HOUSE OF REPRESENTATIVES—*Tuesday, November 24, 1970*

The House met at 12 o'clock noon.

Rev. Joseph Thomas Sefcik, First Presbyterian Church, Harrisonburg, Va., offered the following prayer:

Be of good courage, and let us play the man for our people, and for the cities of our God; and may the Lord do what seems good to Him.—II Samuel 10: 12.

God of all men, sincere gratitude rises for our country as we approach another Thanksgiving observance; gratitude that our forefathers did not forget their need for Thy resourceful guidance, solace, and encouragement.

Today, problems and pressures rest heavily on these men. Bless this body as it struggles to decisions. Give its Members the gift to make right choices, to hear Thy voice above the tugs and pulls of competing voices.

We are grateful this moment can be spent seeking Thy guidance for today's responsibilities. We do not pretend to be other than we are. We confess to be weak and shabby from lack of moral fortitude, hence turn to Thee for forgiveness. Our praise is to Thee, knowing Thy mercy is greater than our sins.

In the name of Christ, our Redeemer. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance; and

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

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

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein; and

H. Con. Res. 786. Concurrent resolution providing for an adjournment of the House from November 25 to November 30, 1970.

The message also announced that the Senate having proceeded to reconsider the bill (S. 3637) entitled "An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting," returned by the President of the United States with his objections, to the Senate, in which it originated, it was:

Resolved, That the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

REV. JOSEPH T. SEFCIK

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

Mr. MARSH. Mr. Speaker, the prayer today was offered by a constituent of the Seventh Virginia Congressional District, which I am privileged to represent.

The Reverend Joseph T. Sefcik is the pastor of First Presbyterian Church, Harrisonburg, Va., and we now are happy to claim him as a Virginian, while acknowledging that his birthplace was Johnstown, N.Y.

Mr. Sefcik is a graduate of Johnstown High School, Park College, Parkville, Mo., and Princeton, N.J., Seminary.

Prior to coming to Harrisonburg, he held pastorates in Amagansett, L.I., N.Y.; North Little Rock, Ark., and Kansas City, Mo.

He is a member of the boards of trustees of Massanetta Springs, Inc., the conference center of the Presbyterian Church in Virginia, and of Youth Clubs, Inc., the organization of Presbyterian youth groups. He recently was elected moderator of the Lexington, Va., presbytery.

Mr. Sefcik is married to the former Miss Yvonne Theiss, of Little Rock, Ark., and they have three daughters and two sons.

EFFORT TO FREE AMERICAN POW'S

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

Mr. MONTGOMERY. Mr. Speaker, unjust criticism of the efforts to rescue American prisoners of war is unreasonable. All Americans—both hawks and doves—should take pride in the fact we tried to free some American POW's. I would like to thank and commend the U.S. servicemen who volunteered for this mission. This was indeed a very valiant and worthwhile undertaking.

As we continue to deescalate in Vietnam, we cannot forget the American prisoners of war. Whenever and wherever necessary, we must take steps to save these fellow countrymen.

I feel sure the action of those brave volunteers last Friday was reassuring to the families of POW's and those listed as missing in action.

ADJOURNMENT FROM WEDNESDAY, NOVEMBER 25, TO MONDAY, NOVEMBER 30

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 786) providing for an adjournment of the House from November 25 to November 30, 1970, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment as follows:

Page 1, line 2, strike out "House" and insert "Congress".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THE "MINI CAR" WILL BE A WINNER

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

Mr. VANIK. Mr. Speaker, it is difficult at this time to determine whether the midi, the maxi, or the mini will win out, but as far as automobiles are concerned, the mini car will be a winner. The current 1-cent-per-gallon increase in the price of gasoline actually constitutes a 2-cent-per-gallon increase since the history in gasoline pricing indicates a 1-cent reduction in the winter season when motorists demand is lower and gasoline stocks accumulate. Under the oil quota system, the producers can charge almost anything they want.

The proposed tax on leaded gas will raise the consumers price by an additional 2 cents per gallon, the prospects are that the motorist will have to pay 10 percent more for gasoline in the new year. Under the oil quota system, 50-cent-per-gallon gas is on the horizon.

When the American consumer feels the full impact of these gasoline pricing policies, the interest will multiply in the "mini car" which consumes less fuel. The little car will be a winner.

POW RESCUE ATTEMPT COMMENDED

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

Mr. FISHER. Mr. Speaker, I am sure every patriotic American is proud of the courage and the skill of those brave volunteers who went by helicopters on last Saturday to what unfortunately turned out to be an abandoned prisoner-of-war camp, located 20 miles west of Hanoi, in a futile attempt to rescue Americans believed to have been held there.

The failure to achieved the desired results does not diminish the extraordinary gallantry that was displayed by those men who undertook that mission of mercy.

In addition, I commend the President for the decision which resulted in the

recent bombing of targets in North Vietnam. Those actions were clearly justified and proper in retaliation for the shooting down of an unarmed American reconnaissance plane and the tragic loss of the two occupants.

IN SUPPORT OF J. EDGAR HOOVER

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

Mr. BEVILL. Mr. Speaker, a former Attorney General of the United States recently made some highly critical remarks about FBI Director J. Edgar Hoover. He did in fact imply that Mr. Hoover should be removed from office.

I take strong exception to these remarks.

In my opinion, J. Edgar Hoover is a great American. He has served and is now serving his country in the highest tradition. I know of no man who has been more effective in fighting organized crime in this Nation and played a more leading role in the enforcement of our Federal laws than Mr. J. Edgar Hoover.

I have let Mr. Hoover know that I plan to continue giving him my wholehearted support.

During the past several years, the FBI and all law enforcement agencies have been challenged to their very limit by the increasing rise of crime and violence. Yet, under the leadership of Mr. Hoover, the FBI continues to establish new records of achievement in its fight against crime. Mr. Hoover has shown tremendous foresight and organizational ability. He has built the most effective law enforcement agency in the world.

Through its assistance and cooperation with local law enforcement agencies, the FBI has established itself as the Nation's leader in the fight against crime.

I think it is most unfortunate that this former Attorney General, who has no record of accomplishment whatsoever, was so anxious to sell his book that he had to attack a man like Mr. Hoover.

I believe the majority of the American people are grateful to Mr. Hoover for the job he has done and feel that his leadership ability is needed more than ever before.

PRESIDENT NIXON AND SECRETARY OF DEFENSE TO BE COMMENDED FOR AUTHORIZING ATTEMPT TO RELEASE OUR SERVICEMEN HELD PRISONERS OF WAR BY NORTH VIETNAM

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

Mr. ARENDS. Mr. Speaker, I know I express the sentiments of the people I represent, as well as my own, when I say that our President and our Secretary of Defense are to be commended for authorizing the recent daring attempt to release our servicemen who have been held prisoners of war for 5 years by North Vietnam and subject to barbaric treatment.

Especially to be commended are the courageous officers and men who volunteered to undertake this operation and who carried it out with unusual skill. Unfortunately, our intelligence was faulty and no prisoners were found at the Son Tay compound.

Contrary to what the critics are now saying, by no stretch of the imagination does this operation constitute an enlargement nor even an intensification of the war. These are the same critics who made such dire predictions at the time of the Cambodian operation. I wonder what they would be saying had several hundred American prisoners been found and released.

Ironically, the critics of the SAR operation are the same people who have been urging that something be done for the release of the American prisoners of war. They were critical that more was not being done for their release and now they are critical when the extraordinary effort has been made.

President Nixon has not abandoned his efforts to end the war. He has not abandoned his successful program for the orderly withdrawal of our troops from South Vietnam. He has made it clear by the limited bombings of North Vietnam military installation that he has not abandoned the safety of our pilots who fly unarmed planes on reconnaissance missions and that he has not abandoned our boys who are prisoners of war.

HEROIC ATTEMPT TO RESCUE AMERICAN PRISONERS OF WAR

(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, I wish to associate myself completely with the remarks made by the distinguished gentleman from Illinois (Mr. ARENDS).

We all know that the North Vietnamese and the Vietcong have been very inhuman in the mistreatment of American prisoners of war. They have refused to release the names of those who are missing in action or those who might be held prisoner. This is contrary to all international agreements, common decency, and proper moral standards.

Mr. Speaker, I believe that the action of the President and the Secretary of Defense was a constructive effort to try and rescue some of our fellow Americans who are being held by the barbaric enemy in North Vietnam. Although the daring mission was not successful I commend those who undertook the operation for the benefit of their countrymen in the military who were captured by the North Vietnamese and Vietcong.

I hope and trust that we can in the future, on the basis of hopefully better intelligence, do other operations of a similar nature which will be successful.

REPRESENTATIVE TAFT PROTESTS LENINGRAD TRIALS OF 32 JEWS—ASKS SOVIET UNION TO OPEN TRIAL TO INTERNATIONAL OBSERVERS

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

Mr. TAFT. Mr. Speaker, I am deeply concerned by reports from the Soviet Union that 32 Jews are to be put on trial in Leningrad on charges that have not been released and, as I understand it, without benefit of legal counsel.

Persecution of the Jews in the Soviet Union is, unfortunately, nothing new. But we, in the free world, must continue to exert whatever pressure possible to force the Russian Government to reverse itself.

I am continually shocked by the treatment accorded Soviet Jews by their Government, and join with all Americans and others throughout the world in protesting this action.

I ask my colleagues to join me in calling upon the Soviet Union to publish a list of charges against the 32 Jews and to permit international observers to attend the trial. To fail to take these basic steps would be a blow to the concept of a rule of law and the principle of religious tolerance.

MR. HERSCHEL F. CRAUN: 30 YEARS OF UNBLEMISHED HIGHWAY SAFETY

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

Mr. FULTON of Tennessee. Mr. Speaker, the Greyhound Corp. recently paid tribute to one of its drivers for an outstanding record of highway safety compiled over three decades.

That man is Mr. Herschel F. Craun of Nashville, Tenn., who has been driving for Greyhound for 30 years without a chargeable accident.

"Craun has compiled a remarkable road record," according to Walter Weiss, director of safety for Greyhound Lines—East.

According to Mr. Weiss this record is "remarkable because of Greyhound's stringent safety standards." He added:

If there's even a scratch on a bus, Greyhound records it. Preventable accidents are always charged to the driver.

During his long years on the road, Craun has developed some very strong and wise theories about driver safety.

Mr. Craun said:

The most common mistakes made by nonprofessional drivers are speeds too high for prevailing conditions, tailgating and switching lanes without signaling. Countless accidents could be avoided if drivers would watch these basic problems.

Intense concentration is also needed. You have to constantly try to anticipate the other guy's moves. And never believe the signal of the driver in front of you!

Mr. Craun lives with his wife and son in Nashville where he is a deacon at the Charlotte Avenue Church of Christ.

Mr. Speaker, Herschel Craun is certainly to be commended and congratulated for this record and I appreciate having this opportunity to so do.

HEROIC ATTEMPT TO FREE AMERICAN PRISONERS OF WAR

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

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

Mr. KUYKENDALL. Mr. Speaker, the news of our courageous raid on a prisoner of war camp in North Vietnam has provoked some strange reactions that I will confess I do not understand.

To say that I was elated by the news of the raid would be putting it mildly. I was saddened, of course, that it was not successful, but the very boldness of the attempt shows the world that we care about these men, we care about them enough to risk the lives of other men—and these other men care enough about their imprisoned comrades to take that risk willingly and enthusiastically.

But while the news is still fresh, we are treated to a wailing and gnashing of teeth from some quarters, both public and private, that we should not have done it. It is called reckless, foolhardy, John Wayne tactics, a threat to our already stalled efforts at the peace table.

Had this raid been successful, Mr. Speaker, would not peace be closer? Would we not be able to go back to the peace table with our heads held high, having trumped the ace that the North Vietnamese have held in their hand for so long?

Reckless and foolhardy, indeed, Mr. Speaker. Did these same detractors call John Kennedy reckless and foolhardy in the Cuban missile crisis? Would they have called the Normandy landings reckless and foolhardy? Would they have opposed the British rescue teams at Dunkirk?

Someday, perhaps, we will learn why this raid was unsuccessful, why the enemy moved those prisoners in time to foil this rescue effort. But meanwhile, we have served notice on the world that we still honor our obligations to the men who wear our uniforms; and most importantly, we tell the wives, children, parents, and sweethearts of those 1,500 Americans that they are still at the top of our list of priorities. And somehow, I pray that those prisoners will know what their comrades did this past weekend, and will take heart from it.

If the raid did nothing else than that, it was well worth it.

WORLD AIRWAYS ENABLES MILITARY PERSONNEL ON LEAVE TO FLY HOME FROM VIETNAM

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

Mr. MILLER of California. Mr. Speaker, one of the enlightened industrialists in this country is Edward J. Daley, the president of World Airways, Inc., in Oakland, Calif. I have just received notice of a release today which I know will be of as much interest to you as it is to me.

Edward J. Daley, chairman of the board and president of World Airways announced that his company has filed a new charter tariff with the Civil Aeronautics Board which would enable military personnel to fly round trip from Vietnam to California for $350.

World Airways which operates a fleet of Boeing 707–320C fan jet aircraft is the largest charter carrier and it is based in Oakland, Calif., and has operated scheduled air service in and to Southeast Asia for the military since 1956.

