his fellow citizens then will be that the composite American military man is magnificent, worthy today as he has been throughout our history, to be trusted not only with our lives, but with that which is even dearer to us, our country.

ROGERS WELCOMES PRESIDENT'S ENDORSEMENT OF CLEAN WATER BILL

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Florida. Mr. Speaker, I was delighted to see the President's endorsement of legislation which I have introduced dealing with the prohibition of ocean dumping and banning of hazardous materials into the Nation's waterways.

I am, however, disappointed that the administration's spokesman could not endorse these proposals last week when the Committee on Fish and Wildlife Conservation held hearings on legislation reflecting the ideas which the President endorsed yesterday.

The ideas expressed in the President's message are already embodied in the legislation discussed last week. Unfortunately, Dr. Leslie L. Glasgow, Assistant Secretary of the Interior for Fish and Wildlife and Parks, was unable to comment fully or properly on the points included in the bills which were discussed.

Indeed, he repeatedly asked that the committee defer action on these proposals.

I think that now that the President has expressed his approval of these concepts we can move quickly to pass them into law. Chairman DINGELL has already announced that our committee will meet after the recess to pass a strong bill. The President's support will only act to speed our efforts.

Mr. Speaker, as you know, the bills under consideration to clean up our marine environment and preserve the life web associated with it establish areas where no dumping would be allowed. It would also establish standards for the various materials now permitted to be dumped and would establish a three-step timetable after which all effluents dumped would be treated in a manner of at least tertiary nature.

There are many other provisions in this bill, but basically what we are saying is we are going to create clean water areas by prohibiting the dumping of sewage and hazardous materials into our waterways, and ultimately by 1976, we will return clean water to all of our waterways.

I certainly welcome the President's endorsement of this legislation as I am sure the members of the committee do.

RESOLUTION ON DISMISSAL OF PROFESSIONAL AIR TRAFFIC CONTROLLERS BY THE FEDERAL AVIATION ADMINISTRATION

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

Mr. PEPPER. Mr. Speaker, members of this body would have to think long and hard to recall any instances in the history of our country in which career Government employees protected by the standards of civil service were treated as unconstitutionally and unfairly as through the deplorable actions of the Federal Aviation Administration in purging officials of the Professional Air Traffic Controllers Organization (PATCO).

There are facts which may have justified such action in the judgment of certain officials in the case of the air traffic controllers "sick-out" which has resulted in the firing of 58 controllers who were among the leadership of PATCO.

The dispute arose over certain conditions in air traffic control systems which parties to the dispute agreed were serious and required attention. Certain officials of FAA in hearings on problems confronting the Federal Aviation Administration in the development of an air traffic control system for the 1970's, testified before the Committee on Government Operations in July of this year, substantiating the concern of the controllers and, I quote from page 7 of those hearings, Union Calendar No. 623:

> It is the committee's conclusion that the lack of adequate airport capacity will continue to place a heavy strain on the nation's air traffic control system throughout the 1970's. . .

Controllers most concerned and most exposed to the strain dramatized their concern, not for monetary or selfish reasons, but for their concern as human beings for public safety and the need for

more Federal priority in alleviating the conditions.

It will be of interest to my colleagues to know that the decision in a hearing before the U.S. Department of Labor, just published this week, calls for a maturing relationship between the Federal Aviation Administration and the controllers through collective bargaining. The decision states:

This should not be begun in an atmosphere of acrimony, with one party wearing the black hat of an outlaw. The recent postal situation is a good example of looking to the future. There, the consequences would have been catastrophic had the unions been branded outlaws, and their representation status challenged or undermined. The resolution of that dispute turned on each side's recognition of the representative status of the other, irrespective of the antecedent events.

I urge my colleagues to join me and the cosponsors in the House Resolution No. 1234 on the dismissal of professional air traffic controllers by the Federal Aviation Administration, introduced Monday, October 5, 1970.

In conclusion I would like to say that fortunately the outrageous action of the FAA has not gone unnoticed by those persons in the public media who view the total situation from an objective third-party viewpoint. As an example, I point to the recent article by an eminent writer, Charles Whited, for one of the country's most outstanding newspapers—the Miami Herald—which dramatizes from a local level the effect such precipitous acts have on destroying the careers of dedicated public employees.