World Airways plan will include frequent flights from Vietnam to California with scheduled connections to all parts of the United States. Financing arrangements will be made so that all eligible military personnel will be able to take advantage of the new Vietnam leave policy.

Mr. Daley announced that he is personally prepared to guarantee loans to servicemen who would otherwise be unable to pay for the trip or to borrow the necessary funds. These financial arrangements will be handled through the First Western Bank of Los Angeles, Calif., a subsidiary of World Airways with assets in excess of $1 billion.

This is clearly one of the most effective means of boosting the morale of our servicemen.

Mr. Speaker, I just want to call this to the attention of the House. I think when an industrialist goes out of his way to do something like this, to even guarantee transportation for our servicemen, it is not only morale boosters it is a generous example of concern for those who defend our democratic way of life.

PELLY SUPPORTS THE SUBSTITUTE OCCUPATIONAL HEALTH AND SAFETY BILL

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

Mr. PELLY. Mr. Speaker, after having carefully studied both the committee bill, H.R. 16785, and the Steiger-Sikes substitute, I have come to the conclusion that this substitute bill is a vastly superior measure both in terms of equity and job safety.

The toll of lives lost on the job is huge, and there is no way to replace these fathers, husbands, or loved ones. Yet, something can be done about occupational safety, and this substitute bill, in my mind, best meets that need. Further, this bill will affect virtually every man, woman, and child in this country who holds a job or operates a business now or in the future.

It should be remembered that the substitute has the same coverage as H.R. 16785, the original bill, and both bills have almost identical provisions with regard to the role of the States, Federal employee safety, research, employee training, grants to the States, the confidentiality of trade secrets, variations, tolerances and exemptions, and the relationship of the act with regard to other Federal programs.

Where these two bills differ is in the procedural structures provided for carrying out the responsibilities created under the legislation.

I support this substitute bill, and I urge the passage of this badly needed legislation.

IOWA STRING QUARTET CONCERT TONIGHT AT THE CORCORAN ART GALLERY

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

Mr. MAYNE. Mr. Speaker, I take this opportunity to advise my colleagues of a very excellent opportunity which they have this evening. In January of last year it was my privilege to inform the House of a performance by the highly esteemed Iowa String Quartet at the Corcoran Gallery here in Washington. It is my happy duty again today to announce the return to Washington of this distinguished ensemble. After playing to an enthusiastic crowd at the Phillips Collection this past Sunday, the quartet will move to the Corcoran again tonight to give a performance at 8:30 p.m. Here they will play the priceless Stradivarius instruments which are on loan to them from the Corcoran.

Mr. Speaker, the Iowa String Quartet has traveled abroad on many occasions on private concert tours and on State Department missions of goodwill and is recognized as one of the finest musical groups in the world today. I am proud to note that all four members of the quartet, Mr. Allen Ohmes, John Ferrill, William Preucil, and Charles Wendt, are not only superb musicians in their own right but also professors in the music department of the State University of Iowa. It is little wonder that the quartet has such distinguished alumni as Stuart Canin, Joel Krosnick, and Charles Treger, all of them musicians who have gone on to make lasting individual contributions to the field of music. The quartet and the vrtuosos it has spawned have nourished the extensive cultural and artistic activity currently thriving in the State of Iowa. I hope, my colleagues, that you will join me in listening to this musical treat tonight, but if you are unable to attend this particular concert, the Iowa String Quartet will be back in Washington again on the night of January 19, 1970.

THE ATTEMPT TO RESCUE PRISONERS OF WAR NEAR HANOI

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

Mr. TUNNEY. Mr. Speaker, my remarks this morning are with respect to the commando raid conducted to rescue some prisoners of war approximately 20 miles south of Hanoi. I do not think there is anyone in this body who feels more strongly than I do that the first order of priority on the agenda of the Paris peace negotiations ought to be the release of our prisoners of war.

I feel, however, that the administration's directed raid was faulty in three aspects: First, it was faulty in conception in that it was an extremely reckless maneuver for effectuating the release of some prisoners of war without taking into consideration all the other prisoners of war over there who could be subject to revenge by the North Vietnamese; sec-

ond, it was faulty in execution and haphazard because it demonstrated that the intelligence that the adminstration had was very poor. Apparently the prisoners of war had been removed several weeks earlier, and I think it calls into question all aspects of the value of the operation, particularly the information the administration had and the details as to how, when, and why the administration officials decided to go ahead with it; and, third, it was faulty because it was undertaken without a single Member of Congress, to my knowledge, being informed of the operation, and I think this just demonstrates what we have seen as a pattern in the past few years by Democratic Presidents as well as Republican Presidents taking action unilaterally with regard to war and peace without consulting the Congress of the United States and getting the Congress approval.

TRY AGAIN IF OTHER PRISONERS OF WAR CAN BE FOUND

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

Mr. WAGGONNER. Mr. Speaker, it seems to me that the failure which has been ours as a result of our efforts to liberate American prisoners of war near Hanoi stems in all probability from the fact that somebody leaked what we intended to do, and Hanoi had word and removed from this prisoner-of-war camp those prisoners of ours that they have been holding without giving us any information on them.

I have one regret about the effort of the administration and our military to free the prisoners they thought were there, and that regret is that they were not there so they could have succeeded. I hope they will try again if they can find other prisoners. I trust this will not jeopardize the lives of other prisoners.

THE INCREASING BURDEN OF AGE

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

Mr. SCHEUER. Mr. Speaker, perhaps no institution on earth has the viability, the durability, and the capacity to survive even remotely equal to that of the papacy in Rome and the Catholic Church. This morning on the front page of the New York Times we see words of great wisdom under the heading of "Ingravescentem Aetatem," which illustrate the capacity of the papacy and the Catholic Church over almost 2,000 years to cope with the enormous challenge of an eternally changing society here on earth, and, in essence, to survive.

Under a Rome dateline we read that Pope Paul has announced that cardinals who reach the age of 80 can no longer take part in the election of a new Pope and that cardinals cease at age 80 to be members of the administrative departments and other permanent institution of the Vatican. They are requested to submit their resignations voluntarily from these positions when they reach 75 years of age. Further, we are informed that, following the wishes of the Vatican council, Pope Paul has already called upon bishops and parish priests to offer their resignations no later than their 75th birthdays, and that the recent Curia regulations has set an age of 70 as a retirement age for all officials except high prelates, who were expected to retire when they reached 75.

As we approach the beginning of the 92d Congress amidst tumulteous change which presses on every element in our society, we also approach the long-delayed consideration of encrusted seniority rules, and the new ways in which this Congress can best exploit the leadership talents, the enormous dynamism and intellect and creative energies that are here in this House in such abundance. The Vatican has given us an illuminating example of how an institution with a will to survive can improve its credibility, its relevance, its ability to cope more effectively with the onrush of change, with insistent demands for improved tools and techniques, and new initiatives, for human progress, by more effective use of its own human resources—its own manpower. As we turn our attention in the coming weeks to how we can improve the effectiveness of our body and its ability to respond to challenges, to its relevance, its credibility, its very competence, I hope all of us will keep in mind the eternal wisdom we have heard this morning from the Eternal City.

ATTEMPT TO RESCUE PRISONERS OF WAR IN VIETNAM

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

Mr. RHODES. Mr. Speaker, it is always difficult to be President of the United States or Secretary of Defense. When one makes a decision and carries it out, if it is successful, one is a hero; and if it is not successful, one is something less than a hero. Of course, I refer to the attempt which was made by the members of our armed services to release the prisoners of war in North Vietnam. I am sorry it failed and I hope it will be tried again. I hope it will be tried, because for 2 long years we have been trying to negotiate with the North Vietnamese for peace in that country, and also for the release of American prisoners of war. Our attempts have met with absolutely no success.

I hope that in looking ahead, the North Vietnamese will be apprised of a very salient fact, which is that it is not the intent of the American Nation to depart from Vietnam leaving American prisoners of war in their hands. I think if there is any overriding lesson to be learned from the attempt to release these prisoners, it is that fact, I hope it will not be lost on the people who are negotiating in Paris for the North Vietnamese and the Vietcong. I hope the negotiations may soon be successful. They have shown absolutely no promise of success thus far.

I think the administration is to be commended in trying to do three things: One, to release immediately some prisoners of war; second, to let the North Vietnamese know that we are tiring of fruitless negotiations to end this war which seems to be going nowhere; and, third, that if the North Vietnamese want us out of Vietnam it would behoove them to release or exchange Americans they hold as prisoners, at the earliest possible moment.

EFFORT TO RELEASE PRISONERS IS ONE OF BRIGHT PAGES IN AMERICA'S HISTORY

(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, America can be very proud of the daring effort by U.S. military personnel to rescue our countrymen who are prisoners of the North Vietnamese. The plan was boldly conceived and executed. It is a refreshing reminder that Americans in uniform can accomplish great things when they are permitted to do so. They have operated in Indochina under strict ground rules for a long, long time and many people have failed to understand their real capabilities. In our zeal to placate our enemies and pacify the U.N., our troops have been denied the opportunity to win the war and get it behind us.

It is regrettable, of course, that the mission failed to locate the Americans who are missing in action. They and their families have suffered greatly and this bold stroke could have made a great difference in their lives and in America's self-pride.

Now we can anticipate that the doves will have their day and that little will be heard of the true significance of the effort. They are very wrong in their criticism and they do not credit to our Nation or its traditions. The effort in North Vietnam was one of the bright pages in America's history and it should so be labeled by all who discuss it.

AMENDING DISTRICT OF COLUMBIA PUBLIC ASSISTANCE ACT OF 1962

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 670) to amend section 19(a) of the District of Columbia Public Assistance Act of 1962, 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:

Strike out all after the enacting clause and insert:

"That section 19 of the District of Columbia Public Assistance Act of 1962 (76 Stat. 917; D.C. Code, sec. 3-218) is amended to read as follows:

"'SEC. 19. (a) Responsible relatives for any applicant or recipient of public assistance shall be limited to spouse for spouse and parent for a child under the age of twenty-one, and their financial responsibility shall be based upon their ability to pay. Any such applicant or recipient of public assistance or person in need thereof, or the Commissioner of the District of Columbia, may bring an action to require such financially responsible spouse or parent to provide such support, and the court shall have the power to make orders requiring such spouse or parent to pay such eligible

applicant or recipient of public assistance such sum or sums of money in such installments as the court in its discretion may direct, and such orders may be enforced in the same manner as orders for alimony.

"'(b) The Commissioner is authorized on behalf of the District to sue such spouse or parent for the amount of public assistance granted to such recipient under this Act or under any Act repealed by this Act, or for so much thereof as such spouse or parent is reasonably able to pay.

"'(c) All suits, actions, and court proceedings under this section shall be brought in the Domestic Relations Branch of the District of Columbia Court of General Sessions, or in that court division which may subsequently exercise the jurisdiction exercised by the Domestic Relations Branch on the effective date of this Act. To the extent applicable, suits, actions, and proceedings brought pursuant to this section shall be governed by the provisions of the Act approved April 11, 1956 (70 Stat. 111), as such Act may from time to time be amended or superseded.'"

Amend the title so as to read: "An Act to amend section 19 of the District of Columbia Public Assistance Act of 1962."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

REVISING LAWS RELATING TO LIABILITY OF HOTELS, ETC., IN THE DISTRICT OF COLUMBIA TO THEIR GUESTS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10336) to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 6, line 18, strike out "1263" and insert "1261".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SURVIVOR BENEFITS FOR WIDOWS OF POLICEMEN OR FIREMEN OF THE DISTRICT OF COLUMBIA MARRIED AFTER RETIREMENT

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4183) to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 13, strike out "July 1, 1969" and insert "January 1, 1971".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VALIDATING OF DEFECTS IN RECORDED DEEDS, DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13565) to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, strike out "1962,'," and insert "1969,'.".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ELIMINATING "STRAW" PARTY DEEDS IN JOINT TENANCY OR TENANCY BY THE ENTIRETIES, DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13564) 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, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 3, insert:

"SEC. 2. (a) Title II of the District of Columbia Code, as amended by section 111 of the Act of July 29, 1970 (84 Stat. 475), is amended as follows:

"(1) Section 11–921(a)(3)(A)(ix) of such title is amended by striking out 'sec. 1–804(b)' and inserting in lieu thereof 'sec. 1–804b'.

"(2) Section 11–1101(8) of such title is amended by striking out 'subsection' and inserting in lieu thereof 'section'.

"(3) Section 11–1101(16) of such title is amended by striking out 'VII' and inserting in lieu thereof 'IV'.

"(4) Section 11–1501(b)(4) of such title is amended by inserting immediately after 'Fairfax Counties' the following: '(and any cities within the outer boundaries thereof)'.

"(5) Section 11–1561(5) of such title is amended by striking out 'has either (A)' and inserting in lieu thereof either (A) has'.

"(6) Section 11–1561(6) of such title is amended by striking out 'has either (A)' and inserting in lieu thereof 'either (A) has'.

"(7) Section 11–1742(a) of such title is amended by striking out 'mav be assigned' and inserting in lieu thereof 'may be assigned'.

"(b)(1) Section 601 of the Act of July 29, 1970 (84 Stat. 667), is amended by striking out 'IX' and inserting in lieu thereof 'X'.

"(2) It is the intent of Congress that the amendment made by paragraph (1) of this subsection shall (A) revive title XI of the Act of December 27, 1967 (81 Stat. 742), as of the date of enactment of this Act, and (B) repeal title X of such Act of December 27, 1967 (81 Stat. 742), as of the date of enactment of this Act.

"(c) Title 23 of the District of Columbia Code, as enacted by section 210(a) of the Act of July 29, 1970 (84 Stat. 604), is amended as follows:

"(1) The heading of section 23–551 of such title is amended by striking out 'supression' and inserting in lieu thereof 'suppression'.

"(2) Section 23–551(b)(5) of such title is amended by striking out 'subsection (i) of this section' and inserting in lieu thereof 'section 23–549(a)'.

"(d) The amendments made by subsections (a) and (c) of this section shall take effect on the first day of the seventh calendar month which begins after the date of the enactment of the Act of July 29, 1970 (84 Stat. 473).

"SEC. 3. That part of the schedule of rates contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958, as amended (D.C. Code, sec. 4–823), relating to salary class 11 is amended to read as follows:

"Salary class and title	Service step			Longevity step					
	1	2	3	4	5	6	A	B	C
Class 11 Fire Chief Chief of Police."	29,925	31,350	32,775						

"SEC. 4. The amendment made by the third section of this Act shall take effect on the first day of the first pay period beginning on or after July 1, 1969."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9017) to amend the District of Columbia Alcoholic Beverage Control Act, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 6, after "Board." insert "a restaurant operating on the premises of a theater, symphony hall, opera house, or other facility which has as its principal purpose the presentation of live drama, music, opera, or other performing arts, may sell and serve alcoholic beverages to seated or standing persons at locations within the facility approved by the Board."

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I am sure the taxpayers of this country, who have millions of dollars involuntarily invested in the Kennedy Cultural Center, will dance with joy in the streets tonight to learn that hereafter, before, during, and after each cultural performance at the Kennedy Cultural Center, liquor will be served.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3619, DISASTER RELIEF ACT OF 1970

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Messrs. JONES of Alabama, WRIGHT, JOHNSON of California, DON H. CLAUSEN, and SCHWENGEL.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 364]

Anderson, Tenn.	Cramer	Hall
Aspinall	Dennis	Hansen, Wash.
Berry	Dickinson	Hays
Blatnik	Dingell	Hébert
Bolling	Dorn	Hungate
Bow	Dowdy	Hunt
Brock	Edwards, La.	Jacobs
Brown, Ohio	Foley	Jarman
Button	Fraser	King
Camp	Gallagher	Koch
Celler	Gilbert	McCloskey
Clay	Goldwater	Mathias
Cowger	Green, Oreg.	May
	Griffiths	Meskill
Mize	Purcell	Stafford
Moorhead	Rees	Stuckey
O'Konski	Rosenthal	Teague, Tex.
O'Neal, Ga.	Roudebush	Tiernan
Ottinger	Roybal	Tunney
Pettis	Sandman	Weicker
Pike	Satterfield	Williams
Pollock	Scheuer	Wold
Powell	Skubitz	Wyatt
Price, Tex.	Smith, Iowa	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 363 Members have answered to their names, a quorum.

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

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 16785) to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky.

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 further consideration of the bill H.R. 16785 with Mr. CORMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read the first section of the committee amendment, ending on page 41, line 22. An amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. STEIGER) was pending.

The gentleman from Wisconsin is recognized for 5 minutes in support of his amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment in the nature of a substitute is offered on behalf of myself and the gentleman from Florida (Mr. SIKES). It is, as I indicated yesterday during general debate, the text of H.R. 19200 which under the rule is made in order.

I spent some time yesterday during general debate discussing in some detail provisions of this substitute.

We have heard much discussion of need, of the alleged strengths and weaknesses of both proposals.

Let me reiterate briefly. The substitute is a bipartisan measure. It was developed as a compromise between legislation originally proposed by the administration, H.R. 13373, and H.R. 16785. It was first offered in the Education and Labor Committee in the same bipartisan spirit it is being offered today.

The substitute has the same coverage as H.R. 16785. It establishes standards and provides for their enforcement. It provides an opportunity for State participation and deals with research, training, information, and education in a manner similar to H.R. 16785.

The differences are significant and important. H.R. 16785 centralizes all responsibility under the act in the Secretary of Labor. He establishes the standards, enforces them, presents alleged violations before his own hearing examiners, issues orders and assesses penalties.

The substitute separates these functions. Standards are set by an independent, professional health and safety board appointed by the President. The Secretary of Labor conducts the inspections and issues citations. Appeals of the Secretary's actions are made to an independent occupational safety and health appeals commission.

H.R. 16785 grants a great deal of power and authority to the individual inspector. It authorizes him to issue citations upon completion of his inspection and requires that such citations be posted. In addition, the inspector is given the power to shut down a plant or worksite on his judgment alone that an imminent harm situation exists.

The substitute is drawn carefully to insure that the inspector is not given virtually limitless power and that citations are issued by the Secretary, not the inspector. The substitute assures due process because a Federal district court is the body given the power to issue a temporary restraining order. It also assures that employer and employees will have knowledge that the inspector feels an imminent danger situation exists, because he is required to inform both of his intention to seek a court ordered TRO.

There are other areas of H.R. 16785 in which due process is lacking—standards setting, use of proprietary standards developed on a basis other than the consensus method and the general duty provision. In standards-setting there is no provision for judicial review; in proprietary standards, labor is not a party to their development in most instances; under the broad general duty provision the Secretary of Labor is given the power to penalize without reference to specific standards.

These are the most significant differences between the two approaches.

Even with the amendments that the gentleman from New Jersey indicates he will offer, there is still some serious question. I think it is important for the members of the committee to recognize that the issue you have before you will still be there even if the amendments offered by the gentleman from New Jersey discussed in his letter to the Members were to be adopted. The question of whether or not you will stick with the Daniels bill is important. Let us understand that the five or six amendments that the gentleman from New Jersey has indicated his willingness to offer still do not take care of all of the problems of H.R. 16785. Of course, the most obvious and most glaring defect is the failure to eliminate the monopolization of functions in the Secretary of Labor, but there is also a failure in terms of using emergency temporary standards. The Daniels bill language has three defects.

First, it would require a 30-day waiting period after publication of an emergency standard before it would be effective. This is inconsistent with the concept of emergency standards;

Second, emergency standards could be promulgated whenever a new hazard is discovered. By not limiting these emergency procedures to new hazards which result from new processes, there is a definite possibility that the emergency procedures could be used to undermine and circumvent the permanent standard-setting procedures; and

Third, the possibility of circumventing permanent standard-setting procedures becomes more important in light of the third defect which is that while formal APA hearings must be commenced—in accord with the permanent standard-setting procedures—within 6 months of the publication of the emergency standards, there is no guarantee that a permanent standard will ever be promulgated to replace the temporary emergency standard which was promulgated without any hearing.

The Daniels bill has unnecessarily complicated provisions concerning the issuance of citations. The bill sponsored by the committee would make it a crime, a misdemeanor, for any person to give advance notice of a pending inspection. This is aimed at the Department of Labor personnel, the very people upon whom Congress would rely so much to carry out the responsibilities under the bill; and by implication, this provision would make every employer, regardless of his record or good faith, a furtive wrongdoer, who must somehow be caught in the act of violating the safety and health standards.

One other aspect which is very important is that in the State plans section of the committee bill there is a requirement that the State must include a provision to the effect that the State will make all standards included in the plan applicable to all public employees of the State and its political subdivisions. The problem with this provision is that some States do not exercise control over all public employees working in the State. In some States the local governments control their own public employees.

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

(By unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 3 additional minutes.)

Mr. STEIGER of Wisconsin. Therefore, both in the bill passed by the other body and the substitute bill before us, the provision is in there that to the extent permitted by its law the State will establish an occupational safety and health program to be applicable to all of the employees of that State.

Mr. Chairman, I want to make very clear to the members of the committee that in my judgment, even if the six amendments that are to be offered by the gentleman from New Jersey in his attempt now apparently to recognize the deficiencies contained in the original Daniels bill and to recognize the opposition that has been developing across the country to the committee bill as written, in this attempt to modify it at the last minute, we are apparently witnessing one more example of the unwillingness or inability of the Committee on Education and Labor to reach an agreement before a bill comes to the floor and will be forced to attempt to make a compromise on the floor in an effort to try and sustain their position.

Mr. Chairman, it is tragic that there has been so much time lost, that there has been so much time wasted without any effort to agree on a legitimate compromise. The amendments, however well intended, are still imperfect, even if offered, because they do not solve the basic problem of the committee reported bill. So, the issue will remain the same. Will we take that bill which has been brought here by the Committee on Education and Labor or take the bipartisan compromise offered by the gentleman from Florida and myself, which has the support of the administration, and which in my opinion provides a fair plan for due process and which has equal coverage of the Daniels bill, but which at the same time assures an effective and equitable program for the working men and women of this country and to those by whom they are employed.

Mr. CHAIRMAN. I trust the substitute will be adopted.

AMENDMENT OFFERED BY MR. RAILSBACK TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. RAILSBACK. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK to the amendment in the nature of a substitute offered by Mr. STEIGER of Wisconsin:

On page 44, line 22, in section 18(c)(2) following the comma, add the following: "and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,".

Mr. RAILSBACK. Mr. Chairman, this amendment is identical to language which was adopted on the Senate floor and is contained in the Senate-passed bill.

The amendment was offered in the other body by Senator SAXBE and it was acceptable to the Senate committee and Senator WILLIAMS of New Jersey.

It has been brought to the attention of the leadership on both sides of the aisle. It is my understanding that it is acceptable to the sponsor of the primary pending amendment.

Mr. Chairman, this amendment applies only to products moved in interstate commerce and says simply that where there is a Federal standard dealing with such product a State must show compelling local conditions to justify deviation from such a national standard and must not unduly burden interstate commerce. This amendment, if adopted, would protect a product manufacturer of products moving in interstate commerce from having to custom-build a product to meet the various requirements of the several States in the absence of unusual conditions.

The amendment permits the States to have differing standards regarding these products, but it requires that there be a sufficient showing of compelling local conditions and circumstances.

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

Mr. RAILSBACK. I will be glad to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I certainly wish to commend the gentleman in the well for the work that he has done. May I ask the gentleman if I am correct that this amendment is identical with that offered in the other body?

Mr. RAILSBACK. Yes; it is.

Mr. STEIGER of Wisconsin. We have no objection to the amendment. I have discussed the matter with the gentleman from Florida (Mr. SIKES) and I will accept the amendment.

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

Mr. RAILSBACK. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me state that in the event the committee bill prevails over the substitute, that it is the intention on this side of the aisle to accept the gentleman's amendment to the committee bill when we reach that point.

Mr. RAILSBACK. Mr. Chairman, I appreciate that statement very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK) to the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. STEIGER).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

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

Mr. SIKES. Mr. Chairman, most of us are agreed that it is time for greater concern about the safety and health of those employed in industry in America. The toll of deaths and injuries from industrial accidents, from illnesses, or from other health hazards is mounting year by year. It will come as a surprise that these result in the loss of many more days of work each year than are caused by strikes.

Obviously the economic impact of industrial deaths and disabilities is very great. Staggering amounts are wasted in lost wages. Resources which could be available for productive use is siphoned off to pay workmen's compensation benefits and medical expenses. In the field of occupational health the view is particularly bleak. In addition to the health hazards of other years, we find that technological advances and new processes have brought numerous new hazards to industrial plants. The picture is worsening in every field all over America.

I am not one who believes that we should inject the Federal Government into any area of activity without serious thought to all the effects. However, we are talking about a field where corrective legislation or constructive steps generally have been left in the hands of the

States. We find that State regulation is not solving the problem, and it is growing. Only a few States have modern laws. Not many have developed adequate resources for the administration and enforcement of corrective measures.

The same is true of employers. Some employers have demonstrated an outstanding degree of concern for the health and safety of their employees. However, many employers, particularly smaller ones, simply cannot make the necessary investment in health and safety and survive competitively unless all are required to do so. Thus, competitively, the conscientious employer is at a disadvantage. The Congress already has enacted safety programs for a few of the more hazardous occupations. The plight of other workers is just as important and encompasses a much broader group. In fact, it is increasingly clear that the hazards which characterize modern industry are not the problem of a single employer, a single industry, or a single State. The health and safety of the worker are a national concern. As a result, both President Johnson and President Nixon have urged enactment of a comprehensive program to meet the total range of occupational safety and health requirements.

In consequence of this widening acceptance of the serious nature of the problem, the House has before it today H.R. 16785 from the Committee on Education and Labor. This, however, is not a bill which I support. It is my belief that the committee bill could, in fact, bring about conditions which are chaotic rather than corrective. Instead, I support H.R. 19200, a substitute bill, of which I am a cosponsor. And I pay high compliment to my good friend, the distinguished gentleman from Wisconsin, WILLIAM STEIGER, who is the senior sponsor of the bill.