The article referred to follows:

AIR TRAFFIC CONTROLLERS FEEL AX

(By Charles Whited)

Three senior air traffic controllers in Miami have been fired by the Federal Aviation Administration for leading last spring's "sick-out" here protesting air safety practices.

Another 48 Miami men have spent the past six months sweating out suspension notices, and some actually were suspended briefly for their part in the work slowdown last March.

The firings are part of a nationwide series of actions by the FAA.

In all, the huge agency dismissed 58 leaders of the Professional Air Traffic Controllers Organization who staged the coast to coast protest for better work conditions and better relations with the FAA.

Ironically, the action is aimed at some of the most experienced men who direct airplanes in the crowded skies.

The three PATCO leaders dismissed were—Edgar Hunt, Gerald L. Seeley, and Robert C. Eberst—each had about 14 years of FAA service, plus military experience.

Eberst held three sustained superior performance awards from the FAA and had developed several new systems for traffic control. Hunt also had superior performance ratings and, in the Miami International Airport Tower, was acting crew chief and assistant training officer. All three men are Air Force veterans of the Korean War. The basic charge against them: they went on TV news broadcast urging public support and condemning existing air traffic control manpower and methods as inadequate.

Going to bat for the ousted men in Washington is U.S. Representative Claude Pepper, who introduced a House resolution calling for suspension of the firings pending an investigation.

Pepper said that apparently the FAA is "violating its own standards" by dismissing the men on the basis of allegations only, and without a hearing.

Air traffic controllers across the country complained at the time that tremendous pressures under which they work jeopardized public safety in the air.

Miami area manager Richard Skully of the FAA was vague Tuesday when I asked him about the local firings, even to the point of declining to name the three controllers dismissed here.

Q—Mr. Skully, who were the men dismissed?

A——I'd rather not say. I am not in a position to give out that information.

Q—What are the charges against them?

A—I don't have that before me at this time. I don't know. I'd have to look at each individual case.

Q—Was the action ordered by higher authority, or did it originate in the local FAA office?

A—I was the deciding officer in the cases.

Eberst, Hunt and Seeley had been instructed by their attorney not to discuss the matter for fear of jeopardizing their appeals.

Other air traffic controllers would talk, however, provided they were not identified by name.

"Money wasn't the issue. It never was", said one. "These guys all over the country, stuck their necks out for a principle. Now they are getting hacked to pieces for it.

"I'd say to risk a $20,000 a year job on principle is being pretty idealistic. The government is being cruel to some of its most dedicated employees.

"There were 200,000 postal workers who said, blatantly, 'strike!' Nothing happened to them. Nobody was fired. The Government Printers Union, same thing. But air traffic controllers? That's something else again."

The shock of the dismissals was described this way:

"For an air traffic controller, there's no other employer but the FAA. When he's fired, he's destroyed."

RESOLUTION OF MIAMI DOWNTOWN LIONS CLUB

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

Mr. PEPPER. Mr. Speaker, we all agree that one of the great needs to curb crime in the country today is to speed up the trial of criminal cases. I believe that the goal of every court in the country, except in exceptional cases, should be to provide trial for a person charged with a crime within 60 days after the charge is filed. The Miami Lions Club has just passed a strong resolution supporting the Chief Justice of the United States in this view and I commend this resolution to my colleagues. The subject of speeding up the trial of criminal cases is one of the primary objectives of the House Select Committee on Crime of which I am chairman.

The resolution follows:

RESOLUTION

Whereas, the Downtown Lions Club of Miami is most concerned about the increasing rate of crime in our City and County, and

Knows that one reason crime flourishes is because of delays and the needs for reform in our criminal court systems, and

Knows that justice delayed is justice denied, and

Knows that every American is threatened when justice is threatened, and

Knows that one of the genuine deterrents to criminal conduct is bringing on criminal cases for trial within sixty days after indictment, and

Knows that the thinking and recent proposals of United States Supreme Court Justice Warren E. Burger are along such lines;

Now, therefore,

Be It Resolved that the Downtown Lions Club of Miami, by unanimous vote, approves and backs the thoughts expressed above, and those of Mr. Chief Justice Burger, and it is further

Resolved that a copy of this Resolution be sent to every civic club in the greater Miami area, as well as to all local governments.

GENERAL LEAVE TO EXTEND REMARKS IN THE RECORD ON THE SUBJECT OF THE PRESIDENT'S ADDRESS OF LAST EVENING

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks in the RECORD on the subject of the President's address last evening.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLANTON (at the request of Mr. BOGGS), for today, on account of official business.