The substitute represents a bipartisan effort to pass a fair, equitable, effective, health and safety bill. It was drafted in consultation with members of both parties and with individuals representing both labor and management, as well as the administration. I do not think this can be said of the committee bill. The substitute seeks to provide a balanced administrative structure for mobilizing a sound national program and enlisting the best efforts of both employer and employee toward safe and healthful working conditions.

Serious objections have been voiced to the committee bill. They come from many of those who will be affected by it. Primarily we feel that it will vest too much power in Washington. The enormous amount of power given to the Secretary of Labor by the committee bill could easily be abused, actually bringing about a breakdown in relations between Government and those in labor and management with whom it deals. For instance, the Secretary of Labor could arbitrarily take action to shut down a plant when he considers that an imminent danger exists. This could create an extremely coercive situation. The substitute bill places this function in U.S. district courts, where such action could be considered more calmly. This would not result in delays, since action could speedily be obtained under injunctive processes.

I have also been quite concerned with the power vested in the inspection system to be established in the committee bill under the Secretary of Labor. It should be obvious that, under the committee bill, one man could arbitrarily shut down a plant on his own finding of imminent danger without consulting with anyone or giving any warning or determining the effect it would have. This would invite abuses. It could produce effects which are disastrous both to employees and employers. The order for the closing down of a plant can last for only 72 hours, but there are many industries and many businesses in this country which can be substantially ruined by an arbitrary and unannounced 72-hour shutdown. We have human frailties in all walks of life. This includes inspectors who would be employed in this program. I submit that going to the courts, as the substitute bill would require, is a far better procedure for obtaining corrective steps than destructive summary action would be.

As far as I can determine, there are no checks and safeguards placed on the power of the Secretary. The committee bill gives him full authority in areas of standard setting, investigation, adjudication, and prosecution. This could result in a dangerous situation.

We propose that the program be administered by a board which is directly concerned with the problems of health and safety in industry. We believe this is highly preferable to vesting all functions in the Secretary of Labor in a centralized Washington operation. The Labor Department is already filled with many differing, diverse problems. An independent board consisting of five members giving full consideration to this many faceted problem can best establish health and safety standards for the many types of industry and business which exist in this country. Such a board will have the benefit of support and cooperation from the agencies of Government, such as HEW and the National Institutes of Health, which can help to determine what are reasonable and prudent standards for the working people of America.

Government, labor, and management should have an equal stake in improving safety conditions. In the committee bill, the employer has a very minor role in the pursuit of better working conditions. The passage of legislation does not automatically improve working conditions. We should pass legislation to insure that employers and employees alike have an interest in improving these conditions. Harmony and cooperation can best obtain under the substitute bill.

This is a new program. It will have to try its wings. The substitute bill gives flexibility in its application. This is needed in a new program. We think a bill which does not mandate cumbersome standards-setting processes would be more effective by virtue of being more acceptable both to labor and management and will create far fewer problems.

The committee bill does not spell out guidelines on safety and health standards and we consider this an invitation to bureaucratic meddling which can produce untold problems in the operation of the bill.

Remember, the committee bill gives the inspectors dictatorial powers which in the wrong hands could work against a successful and effective program. In other words, we seek to avoid an unworkable bill or one which creates unreasonable problems. We want the program to succeed. We encourage the development and use of State plans and a realistic acceptance of programs best adapted to the individual States and to local communities. This in itself is of considerable importance.

We do not consider the substitute bill to be slanted toward any particular group, but that it will encourage cooperation between labor and management and Government to achieve a realistic and useful program which actually does save life and limb.

The sponsors of the committee bill made it clear in yesterday's debate that they recognize the bill contains serious deficiencies and they are proposing a number of amendments which are intended to improve the bill. Undoubtedly, these amendments would improve the bill. The fact remains, however, that the substitute will be a much better bill than the amended committee bill. The amendments which are to be offered to the committee bill will fail in important areas to eliminate serious weaknesses which already have been pointed out in the committee bill. Obviously the thing to do is to accept the substitute.

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

Mr. SIKES. I yield briefly to the distinguished chairman of the committee.

Mr. PERKINS. Let me say to my distinguished colleague, we have passed that point because when the substitute is voted down, we intend to offer an amendment so that no plant can be closed down unless you go into the district court.

Mr. SIKES. My distinguished friend, for whom I have the highest regard, obviously realizes there is a need to correct this bill in many instances. This I have just pointed out. Amendments will not be necessary if the substitute is approved. The weaknesses, which are manifest, can be taken care of through this simple procedure. The gentleman proposes to improve the committee bill—and it needs it. Let us accept the substitute. It is a good bill, one that does not have to be rewritten by amendments.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all debate on the substitute amendment and all amendments thereto close at 2:15 p.m.

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

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STEIGER of Wisconsin. Am I correct in understanding that the unani-

mous-consent request of the gentleman from Kentucky was to end debate on the amendment in the nature of a substitute, H.R. 19200, and any amendments thereto at 2:15 p.m.?

Mr. PERKINS. That is correct, only on the substitute. We hope that the committee bill will prevail, and that we will then proceed to the amendment process on the committee bill.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. As I understand the rule and the procedure, amendments can be offered to the committee bill at the present time; is that correct?

Mr. PERKINS. I do not so understand.

Mr. GERALD R. FORD. I should appropriately like to address the inquiry to the Chair: Between now and 2:15 may amendments be offered to the committee bill?

The CHAIRMAN. Amendments may be offered to the substitute until 2:15. All debate on the substitute and any amendments to the substitute will be terminated at that time.

Mr. GERALD R. FORD. Mr. Chairman, with appropriate deference to the Chairman's response, I do not think there was an answer to my inquiry.

The CHAIRMAN. The gentleman asked what would happen after that time if the substitute does not prevail? It would be the ruling of the Chair that it would be in order to offer amendments to the original committee amendment.

Mr. PERKINS. Mr. Chairman, I wish to make another unanimous-consent request——

Mr. GERALD R. FORD. Mr. Chairman, may I more specifically define my parliamentary inquiry: Is the Chair ruling that there can be no amendments offered between now and 2:15 to the committee bill?

The CHAIRMAN. Only to that portion of the committee bill which has been read.

Mr. GERALD R. FORD. Which is the enacting clause?

The CHAIRMAN. That is correct.

Mr. PERKINS. Mr. Chairman, I wish to modify the unanimous-consent request previously made to reserve to the committee the last 5 minutes of debate.

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

Mr. ARENDS. Reserving the right to object, what was the request?

The CHAIRMAN. The request was to reserve the last 5 minutes of time, which would be from 2:10 to 2:15, for the committee.

Mr. ARENDS. Further reserving the right to object, may I ask why it takes 45 minutes of time? Are there that many speakers?

Mr. PERKINS. If the gentleman will yield, I wanted to be reasonable. I assume the gentleman has some speakers on his side. I know we have several speakers on this side. I felt a quarter after 2 would be reasonable to have as time to debate the substitute and amendments thereto.

Mr. STEIGER of Wisconsin. Mr. Chairman, reserving the right to object, will the gentleman amend that request to provide that the gentleman from Wisconsin will be recognized for 5 minutes and then the committee will be recognized for 5 minutes prior to the termination of the time?

Mr. PERKINS. I accept that.

The CHAIRMAN. The pending request is that there will be 5 minutes reserved for the propounders of the substitute and then 5 minutes for the committee immediately prior to the termination of the time. Is there objection to that request?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

(By unanimous consent, Mr. SCHERLE yielded his time to Mr. STEIGER of Wisconsin.)

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I would like to take this time to ask a question or two of the authors of the bill. On page 64, subsection (c) says:

(c) If the Secretary arbitrarily or capriciously issues or fails to issue an order under subsection (a) and any person is injured thereby either physically or financially by reason of such order or failure to issue such order, such person may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorneys' fees.

Going back to the definition of a person, is the right provided for here available only to employees, or is it possible that employers would fall into this category as well?

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to my friend, the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, yesterday in the course of the debate, I stated that I will propose today, in the event that the substitute is defeated, an amendment repealing this section of the bill. The section the gentleman read applies to imminent danger which would give inspectors the right where they deem that a danger is imminent to act administratively.

Mr. WAGGONNER. Mr. Chairman, I think I understand what the gentleman is saying, but I believe he misses the point. As the language is drawn, if it is not stricken, would only employees be able to claim damages?

Mr. DANIELS of New Jersey. No; the employers would also as well be able to collect damages.

Mr. WAGGONNER. The employers would as well.

All right, then going back to the inspection section, we have a definition of the word "Secretary." This language is rather tightly drawn. Is it possible that, when we talk about inspections, when we use only the word "Secretary," that employees of the Secretary could not conduct inspections?

Mr. PERKINS. Let me say to my distinguished friend that the word "Secretary" means his agents as well. We do not expect the Secretary himself to conduct inspections. His agents will conduct the investigations.

Mr. WAGGONNER. Does the gentleman feel we need an additional amendment to the definition of the word "Secretary"?

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

(By unanimous consent, Mr. GROSS yielded his time to Mr. WAGGONNER.)

Mr. WAGGONNER. I refer the gentleman to the definition section, section 3(1):

The term "Secretary" means the Secretary of Labor.

It does not say anything about his agents.

Mr. PERKINS. The legislation contemplates that the Secretary's agents will perform the inspections.

Mr. WAGGONNER. I beg to disagree.

Mr. PERKINS. That the Secretary may delegate his functions is clear.

Mr. WAGGONNER. I beg to disagree. When we talk about inspections we use only the word "Secretary."

Mr. PERKINS. It is provided in existing law that the Secretary may delegate functions.

Mr. WAGGONNER. Again I refer to the inspection section, page 57, section 9 (a):

In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

To do certain things. It does not say anything about agents of the Secretary, and there is only one Secretary.

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

Mr. WAGGONNER. I am happy to yield further.

Mr. PERKINS. May I quote language from the Reorganization Plan No. 6:

The Secretary of Labor may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Labor of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

Mr. WAGGONNER. None of the proposed amendments would affect that authority?

Mr. PERKINS. None of the amendments would affect that authority.

Mr. WAGGONNER. The proposed amendments.

Mr. PERKINS. That is correct.

Mr. WAGGONNER. I thank the gentleman for yielding.

The CHAIRMAN. The Chair would like to inquire whether any Member on the list has an amendment to offer to the substitute amendment?

The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

AMENDMENT OFFERED BY MR. HATHAWAY TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. HATHAWAY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY to the amendment in the nature of a substitute offered by Mr. STEIGER of Wisconsin:

On page 48, between lines 4 and 5, insert the following:

"(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier."

Mr. HATHAWAY. Mr. Chairman, this amendment, which would be put in the section of the substitute pertaining to the States making application to enforce their own occupational health and safety laws. In view of the fact that there may be an hiatus between the effective date of the Federal standard and the time when the Secretary will actually be geared up to enforce that standard, I believe it would be advisable in that interim period, which from past experience may take up to 2 years, to allow the States to continue to enforce their own standards with respect to the area covered by the Federal standards.

That is the only purpose of this amendment. This amendment was offered in another form and accepted in the other body. I believe it is a worthwhile amendment.

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

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

Mr. STEIGER of Wisconsin. I appreciate the gentleman from Maine yielding.

This amendment, may I ask the gentleman, is not identical to that offered in the other body to the Senate passed bill?

Mr. HATHAWAY. That is correct; it is not identical.

Mr. STEIGER of Wisconsin. Would the gentleman be willing to briefly say what are the differences between the two?

Mr. HATHAWAY. The amendment which was offered in the other body was restricted to standards that are not in conflict with the Federal standard, and it said that a State standard which was stronger than the Federal standard would not be in conflict. But this restricts the field of application beyond that which I believe the Secretary would like to have and would need to have.

If, for example, you had a Federal standard that said workbenches should be 3 feet apart and if there were a State standard that said they should be 2½ feet apart, then under the Senate amendment that was approved and agreed to, the State standard could not be effective, because it would be in conflict. The Secretary may say "We had better have a 2½-foot standard at least until the 3-foot standard is ready to be enforced." That is why I deleted that language from the Senate amendment.

Mr. STEIGER of Wisconsin. I appreciate that explanation. I discussed this with the gentleman from Florida, and we both concur that the amendment does make sense, and we would accept it.

Mr. HATHAWAY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine to the amendment in the nature of a substitute offered by the gentleman from Wisconsin.

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in support of the Steiger-Sikes substitute.

As I explained in more detail yesterday, I think it will provide a better law for the health and safety of the working men and women of this country.

One of the principal differences that remain between the Steiger-Sikes substitute and the committee bill as proposed to be amended by the gentleman from New Jersey and the chairman of the committee, the gentleman from Kentucky, is the question of standard-setting. I think this is a crucial difference.

As I pointed out before, the committee bill would in effect make the Secretary of Labor legislator, policeman, judge, and jury. It would put the Secretary of Labor, I think, in the wrong position. It is not good organization to have standard-setting and enforcement and determination of violation of standards all resting with the same men. The Steiger-Sikes substitute separates these powers, as is traditionally done, by having a separate body establish the standards and utilize the consensus standards and already existing Federal standards to implement the law in a way that I think would be particularly helpful in getting standards set and in operation early.

I feel that the Steiger-Sikes substitute will in effect give us more of what we want with this bill; that is, protection for the working man and woman. I hope that it will be supported by a majority of the members of the Committee of the Whole.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

(By unanimous consent, Mr. MYERS yielded his time to Mr. STEIGER of Wisconsin.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, there is one thing that concerns me about this matter. I think I understand it correctly, but I should like to ask some member of the committee to answer a question on the point.

There has been much said about the question of the division of powers—the judicial power, the legislative power, and the executive power.

Now, as I understand the committee's bill, the committee's bill would require, in order for any matter to ultimately be enforced, some type of judicial review particularly in view of the amendments that the gentleman from New Jersey (Mr. DANIELS) proposes to offer. In other words, no one could be compelled to do anything unless the court directed him to do so.

But as I understand the amendment, the substitute, it would mix an administrative power and court review.

Now, ordinarily, when I go into court I am attempting to get a determination of the issues involved based upon the facts that arose, but as I understand the Steiger amendment, the court would first have an opportunity to review the validity of the rule as an abstract proposition and then would be permitted to decide the question in controversy.

Mr. DANIELS of New Jersey. Mr. Chairman, if the gentleman will yield, the gentleman has placed his finger upon it correctly.

Mr. ECKHARDT. I am very much opposed to that mixing of judicial authority with rulemaking authority in the courts, and therefore I oppose the Steiger substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 19200, the Steiger-Sikes substitute job safety bill. I am proud to support this substitute bill because it represents a truly bipartisan compromise effort. It incorporates the best features of both the Daniels bill and the original administration bill into a truly equitable and effective occupational health and safety program. It places safety for the worker and fairness for the employer above narrow partisan politics. And I think everyone here today would agree with me that the health and safety of 80 million American workers must be our overriding concern and that we must be willing to rise above politics to provide the best possible legislation.

I listened carefully yesterday as the distinguished chairman of the Education and Labor Committee denied that the Daniels bill was too harsh and proclaimed that it was vastly superior to the substitute bill. And I listened further as he then turned around and expressed a willingness to introduce five substantive amendments which are nearly identical to certain provisions of the substitute bill. I cannot say that this constitutes an admission that the Daniels bill may be too harsh and that the substitute may have considerable merit. Whatever the chairman's reasons may be, I for one would certainly welcome this belated compromise gesture. I can only wish that this magnanimous spirit of compromise had been more in evidence during the committee's deliberations since no one enjoys having to rewrite entire bills on the floor of the House. But when good intentions do not manifest themselves in good legislation, we are left with no alternative.

And so, while I think the chairman is beginning to move in the right direction with his compromise amendments, he has still failed to come to grips with some of the major structural defects of the committee bill and for that reason I think it is imperative that we adopt the substitute bill.

The major structural defect of the committee bill, which is not touched upon in the chairman's compromise amendments, is the concentration of all power in the Secretary of Labor. Under the committee bill, the Secretary

is authorized to promulgate, monitor, and enforce the occupational safety and health standards. Now I am aware that during the course of the debate yesterday, the Federal regulatory agencies were cited as ample precedent for such a concentration of powers. But let me remind my colleagues that one of the major reasons these commissions are under heavy attack today is because they have been unable to fulfill the oftentimes conflicting responsibilities of serving as prosecutor, judge, and jury all rolled into one. And yet this is exactly what we are asking of the Secretary of Labor under the committee bill. And I might add that the current Secretary of Labor, Mr. Hodgson, fully recognizes this potential problem and has consequently endorsed the substitute measure. In his letter to Congressman STEIGER he said, and I quote:

> I firmly believe that H.R. 19200 is a strong comprehensive measure which includes fair, effective procedures for promulgating and enforcing occupational safety and health standards. My endorsement of H.R. 19200 is in the spirit of compromise, and a desire to see effective occupational safety and health legislation enacted this year.

The substitute bill offers a much more reasonable, responsible and realistic approach to an occupational safety and health program than does the committee bill. It would establish a full-time board of professional safety experts to set the standards and a special appeals commission to adjudicate alleged violations. And I cannot overemphasize the importance of having a nonpartisan professional board to promulgate these standards, for this would remove the possibility of subjecting this process to political pressures from business and labor interests. By the same token, the three-man Appeals Commission would be above these pressures in adjudicating alleged violations. Through these two structural devices, the committee bill is best designed to insure both professional safety standards and strong and equitable enforcement. If I were to choose two words to describe in what ways the substitute bill is superior to the committee bill, I would choose the words, "professionalism" and "fairness." These are the major strengths of the substiute bill and these are the reasons that I am strongly urging its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I think that it has been very clearly demonstrated that in the substitute we have a bill which is workable, a bill which was carefully drawn, a bill which was drawn in consultation with employers and employees, after conferences with both sides of the aisle in the Congress, and with the concurrence and assistance of the administration.

We have a bill that is ready to be put into operation. It has been made clear that no serious deficiencies exist in the substitute. Thus, extensive amendments are not required. That is not true of the committee bill. In one instance after another, committee members themselves have admitted weaknesses in the bill and have proposed that they will offer amendments to correct those weaknesses which are contained in the committee bill.

Mr. Chairman, it should not be necessary to take these steps. We should not have to rewrite this legislation on the floor of the House. By the simple expedient of accepting the substitute we can eliminate that necessity, eliminate the dangers that go with that process and have a good workable bill which will in fact mark a great step forward in assuring better and safer and healthier working conditions for American employees.

Mr. Chairman, I urge the adoption of the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, the need for an occupational safety and Health bill is clear. What we do not need is just any bill—we need an effective bill.

I say to you that the committee bill is better and more effective than the Steiger substitute. The committee bill is fair, it is sound, and it is a good bill.

In order to make every concession to alleviate the fears and to correct the misstatements that have been expressed, I shall propose amendments to the committee bill that, while not interfering with its effectiveness, will reduce areas of concern that have been expressed. The committee bill with these amendments will still be more effective and superior to the Steiger substitute.

What do these amendments do?

First, they modify the employer's obligation to provide a safe and healthful place of employment—the so-called general duty. This obligation is made more limited and there is no penalty for violating the general duty unless, of course, the employer fails to correct a violation after it is pointed out to him.

Second, in imminent danger situations, the secretary will now be required to get judicial relief. We have eliminated the provision under which a plant could be closed by an administrative order.

Third, we have deleted a provision which was—though inaccurately—called a "strike with pay" provision, and have provided that employees may request an inspection when they are subjected to dangers at the workplace.

Fourth, we have revised the monitoring provisions both to simplify them and to make them a part of the standards-setting process.

We have amended the Construction Safety Act so that its standards-setting procedures become applicable to the entire construction industry rather than as at present which is to contractors performing Federal or federally assisted work.

Finally, we shall offer an amendment providing for a three-man appeals commission to review issues on contested citations.

I announced on the House floor yesterday during the course of the debate that I would place in the CONGRESSIONAL RECORD the amendments I would offer. I wish to bring to your attention that these amendments appear in the RECORD of Monday, November 23, on pages 38377 and 38378.

I urge the defeat of the Steiger substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan, Mr. O'HARA.

Mr. O'HARA. Mr. Chairman, let me call your attention to a letter that the Members should have received from the gentleman from New Jersey (Mr. DANIELS), who is the sponsor of the bill before us.

If you did not see a copy of the Daniels letter, then there are additional copies of the letters at the committee table, and I hope you will pick one up. It explains some of the changes that the gentleman from New Jersey is willing to make in the committee bill in an effort to arrive at an agreement on the committee bill.

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

Mr. O'HARA. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I would ask the gentleman if these are the amendments referred to in the letter which the chairman of the committee indicated yesterday in his remarks he intended to support?

Mr. O'HARA. That is correct.

The chairman of the committee will support the changes that the gentleman from New Jersey (Mr. DANIELS) will propose to his own bill if the substitute is defeated and an opportunity is had to amend the committee bill.

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

Mr. O'HARA. Mr. Chairman, let me simply conclude by saying this: After the adoption of the amendments that the gentleman from New Jersey (Mr. DANIELS) will propose if the substitute is defeated, there will be one important substantial difference between the substitute and the committee bill, and that difference will have to do with the manner in which the standards under the act are determined and promulgated.

The substitute proposes that this be done by a committee—a committee that will not be known to the public and whose members will not be responsible to the public. A committee of people who cannot be held accountable by the Congress for what they do or fail to do.

The committee bill on the other hand to use the standard rule making provisions of the Administrative Procedures Act. Under the committee bill, all rules and regulations will be promulgated just as all other rules and regulations under the Administrative Procedures Act, by the Secretary of Labor, an accountable, identifiable, and responsible public official.

I ask that the substitute amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, may I first of all say I am somewhat surprised at the speed with which all of this has been done. I trust that that is an indication of the willingness of the House to accept the substitute put forward by the gentleman from Florida and myself.

The gentleman from Michigan, as has the gentleman from New Jersey before me, attempted to try to portray the substitute as being ineffective to a point—but only to a point, you will notice, because of course they are going to offer amendments if the substitute is defeated which would, in fact, bring the Daniels bill almost in line with the Steiger-Sikes substitute.

What we are saying, as I tried to indicate earlier in my remarks, not only in general debate yesterday, but also today, is that there is a feeling apparently that we had better try to modify what we recognize is a deficient bill.

The whole point I would make to the committee is that they have had their chance. As a matter of fact, the substitute came about because of the distinguished chairman of the Committee on Education and Labor.

Yet, when we tried to reach a compromise, which is the Steiger-Sikes substitute which you have before you today, it did not pass. It did not succeed. It was defeated in committee by a vote of 19 to 15. Therefore, the gentleman from Florida and I had to bring it here to the House floor.

I would have preferred to try to find a way to reach an agreement that is acceptable as with the manpower bill. That was a good bill.

But this bill got hung up, in part, because of, I submit, the rays of heat that have been generated more than the light that has been generated perhaps by both sides who are supporting one or the other of the bills.

But let us understand more—if the substitute is defeated—as I hope it will not be—even if the amendments offered by the gentleman from New Jersey are passed, you still do not have a perfect bill. You still have a bill that monopolizes the functions. You still have a bill that is defective in terms of emergency standards and how those will be handled. You still have a bill that is defective because it requires the State and local employee within the State to be covered by the health and safety standards. Some States are not going to be able to have any safety plans under this bill.

There are substantive differences. My friend, the gentleman from Florida, has pointed to other areas of disagreement—the unrealistic criteria for the standards and the punitive nature of the penalty for advance notice, for example.

All that is by way of saying, I think the issue ought to be one thing and one thing alone—can we take a bipartisan compromise or substitute as offered by the gentleman from Florida and myself and pass it as the will of this House? Or are we going to be faced again with an attempt to correct the deficiencies of the bill proposed by the Committee on Education and Labor?

I trust that the action of the House today will be to adopt the substitute and not to vote it down so that we can then pass a bill and take it to conference and get the bill back in this session of the Congress that is strong, effective, enforceable, and that can be supported by both parties and the administration.

I hope the vote will be "aye" in favor of the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS) for 5 minutes.

Mr. PERKINS. Mr. Chairman, in response to the distinguished gentleman from Wisconsin, I should like to make clear that Federal standards promulgated under the committee bill would not cover Federal and State employees, as has been stated by the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield? The point I made is that it requires State plans for coverage of State and local governmental unit employees.

In my judgment, the committee bill is far superior to the substitute bill. Why should we turn back the clock and utilize outmoded methods for promulgating standards. The President of the United States in other legislation has even suggested that we should place such authority in an established agency instead of an independent commission. We voted on similar questions during consideration of the Railway Labor Act this year and also on the Coal Mine Safety Act. May I state again if the committee bill prevails over the substitute an amendment will be offered so that an inspector will not have the right to close down any plant. Under our proposal the Secretary of Labor would have to go into the district court and prove a case of imminent danger.

So I say to you that the committee bill is reasonable. It is superior to the substitute. It will provide for immediate action in these all-important areas. The provisions of the committee bill will go into operation immediately, whereas if we try to establish a number of independent commissions, the effort will drag on for several years before we provide employees in hazardous industries with adequate protection.

With the amendments the gentleman from New Jersey will offer the only real difference between the committee bill and the substitute bill relates to the establishment of standards. It is the committee position that such authority should rest in the Secretary of Labor. As the gentleman from New Jersey stated, under the committee bill, in every instance where standards are promulgated, all parties affected will be notified. In the committee bill an advisory committee will advise the Secretary and every affected individual will have his day in court.

As the gentleman from New Jersey has also indicated, if the substitute bill is voted down, an amendment will be offered with respect to the enforcement provisions. It will be the same as language adopted in the Senate to provide for the establishment of a presidentially appointed Occupational Safety and Health Review Commission.

Persons aggrieved by a citation of the Secretary of Labor will appeal to the Commission rather than to the Secretary, as is the case in the committee bill. We will, with this amendment, provide for a separation of powers. Standards will be promulgated by the Secretary of Labor and contested citations will be considered by an independent court, so to speak, an independent review commission.

After we make that change and the others we have agreed to, there is only one real difference, and that is with respect to the setting of standards. The Department of Labor is already in the position of having the know-how at hand. Why try to drag the safety program along for a long time and not provide employees with adequate safety, when we can get a program into operation overnight with the committee bill. At the same time, we will be giving all the interested parties an independent court to go to for the hearing of any complaints.