Mr. FLYNT (at the request of Mr. BOGGS), for today, on account of official business.

Mr. JONAS (at the request of Mr. ARENDS), for October 6 and balance of week, on account of illness in family.

Mr. HAGAN (at the request of Mr. HAMILTON), 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:

(The following Members (at the request of Mr. STEIGER of Wisconsin) and to include extraneous matter:)

Mr. MACGREGOR, for 10 minutes, today.

Mrs. HECKLER of Massachusetts, for 10 minutes, today.

Mr. HOGAN, for 30 minutes, today.

Mr. GERALD R. FORD, for 5 minutes, today.

Mr. PRICE of Texas, for 30 minutes today.

Mr. CRAMER, for 30 minutes, on Monday, October 12.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. GIAIMO, for 10 minutes, today.

Mr. BOLAND, for 10 minutes, today.

Mr. KOCH, for 30 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. VANIK, today, for 15 minutes, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GUDE to extend his remarks prior to the vote on the Moorhead amendment today.

Mr. RIVERS (at the request of Mr. DANIEL of Virginia) in his remarks in the Committee of the Whole on the bill H.R. 19590.

(The following Members (at the request of Mr. STEIGER of Wisconsin) and to include extraneous matter:)

Mr. WYMAN in two instances.
Mr. GUDE.
Mr. WOLD.
Mr. CHAMBERLAIN.
Mr. BUTTON in two instances.
Mr. BURKE of Florida.
Mr. GOODLING.
Mr. LANDGREBE.
Mr. SCHERLE.
Mr. BROOMFIELD in two instances.
Mr. SCHWENGEL.
Mr. HOGAN.
Mr. CARTER.
Mr. SCHMITZ.
Mr. TALCOTT in two instances.
Mr. WHITEHURST.
Mr. ANDERSON of Illinois in two instances.
Mr. HORTON in 11 instances.
Mr. PRICE of Texas in two instances.
Mr. ROTH in two instances.
Mrs. MAY.
Mr. BOW.
Mr. HOSMER in two instances.
Mr. FISH in two instances.
Mr. COLLIER in three instances.
Mr. DUNCAN.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. PHILBIN in two instances.
Mr. ANNUNZIO in eight instances.
Mr. WILLIAM D. FORD in two instances.
Mr. SYMINGTON.
Mr. FRIEDEL in three instances.
Mr. FISHER in three instances.
Mr. EILBERG in two instances.
Mr. WOLFF.
Mr. ICHORD in two instances.
Mr. MINISH in three instances.
Mr. PRYOR of Arkansas.
Mr. BINGHAM in six instances.
Mr. ROONEY of New York in two instances.
Mr. ABBITT in two instances.
Mr. MEEDS in two instances.
Mr. PICKLE in six instances.
Mr. RARICK in three instances.
Mr. BOLLING in two instances.
Mr. DORN.
Mr. ROGERS of Florida in five instances.
Mr. PEPPER in two instances.
Mr. FULTON of Tennessee in three instances.
Mr. KASTENMEIER in three instances.
Mr. ZABLOCKI in two instances.
Mr. RYAN in five instances.
Mr. MURPHY of New York.
Mr. SMITH of Iowa in four instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 60. An act to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

S. 3389. An act to provide for the protection, development, and enhancement of the public recreation value of the public lands; to the Committee on Interior and Insular Affairs.

S. 4090. An act to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 140. An act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes;

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes;

H.R. 9548. An act to amend section 15-503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia;

H.R. 10837. An act to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926;

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co.;

H.R. 13125. An act 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;

H.R. 14655. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes;

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18410. An act to establish the Fort Point National Historic Site in San Francisco, California, and for other purposes;

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; and

H.J. Res. 1396. Joint resolution to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, October 12, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2448. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report of the Corporation for calendar year 1969, pursuant to section 17(a) of the Federal Deposit Insurance Act; to the Committee on Banking and Currency.

RECEIVED FROM THE COMPTROLLER GENERAL

2449. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improvement in the administrative and financial operations of the U.S. District Courts; to the Committee on Government Operations.