Let me emphasize again, there is nothing in our bill which authorizes strikes without pay. Nevertheless, if the committee bill prevails, we are going to clarify that language with an amendment. We are only proposing to do in this bill what we are already doing in the Construction Act, where the authority is in the Department of Labor. The substitute bill provides that the Department of Labor may promulgate standards for the construction industry. If it is good for the construction industry, I think it is good for all the industries of this country.

In conclusion, let me urge all members of the committee to vote against the substitute bill and support the committee bill. We certainly do not intend to work a hardship on any industry in this country. Our purpose is to insure safety. If there are any penalties in the committee bill that are deemed unjust, I can assure the members the House Committee on Education and Labor will reconsider those provisions.

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

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, it goes without question that the only real difference is in the cost of doing the job.

We name a board of five members to be confirmed by the Secretary. They will spend a minimum of a quarter million dollars a year. We will still have to go to the only source of knowledge and expertise in the field of industrial safety. There is no other source of information except the experienced bureaus and departments with the Offices of the Secretaries of Labor and House, Education, and Welfare. It is working absolutely to perfection in the field of mining, as far as the coal mines are concerned. I urge that the substitute be defeated.

Mr. GALIFIANAKIS. Mr. Chairman, I rise in support of H.R. 19200, the Occupational Safety and Health Act.

No one here today should doubt the need for this legislation. More than 14,500 workers are killed in on-the-job accidents each year, higher than the American death toll in Southeast Asia. By a conservative estimate, another 2½ mil-

lion workers each year are injured to the point of disability.

There is little reason to believe that the situation is improving. Over the past 12 years, we have experienced a 20-percent increase in the number of disabling injuries per million man-hours. And in 1969 alone, it is estimated that occupational accidents cost $1.5 billion in wages and $8 billion in gross national product.

I am pleased, Mr. Chairman, that the House of Representatives is addressing itself to this problem in the closing days of the session.

But I think there are some provisions of H.R. 19200 which need clarification. Unless the intent of these provisions is explained for the record, I fear that we may lose some of the effectiveness of this bill.

Mr. Chairman, I asked the gentleman from Wisconsin (Mr. STEIGER), who is the author of this bill, several pertinent questions and I included these questions and answers as a part of my remarks.

Following are the questions along with the answers:

Question. As I interpret Section 9(a) of H.R. 19200, until a Federal inspector has presented his credentials, he lacks the authority to enter and inspect a business or workplace. Is that correct?

Answer. It is. Section 9(a) provides in part that: "... the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—(1) to enter without delay and at reasonable times ... and (2) to question ... and to inspect and investigate...."

So until the inspector has presented his credentials, he is not empowered to enter a business or workplace. I might add that this is a feature common to both H.R. 19200 and H.R. 16785.

Question. And the inspector not only must present those credentials, but he must present them to the owner, operator, or agent in charge, is that not correct?

Answer. It is.

Question. Then I would ask the gentleman this: is it legal, under the terms of H.R. 19200, for a low-ranking employee of a firm to leave a Federal inspector waiting at the entrance to a business simply by saying, "I am sorry, but I must locate the owner, operator, or agent in charge before you may present your credentials and enter." If that sort of evasion is legal under this bill, then we have lost the value of holding unannounced inspections.

Answer. My answer is, that such an evasion is not legal under H.R. 19200. Under my bill, it would constitute interference with a Federal inspector subject to the criminal penalties of Section 17(e). And I think the words "without delay," which appear in Section 9(a)(1) of H.R. 19200, make it a stronger bill in this regard than the committee version.

Question. This clarifies that important point. I have two other questions. First, I am bothered by the term, "agent in charge." Is it the gentleman's intent that whenever a business or workplace is inhabited, there is necessarily someone who is the "agent in charge?"

Answer. That is correct.

Question. And in the event that an "agent in charge" could not be located within a reasonable time, would the Federal inspector be able to gain entry by presenting his credentials to any other employee?

Answer. I would say so. In general, it is our intent in H.R. 19200 that the Federal inspector should gain entry to a business or workplace with an absolute minimum of delay.

Mr. Chairman, I appreciate the gentleman from Wisconsin's candor and his desire to meet every question that was asked. A I have studied H.R. 19200 in recent weeks, I have been impressed by the gentleman's work in shaping a straightforward piece of legislation which will do much to reduce the toll from on-the-job accidents.

Mr. STEIGER of Wisconsin. Mr. Chairman, section 9(a) of the bill provides that in carrying out the purposes of the act, the Secretary is authorized to enter and inspect a factory "upon presenting appropriate credentials to the owner, operator, or agent in charge." A question has been raised as to who exactly may be considered the agent in charge. For example, will the inspector have to wait outside the factory interminably while someone inside goes off to find "an agent in charge"? The way we envision this provision as operating is that the inspector will present himself at the factory entrance and he will ask to see the agent in charge. The inspector will present his credentials to any employee who presents himself as the agent in charge. Now, if no person shows up stating that he is the agent in charge, then we do not intend that, under those circumstances, the inspector is going to wait an inordinate amount of time for such an agent to show up; and we certainly do not expect the inspector to give up and go back to his office. If none of the employees, purporting to the agent in charge, shows up after a reasonable time, then we contemplate that the inspector, acting for the Secretary, could regard any employee as the agent in charge for the purpose of presenting credentials under the act.

I would add that in carrying out inspection duties under this act, the Secretary, of course, would have to act in accordance with applicable constitutional protections.

As to what is meant by a "reasonable time and manner" in connection with inspections, this I believe will have to be left to the interpretation of the Secretary and of the courts. This test of reasonableness will be applied on a case-by-case basis. But we could say that, in general, the term means during regular working hours and in a manner which does not unnecessarily disrupt normal business procedures.

Mr. HULL. Mr. Chairman, I do not believe that any Member of the House of Representatives is opposed seriously to sensible requirements for health and safety in industry. I have heard, during this debate, many statements affirming support for legislation improving conditions.

The means to advance industrial safety is through cooperative efforts of employers and employees. The Federal Government has a natural interest in this area and its role in bringing about effective reform is proper. However, I am greatly concerned that the legislation proposed by the Committee on Education and Labor will not foster a climate favorable to this progress.

Instead of stimulating the necessary improvements, H.R. 16785 will be a divisive influence that would achieve little, if any, safety improvement.

One of the failures of the bill, even in the form which the committee chairman would now propose, is the failure to provide for the separation of powers. The committee bill sets up the Secretary of Labor as a czar to establish standards to enforce and inspect plantsites and to penalize those who have violated his regulations. The Secretary is given almost unlimited powers.

Second is the fact that, although certain changes are proposed related to the imminent danger section, still, the issuance by an inspector of the citation with a penalty to be levied at a later time is ill advised.

In short, the committee bill is replete with provisions that are administratively unworkable, unduly punitive, and highly disruptive of labor-management relations.

For these and other reasons already pointed out in detail by many of my colleagues I favor the Sikes-Steiger amendment, a practical solution to this problem of industrial safety.

It offers effective methods by which we can insure that our working people have a full measure of safety on their jobs. We should do no less.

Mr. HELSTOSKI. Mr. Chairman, H.R. 16785, the Occupational Safety and Health Act, is legislation which is long overdue, with its provisions designed to protect the working men and women by providing safe and healthful working conditions throughout our vast industrial complex.

Under the bill, we would authorize enforcement of standards developed under the act and would assist and encourage the States in their efforts to assure safe and healthful working conditions by providing for research, education, information, and training in the field of occupational safety and health.

Up to now, State and Federal governmental efforts to insure the occupational health and safety of the American worker have been rather inconsistent and performed on a piecemeal basis. Several of the States have been giving this problem much thought and have enacted legislation to protect the workers. Others have not faced this problem squarely and have taken little or no action. While the Federal Government has taken steps to protect workers in the mining, transportation, or those working on projects under Government contract, we have still left a substantial number unprotected. Through this bill we intend to expand our efforts to provide safe and healthful working conditions to these unprotected workers.

According to the National Safety Council statistics, there were 14,500 deaths and over 2 million disabling injuries due to industrial accidents in 1968. There are 390,000 new cases of occupational disease reported annually.

Mr. Chairman, I am not alone in my

concern for the problem. The Congress is concerned, or we would not have this bill before us now. The President is concerned, as he indicated in a message to Congress on August 6, 1969, in which he declared:

Technological progress can be a mixed blessing. The same new method or new product which improves our lives can also be the source of unpleasantness and pain. For man's lively capacity to innovate is not always matched by his ability to understand his innovations fully, to use them properly, or to protect himself against the unforeseen consequences of the changes he creates.

The side effects of progress present special dangers in the workplace of our country. For the working man and woman, the byproducts of change constitute an especially serious threat. Some efforts to protect the safety and health of the American worker have been made in the past both by private industry and by all levels of government. But new technologies have moved even faster to create newer dangers. Today we are asking our workers to perform far different tasks from those they performed five or fifteen or fifty years ago. It is only right that the protection we give them is also up-to-date.

There has been much discussion in recent months about the quality of the environment in which Americans live. It is important to note in this regard that during their working years most American workers spend nearly a quarter of their time at their jobs. For them, the quality of the workplace is one of the most important of environmental questions. The protection of that quality is a critical matter for government attention. . . .

Consider these facts. Every year in this country, some fourteen thousand deaths can be attributed to work-related injuries or illnesses. Because of accidents or diseases sustained on the job, some 250 million man-days of labor are lost annually. The most important consequence of these losses is the human tragedy which results when an employee—often the head of a family—is struck down. In addition, the economy loses millions of dollars in unrealized production and millions more must be used to pay workmen's compensation benefits and medical expenses. It is interesting to note that in the last five years, the number of man-days lost because of work-related injuries has been ten times the number lost because of strikes.

What have we done about this problem? The record is haphazard and spotty. For many decades, governmental responsibility for safe workplaces has rested with the States. But the scope and effectiveness of State laws and State administration varies widely and discrepancies in the performances of State programs appear to be increasing. Moreover, some States are fearful that strikes will place them at a disadvantage with other States.

Mr. Chairman, I support this legislation because it is designed to insure a safe and healthy work environment for the men and women workers in our country. It can become a landmark of utmost importance in the history of social legislation. It is not the result of some sudden disaster, but a carefully thought out product to provide for the establishment and enforcement of safety standards throughout the United States.

I wish to commend the distinguished chairman of the Select Labor Subcommittee, the gentleman from New Jersey (Mr. DANIELS), for his able work in developing this landmark legislation and bringing it to the House floor for consideration. I would also like to praise the chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS) for his contributions and foresight in reporting such a strong bill from the committee. I congratulate them on this momentous achievement in behalf of all Americans.

We will fail the workers of American if we do not pass this legislation.

Mr. PUCINSKI. Mr. Chairman, I want to commend the chairman of the Select Subcommittee on Labor, the gentleman from New Jersey (Mr. DANIELS), on his diligent efforts in bringing H.R. 16785 to the floor.

There is no question that we need an Occupational Safety and Health Act. We all know the horrible statistics of lost lives, of disabling injuries, of incapacitating diseases. From the time this House began debate yesterday to the present moment, an estimated 40 Americans died from job related injuries or disease. Over 6,000 workers were disabled or injured.

Yet, at present, some 80 million Americans are either insufficiently protected or not protected at all by State or Federal laws. One of our great concerns is with the environment. Let us not forget that for most people, the work place is their environment for 8 or 9 hours a day.

I have studied the Daniels bill as well as the substitute bill. The Daniels bill is a comprehensive, well-thought-out measure to lessen the number of industrial accidents and occupational diseases.

I support the committee bill provision entrusting the Secretary of Labor with the issuance of safety and health standards. What this Federal Government does not need is another multimember board. It seems every time a new program is adopted that we must appoint a new board. There is absolutely no need for an Occupational and Health Safety Board.

The Department of Labor is the logical means of implementing this bill. The proponents of the substitute measure state that we are delegating too great a power to the Secretary of Labor; that we are ignoring the separation of powers theory. That theory was devised to impose checks and balances on the three coequal branches of our Government.

We have precedent after precedent where regulatory agencies have been established with factfinding, rule promulgation, and enforcement powers.

To assure an effective program, the Secretary of Labor and, ultimately, the President, must be held accountable—not a multimember board.

Mr. Chairman, I support H.R. 16785 as a giant step toward making all Americans secure from hazardous working conditions and safe from disabling diseases.

Mrs. SULLIVAN. Mr. Chairman, I have listened carefully to the debate on this measure, and have studied the background of the legislation over a number of years. Despite the many letters I have received from businessmen in St. Louis expressing alarm over aspects of the bill, I believe the weight of evidence clearly establishes that this legislation is urgently needed, and should be passed. I shall therefore vote for it.

Those who oppose the bill charge, or complain, that it will lead to frivolous disruptions of industrial production, under arbitrary and arrogant administration by the U.S. Department of Labor. If that were to occur, there are clear-cut remedies available to industry—and Congress would be quick to act to prevent this measure from being used as harassment for industry.

On the other hand, further delay in the enactment of this long-needed legislation, out of fear that some bureaucrat some day may exceed his authority, would be to condemn innocent workers to unnecessary loss of life or to serious injury—deaths or injuries which could be prevented under this legislation.

In my own opinion, those large industrial firms which are most articulate in opposing the bill would have the least to fear under it, for they have been aware of occupational hazards in their own plants for many years and have worked conscientiously to reduce or eliminate these hazards. Plants where worker safety has not received the care and attention it should receive have a much more understandable case against this bill, for they would be seriously affected by it.

As in any field where the Federal Government imposes restrictions or procedures intended to protect the health of the American people, the impact is often heaviest on those smaller firms which encounter economic hardship in coming into compliance. For this reason, the Small Business Administration must be prepared to assist any such firm in obtaining necessary new equipment to protect its employees. This is not a new problem—we have recognized such a problem in connection with compulsory meat and poultry inspection in plants engaged only in intrastate commerce, in connection with pollution control measures, and so on.

BACKGROUND OF OCCUPATIONAL SAFETY BILL

Mr. Chairman, the bill before us today represents years of hard work by members of the House Committee on Education and Labor in drafting legislation which would meet the problem head-on of protecting American workers against the heavy toll of death, injury, and disease on the job. I commend the committee for its efforts. Many years ago, Congress called for safety standards on work done under contract to the Federal Government, so this is not a new thing. But in most industrial operations, the safety standards are either completely voluntary, or are State-imposed and too often not really enforced. Some States have good laws and good enforcement, but not enough of them do.

About a dozen years ago, I learned about the deaths in St. Louis of several workmen after being directed by their supervisors to perform a task involving the use of carbon tetrachloride. Apparently, they were given no guidance or instruction or warnings. In looking into this incident to see if any Federal law covered situations of this kind, I found that the Bureau of Labor Standards in the Department of Labor had issued

many warnings and guidelines for the use of carbon tetrachloride, but the Federal Government itself had no powers to protect the workers. I then asked the then Secretary of Labor James Mitchell to prepare for me a draft of a bill which I could introduce to set up mandatory standards for the safe use of hazardous materials in industry. The Secretary declined, and indicated that the problem was not serious enough to warrant Federal legislation.

Later, I was asked by a group of workers in another St. Louis plant to help them find out why so many of the employees in that plant had suddenly begun developing skin diseases when, so far as they knew, none of the production processes in the plant had been altered in any way. Local and State authorities had not been able to locate a probable cause. I was able to arrange to have the U.S. Public Health Service send a team of investigators into the plant to make an on-the-spot survey of plant procedures and chemicals in use to determine the source of the infections. This investigation disclosed that—unbeknown to the plant management—a chemical used for a long time without injury in the plant's operations had been changed somewhat in composition by the manufacturer without any notice or warning to the plant in St. Louis using the product in its processes. When the problem was thus pinpointed, the hazard was removed. But in the meantime, some of the workers had developed liver disease or other serious side effects.

The Hazardous Substance Labeling Act, which requires full warnings on the labels of all dangerous substances sold for use in the household, does not apply to the same materials packaged for use in industry. So the worker has had no protection from the unknown toxic or other hazardous effects of bleaches, solvents, paints, and chemicals of all kinds used in industry, even though exactly the same products, when purchased for use in the home, must be clearly labeled as to their dangerous properties.

INTRODUCTION OF FIRST BILL IN 1965

In 1965, therefore, I introduced what I believe was the first bill on this subject of industrial hazardous materials other than those covered in the Atomic Energy Act. I asked then Secretary of Labor Willard W. Wirtz to study this bill—H.R. 1179 of the 89th Congress—as a prospective administration measure to meet one of the serious problems in American industry. Following my request, a task force was set up by Secretary Wirtz to go into this matter, under the direction of Assistant Secretary of Labor Esther Peterson. The eventual result was the proposed Occupational Health and Safety Act, similar to the bill now before us, which goes far beyond the original proposal I had made dealing only with hazardous materials.

I have cited this background, Mr. Chairman, because so many businessmen who wrote to me on this issue have wondered how this measure ever got started—what brought it on. It did not come out of the blue. The need has existed for a long time. The Johnson administration, which pioneered in many areas of domestic legislation to help protect workers and all Americans as consumers, deserves great credit for having initiated this broadly based legislation to cover the whole field of industrial safety. It had great courage in proposing this far-reaching bill.

My one regret about this whole matter is that Secretary Wirtz did not get behind H.R. 1179 of the 89th Congress and endorse it immediately as an administration measure which, with administration support, could have been passed quickly and without too much controversy and then carried the idea further with the proposal for this much broader bill. In that way, the workers of this country would have been protected during the past 6 years in at least this one area involving the use of hazardous materials and substances in industry.

TEXT OF 1965 BILL WHICH LED TO PENDING MEASURE

As part of the legislative history, Mr. Chairman, I submit for inclusion at this point, under unanimous consent, the text of my 1965 bill, reintroduced in the 90th Congress, and as introduced in the 91st Congress as H.R. 909, as follows:

H.R. 909

(91st Congress, 1st Session, in the House of Representatives, January 3, 1969, Mrs. SULLIVAN introduced the following bill; which was referred to the Committee on Education and Labor)

A bill to provide reasonable safeguards for employees working with or exposed to the dangers of hazardous materials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Hazardous Materials Safety Act."

Sec. 2. (a) The Congress finds that the exposure to or the handling of hazardous materials without proper precautionary measures or without full knowledge of the dangers involved poses a threat to the life, health, and safety of workers; and that the threat to such workers has the effect of burdening and obstructing interstate commerce and the free flow of goods in interstate commerce.

(b) The Congress declares that it is the purpose of this Act, through the exercise by Congress of its power to regulate commerce among the States, to provide for the safety of such workers by requiring that employers take such measures as are reasonably necessary to protect workers from the dangers of hazardous materials.

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Labor.

(b) "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(c) "State" means any State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act; American Samoa; Guam; Wake Island; and the Canal Zone.

(d) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State.

(e) "Employee" includes any individual

(f) The term "hazardous material" means—

(1) any substance or mixture of substances which the Secretary determines by regulation (A) is toxic, (B) is corrosive, (C) is an irritant, (D) is flammable, or (E) generates pressure through decomposition, heat, or other means, and which may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling, use, or exposure thereto, including such exposure as may result from accident.

(2) any radioactive substance which the Secretary determines by regulation to be sufficiently hazardous to require that necessary precautions be taken to protect employees, provided that the term "hazardous material" shall not include any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

SEC. 4. Every employer having employees engaged in commerce or the production of goods for commerce shall safeguard his employees from the dangers of hazardous materials by taking such precautions as the Secretary may determine by regulation to be reasonably necessary to protect the life, health, and safety of such employees. Such regulations shall be in accord with the best known practicable means for securing the safety of persons coming within the proximity of hazardous materials, including the marking of containers holding hazardous materials, the use of protective devices, equipment, and clothing, and such other precautionary measures as the Secretary finds necessary to safeguard employees who handle or may be exposed to hazardous materials. Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is authorized by the Secretary, take effect ninety days after their formulation and publication by said Secretary and shall be in effect until reversed, set aside, or modified.

SEC. 5. In the administration of this Act, the Secretary shall seek the advice and assistance of those departments, agencies, or establishments of the United States engaged in similar work. The Secretary may utilize the facilities or services of any department, agency, or establishment of the United States with the consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, provide such services and facilities as he may request for his assistance in the administration of this Act.

SEC. 6. For the purposes of the enforcement of this Act, the Secretary or his designated representatives are authorized to enter and inspect, at reasonable times and in a reasonable manner, the premises of any employer to determine whether any person has violated any provisions of this Act or any rule or regulation issued thereunder. No employer or other person shall refuse to permit entry or inspection by the Secretary or his representative as authorized by this section.

SEC. 7. Any employer may request the advice of the Secretary or his authorized representative in complying with the requirements of any regulation issued pursuant to this Act. In case of practical difficulties or unnecessary hardships, the Secretary in his discretion may grant variations from any such regulation, or particular provisions thereof, if he finds that the purpose of the rule or regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such regulation, or his agent, may request the Secretary to grant such variation, stating the grounds on which his request is based. Any authorization by the Secretary of a variation shall be in writing.

A properly indexed record of all variations shall be kept in the Office of the Secretary and open to public inspection.

SEC. 8. Whoever violates or fails to comply with the provisions of section 4, or with any regulation adopted to carry out the provisions of section 4, or who interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his duties under section 6 by refusing to admit the Secretary or his authorized representative to any place, or to permit the inspection or examination of any place of employment, shall be guilty of an offense and, upon conviction thereof, shall be punished for each offense by a fine of not more than $1,000 or imprisoned not more than one year, or both.

SEC. 9. Whenever it shall appear that any employer has violated or is about to violate any of the provisions of this Act, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate. Any such action may be brought in the district court of the United States where the violation occurred or is about to occur, or where the principal office of such employer is located.

SEC. 10. The provisions of this Act shall have no application to hazardous materials while such materials are being transported by motor carriers, air carriers, rail carriers, or vessels engaged in interstate commerce. Nothing in this Act shall be construed to modify or amend the provisions of chapter 39, title 18, United States Code, as amended (18 U.S.C. 831 et seq.), or any regulations promulgated thereunder, or under sections 304 (a) (2) and (3), title 49, United States Code (relating to the transportation of dangerous substances and explosives by surface carriers); or of section 1421, title 49, United States Code, or any regulation promulgated thereunder (relating to transportation of dangerous substances and explosives in aircraft); or of chapter 7, title 46, United States Code, as amended (46 U.S.C. 170 et seq.), or any regulations promulgated thereunder (relating to transportation of dangerous substances and explosives in vessels).

SEC. 11. If any provision of this Act, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 12. This Act shall take effect ninety days after the date of its enactment.

Mr. HOSMER. Mr. Chairman, I have carefully examined both this bill and the proposed Steiger-Sikes substitute which I believe is likely to be adopted shortly. I am satisfied that neither version of this legislation is intended to interfere with, affect, or modify in any way the authority or responsibilities lodged in the Environmental Protection Agency and I am satisfied that the enactment of either version would not do so. The same is true as to other Federal agencies which prescribe and enforce standards and issue regulations in the health and safety fields.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope this occupational health and safety bill, H.R. 16785, with the committee recommended amendments, will receive the approval of the great majority of the Members of this House.

There is clear and overwhelming evidence to substantiate the very urgent need for this legislation. In summary, the authoritative testimony and evidence is that the death toll from on-the-job accidents amounts to 14,500 a year; there are more than 2.2 million disabling injuries a year; that these work accidents and illnesses cost the American economy some $8 billion per year and, ironically, there are more game wardens in the United States today than there are health and safety inspectors which obviously means that most animals are better protected than the working men and women of this country.

Let us further bear in mind that the experts advise us they conservatively estimate that annually some 200,000 to 400,000 industrial accidents go unmentioned by Federal and State tallies and there is, as yet, no count at all of the great and undetermined number of disabling on-the-job illnesses caused by chemical poisoning hazards in certain occupations. It is hoped that the research activity in this area, that is provided for in the bill, will enlighten and guide us toward correction in this particular and growing field of occupational safety.

Mr. Chairman, the urgency of this legislation is almost universally admitted so our only real task is to develop, for approval, a majority acceptable bill that will effectively correct and eliminate the nearly unbelievable death, disease, and accident rate that plagues the working people of this country because of the lack of safety standards, with adequate enforcement procedures, in their places and surroundings of employment.

I believe that the legislative measure now under consideration, with the modifications proposed, will provide and establish fair and reasonable standards for the prevention and elimination of on-the-job accidents, illnesses, and diseases to our working people, together with effective procedures for the enforcement of these standards. There is no question but what approval of this substantive legislation is in full accord with the highest environmental protection objectives of our people and our Government, and that this particular legislation is in the national interest. Therefore, I urge its adoption without extended delay.

Mr. RARICK. Mr. Chairman, a cursory study of H.R. 16785 indicates it provides for a power grab by the federal system relying on the emotional appeal of assuring safe and healthful conditions for working men and women.

Passage of this bill as is would not only surrender to the Secretary of Labor delegated powers to write, police, and enforce labor-management laws, but it smacks of creating a commissar, with unprecedented powers, in the Secretary of Labor.

It is truly unfortunate that many well-meaning people have been led to believe that this type of nationalization by legislation is necessary for protection of our working people or that a law can produce safe and healthful working conditions.

The suggestion as well as the thrust of this emotional rationalization is an insult to one's intelligence. We are now led to believe that only the Federal Government is interested in the safety and well-being of our working people and that only Federal bureaucrats can, as if by magic, prevent injuries, disease, and weakness to America's labor force.

I question such statements, especially in view of our experience resulting from other Federal takeovers, nationalizations, and threats of pocketbook deterrence. Thus far every usurpation by the federal system directed toward national socialism has never achieved its goals, but to the contrary has thwarted the free activity of our society by needless redtape, controls, fear, and intimidation.

The Federal revolution into the private sector of our Nation has only resulted in socializing the field, taxing it to death, or running the industry out of the United States.