2450. A letter from the Comptroller General of the United States, transmitting a report of management improvements needed at the U.S. Armed Forces Institute; 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. DAWSON: Committee on Government Operations. Report on environmental pollution: discharge of raw human wastes from railroad (Rept. No. 91-1581). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. A review of steel purchased for the commercial barge construction program in Vietnam (Rept. No. 91-1582). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Commercial (Commodity) import program for Vietnam (followup investigation) (Rept. No. 91-1583). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Civilian medical program for Vietnam (followup investigation) (Rept. No. 91-1584). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Regulation of cyclamate sweeteners (Rept. No. 91-1585). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Military supply systems: lessons from the Vietnam experience (Rept. No. 91-1586). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee of Conference. Conference report on H.R. 15073 (Rept. No. 91-1587). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 3586 (Rept. 91-1588). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 2846 (Rept. No. 91-1589). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 17570 (Rept. No. 91-1590). Ordered to be printed.

Mr. YOUNG: Committee on Rules. House Resolution 1245. Resolution for consideration of H.R. 16443, a bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals

to perform architectural, engineering, and related services for the Federal Government (Rept. No. 91–1591). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1246. Resolution for consideration of H.R. 18884, a bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes (Rept. No. 91–1592). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of North Carolina:

H.R. 19649. A bill to direct the Secretary of Commerce to conduct a comprehensive study and investigation of the allocation of frequencies for telecommunications for the purpose of formulating an allocation system to achieve the maximum use of the frequencies for such communications; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 19650. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 19651. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. GALIFIANAKIS (for himself, Mr. ANDERSON of Tennessee, Mr. ANNUNZIO, Mr. BROCK, Mr. MILLS, Mr. MOLLOHAN, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RAILSBACK, and Mr. SPRINGER):

H.R. 19652. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 19653. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. WHITEHURST, Mr. BROOMFIELD, Mr. MCKNEALLY, Mr. CHAPPELL, Mr. BURLISON of Missouri, Mr. WYDLER, Mr. PIRNIE, Mr. TALCOTT, Mr. BIAGGI, Mr. NICHOLS, Mr. MONTGOMERY, Mr. HICKS, and Mr. PRICE of Texas):

H.R. 19654. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 19655. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

By Mr. MIKVA (for himself and Mr. OLSEN):

H.R. 19656. A bill to carry out the recommendations of the Presidential task force on women's rights and responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 19657. A bill to amend the Flood Control Act of 1936 to authorize relocation work on the Levisa Fork of the Big Sandy River and for other related purposes; to the Committee on Public Works.

By Mr. PUCINSKI:

H.R. 19658. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 19659. A bill to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. CRANE:

H.R. 19660. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 so as to prohibit the use for political purposes of certain funds collected by labor organizations from their members, and for other purposes; to the Committee on Education and Labor.

By Mr. FRASER (for himself, Mr. OLSEN, and Mr. ROSENTHAL):

H.R. 19661. A bill to protect the rights of employees of air carriers involved in mergers; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 19662. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 19663. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged land areas where the depositing of certain waste materials is prohibited, to require the establishment of standards with respect to such deposits in all other areas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. HECKLER of Massachusetts:

H.R. 19664. A bill to increase the investment credit allowable with respect to facilities to control water and air pollution; to the Committee on Ways and Means.

H.R. 19665. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

H.R. 19666. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution; to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 19667. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS:

H.R. 19668. A bill to make it a Federal Crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 19669. A bill to amend section 4(c) of the Small Business Act and sections 302 and 304 of the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

By Mr. FULTON of Tennessee:

H.R. 19670. A bill to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 19671. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. BROYHILL of North Carolina, Mr. BURTON of California, Mr. DENT, Mr. HALPERN, Mr. HARRINGTON, Mr. MORSE, and Mr. MOSS):

H.R. 19672. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 19673. A bill to provide that small-businesses concerns providing training under Federal manpower program shall receive credit therefor when bidding on Federal contracts; to the Committee on the Judiciary.

By Mr. BROCK:

H.J. Res. 1397. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 1398. Joint resolution authorizing the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week; to the Committee on the Judiciary.

By Mr. FISH:

H. Con. Res. 776. Concurrent resolution regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. GROSS:

H. Con. Res. 777. Concurrent resolution expressing the sense of the Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROCK:

H.R. 19674. A bill for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 19675. A bill for the relief of Amy Estelle Sebro; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

617. The SPEAKER presented a petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances, which was referred to the Committee on the Judiciary.