The substitute proposal by Messrs. STEIGER and SIKES, as I understand it, offers some moderation to the bill by placing the powers under a board and changing the nature of the duty placed on the employer. While I feel the substitute measure presents less threat to our free enterprise system and has been acknowledged to be the lesser of the two evils by many informed citizens, industrialists, chambers of commerce, and the like, it is nothing more than galloping socialism in a more palatable phraseology.

National socialism under an appointed board is just as great a threat as is national socialism under an appointed commissar. Past experience proves that every Federal agency uses its power but to beget more power.

I cannot believe either bill provides a constitutional role for the Federal Government. As the lesser of the two evils, I plan to cast my people's vote for the substitute measure. Whether or not the substitute is accepted, my oath of office and my confidence in the American system of free enterprise compels me to vote against either measure on final passage.

Mr. ROBISON. Mr. Chairman, the subject of occupational health and safety is one which has received much attention recently. Indeed, if other Members' mail is running at all like my own, there can be little doubt that this issue is of utmost importance to many and varied groups. And yet, despite the differences enunciated by the various interest groups, there seems to be a general recognition that some job-safety legislation is needed. As one of by constituents—a businessman—observed in a recent letter:

> The safety and well being of our employees is of paramount importance to the success of our firm not only as a business but also as an employer. Neither our firm nor any other business in the United States can afford the position of being opposed to the safety of its employees.

Thus, in our discussion of the choice before us today, I trust that we shall not lose sight of the very real necessity of passing some form of job safety and health legislation this year. The statistics are appallingly clear; the need is great.

Although the Department of Labor and the National Safety Council estimate that 90 percent of all occupational accidents could be eliminated, the injuries and loss of life continue unabated. It has been reported that between 1958 and 1968 there was an increase in disabling injuries of from 11.4 per million man-hours to 14 injuries per million

man-hours. And yet, as alarming as is such an increase in injuries, the raw statistics are even more compelling. Each year some 14,500 men and women die as the result of occupational injuries and some 2,200,000 receive disabling injuries. This statistic, reduced to a daily average translates into 55 men and women being killed each day, 8,500 being disabled and 27,500 hurt daily.

Moreover, the prospects for those entering the labor force are not encouraging. Only 23 of every 100 men and women entering the labor force can expect to complete their working lives without an injury. Of the 77 percent who will be involved in an industrial accident, one will die, six will suffer a permanent injury, and 70 will experience one or more disabling injuries.

Although there is no way to equate the human misery that results from these injuries, I do think that the financial cost of those injuries is relevant to our inquiry here today. Labor Department statistics show that occupational accidents and disease annually result in lost wages of approximately $1.5 billion. Such occupational hazards require that $1.8 billion be paid in workmen's compensation claims and account for medical expenditures in the range of $600 million yearly. The outright cost to the economy is a loss of $7.3 billion to the gross national product. Finally, the loss of work from accidents is roughly 10 times greater than the loss from strikes and amounts to some 255 million lost man-days of productivity.

As great as these losses are, and even though job-related accidents are on the rise, there is no comprehensive program of inspection and enforcement of minimum safety standards. Perhaps the lack of priority given to this compelling need is most vividly pointed out by the fact that State safety staffs range from one inspector per 15,000 workers to one inspector per 100,000 workers; with State expenditures for safety programs ranging from 2 cents to $2.11 per capita. Perhaps the absurdity of our priorities is best illustrated by the fact that there is only one State—New York—which reports having more safety inspectors than game and fish inspectors; and in some States the game and fish inspectors outnumber the safety inspectors by 30 to 1.

A danger not adequately reflected by the statistics I have set forth is that of occupational diseases. First and foremost, we do not have adequate statistics to determine precisely the scope of the problem but, despite that inadequacy, in 1968 the Department of Health, Education, and Welfare reported 336,000 cases of occupationally related diseases. Moreover, we have not done enough research to know what activities being engaged in by industry are or may be dangerous to employees. It may well be that substantial numbers of employees are unknowingly being exposed to disease and hazard while on the job that may not evidence itself for years after the initial exposure.

I have pointed to these various statistics because I fear that, in our disagreements over the form that job-safety legislation should take, we might overlook the most compelling need for arriving at some type of comprehensive occupational health and safety legislation. We have an obligation to all employees to hammer out a bill which can resolve this cogent need.

At the same time, we must not lose sight of the requirement that, whatever form the legislation which we forge takes, that legislation must accomplish the job in the most effective fashion and that it must be as equitable as possible to both the employer and the employee. There is a need—indeed a compelling need—for legislation; however, we must be cautious that in our zeal to take corrective action we do not take precipitate action which might be both unnecessary and unwise.

H.R. 16785, more commonly referred to as the Daniels bill, has two glaring faults which, in my mind, make it unacceptable. First, the Secretary of Labor would be invested with the authority to promulgate standards, conduct inspections and finally be the arbiter of the fact of violations. As the minority views indicate, giving such authority to the Secretary of Labor "is tantamount to having the chief of police, in addition to his regular duties, also write criminal laws and then act as judge and jury." Second, the Daniels bill would allow an inspector to shut down a plant in certain situations, without giving the employer the opportunity to be heard on the matter. Such a procedure amounts to a denial of due process as guaranteed by the Constitution. Surley, a more reasonable approach would be to make available injunctive relief in Federal court which should be sufficient to achieve the aim of protecting employees from dangerous conditions while at the same time giving employers the benefit of being heard before action is taken.

Besides these two provisions which I find sufficiently pernicious as to mandate a vote against the Daniels bill, additionally there is a third provision which may have serious ramifications if left in its present form. That provision, section 5 of H.R. 16785, requires each employer to "furnish to each of his employees employment and a place of employment which is safe and healthful." While I certainly do not object to the aim of this provision—for indeed employers should furnish safe jobs and places of employment—the complete absence of any standards to define such a broad requirement makes the extent of the duty of the employer sufficiently vague as to place an impossible burden upon him. I believe that the worthwhile objectives behind this provision could be retained by merely employing more precise draftsmanship.

And yet, even though I disagree with certain major provisions of the Daniels bill, there can be little doubt about the need for occupational health and safety legislation. As I have noted, the statistics are clear and compelling, and we should use those statistics as a stimulus for achieving such legislation. I believe that H.R. 19200, commonly referred to as the Steiger substitute, is a more reasonable approach to the needs, a more evenhanded solution to the problems. I am casting my support behind the Steiger substitute because I believe that it protects employees from job-related accidents and disease while at the same time is fair to the interests of the employer.

One other thing: as serious as these job injury statistics are, and they are indeed most serious, I think that it is imperative that we keep them in perspective. Although any injury and death which could be prevented is too much, it should be pointed out that the average American worker is safer at his job than he is at home, on the highway, or at play. The Daniels bill assumes that industry has little or no regard for the safety of its employees, and such an assumption disregards all of the significant strides taken by management in trying to reduce the number of industrial accidents. I cannot support punitive legislation without some evidence that it is the only way to accomplish the goal sought.

The facts which I have mentioned, then, rather than being used for punitive and perhaps irrational purposes, ought to be the catalyst which brings about effective and equitable legislation—equitable to both the employee and the employer. In my view, and I have studied this matter most carefully, I believe that the Steiger substitute offers a better approach than the Daniels bill, and I shall cast my vote for that substitute.

Mr. HORTON. Mr. Chairman, after listening closely to today's and yesterday's debate on the Occupational Safety and Health Act, and after considerable study of the legislation and of the whole field of industrial safety, I feel there is a definite need for balanced Federal legislation to aid in the prevention of job-related injury and illness.

Because I feel strongly that we need legislation in this field, I will cast my vote for the bill on final passage, as amended by the substitute which the House adopted, despite the fact that the legislation being considered on final passage does not fully meet the test of balance in this area.

During the months which preceded our consideration of this bill, H.R. 16785, thousands of constituent employers and employees contacted their representatives, and both sides—labor and management—adopted pretty much hard-and-fast positions. Employee interest groups stood firmly behind the unamended language of the Daniels bill, as reported out by the Education and Labor Committee. Employer interest groups stood firmly behind the unamended language of the Steiger substitute, which provided far less stringent and in some instances less onerous enforcement procedures.

I am not happy with either version as originally drafted, and I feel that a compromise between the Daniels and Steiger versions is what is needed to provide fair, effective and balanced occupational safety legislation. I feel that employee groups are justified that the enforcement procedures provided for in the substitute are not as sure or as strong as they must be to put teeth in the very worthy regulations and programs provided for in the remainder of the Steiger version. On the other hand, I feel equally strong that the Daniels bill as reported

from committee contains provisions which go too far into Federal regulation of the employment relationship generally, and too far in imposing burdens and penalties on employers which are not fully necessary to accomplish the purposes of the law—that is, to reduce the number of deaths and injuries resulting from industrial and occupational health and safety hazards.

Thus, I was hopeful that our consideration of H.R. 16785 would result in a balanced and effective compromise, which is what occurred in the Senate when they considered similar legislation. I was even more hopeful of this result when I spoke yesterday to the Secretary of Labor, who informed me that the administration was willing to compromise some provisions of the bill and when I received from Congressman DANIELS, a letter detailing five important amendments which he and the committee were prepared to offer to eliminate the unfair provisions of his bill. I would like to read a partial text of his letter, listing these five amendments, which, unfortunately, were preempted by the adoption of the substitute language and thus could not be offered:

1. The "general duty" will be modified to require only that employers provide employment "free from recognized hazards" and there will be no penalty for violation of duty.

2. The provision authorizing the Secretary to order close-downs without a Court order in imminent danger situations will be deleted and exclusive reliance placed on judicial remedies.

3. The provision that has been attacked as giving an employee the right to "strike with pay" will be deleted.

4. The monitoring provisions will be revised to eliminate fears of excess burden on employers.

5. The Construction Safety Act will be amended (as in H.R. 19200) to include all contractors instead of just those performing government work.

I was prepared to support all of these amendments, and I feel that our passage of the committee bill, containing all five of these changes would have met the standard of fairness and balance as between employer and employee.

Thus, in order to make it possible for these amendments to be offered, I voted in both the teller vote and the first rollcall against adoption of the substitute language, and I voted to recommit the substitute after its adoption to permit the amendments to be offered and a more balanced bill to be passed.

However, the choice is no longer between the Steiger substitute and the Daniels bill, or between either bill and a better compromise version. The choice as we prepare for the final vote is between adopting the substitute—thus permitting a compromise to be worked out in conference with the Senate—and adopting no legislation at all on occupational safety in the 91st Congress.

My priority, knowing the seriousness of the problem of industrial safety in many industries, must be on assuring that some workable legislation is passed. In talking with the Secretary of Labor yesterday, he assured me that his and the President's priority was on achieving congressional approval of a bill on this subject before adjournment. Employees are surely looking to Congress for legislation to add job safety protections, and even some large employers in my district with exemplary safety records have recognized the need for Federal legislation in this area.

Thus, I am casting my vote for the substitute on final passage, in the hope that its adoption will lead to a balanced and effective bill emerging from conference.

Mr. RANDALL. Mr. Chairman, I support the committee bill, H.R. 16785, the Occupational Safety and Health Act, rather than the substitute, H.R. 19200, for the reasons I shall present very shortly. Should the Committee of the Whole accept the substitute, then I shall cheerfully accept that verdict and support the substitute.

Mr. Chairman, the question today is not whether we should have an industrial health and safety act. Just about everyone agrees it will be a good thing for our workers, and a good thing for the country. There remain only some few differences as to the best provisions.

The need is pinpointed by the 1968 statistics of the Public Health Service, which revealed that 14,500 workers were killed on the job; 2.2 million suffered disabling injuries; and at least 390,000 workers suffered occupational illnesses last year. Exposures on the job last year which may result in serious illnesses and death in the future cannot be counted—for example, zinc, lead or mercury poisoning, asbestosis or silicosis. Five times as many workdays are being lost because of occupational hazards, accidents and illnesses as are lost because of work stoppages over labor-management differences. The Public Health Service says these statistics represent no more than half and may be only a quarter of the actual job-related human devastation.

It is true that a few States such as California and New York have strong occupational safety and health programs, but most State programs are inadequate. Some States have so few inspectors that they spend as little as 2 cents per worker per year on job safety enforcement. It has been said there are as few as a total of 1,600 State safety inspectors altogether in all of the States in this country. There are only a few States that have as many as 100 inspectors. It happens there are only three States that require that their inspectors be trained in the field of occupational health and safety. It is most ironical that we find there are twice as many fish and game wardens in the United States as there are safety and health inspectors.

Throughout all the hearings and the preliminary conversations among committee members, it is a tribute to both the committee majority and its minority members that there was a sincere effort on the part of both sides to come closer together to avoid the necessity of a substitute.

Let us not forget that the substitute itself had come a long way from the administration proposal. The original administration plan called for a sort or kind of consensus to try to arrive at safety standards. There was no provision for the requirement of "general duty" for job safety on the part of the employer. It provided for a penalty against the employer only when there appeared to be a "willful" violation. There was no penalty for what could be considered a "serious" violation.

The main difference to the two approaches boils down to the proposition of whether there should be a centralization of authority on the one hand, as in the Secretary of Labor, or a diffusion and dilution of authority on the other hand, as in a board or commission. It becomes not a question of authority or power alone, but equally important, a matter of responsibility for job safety, and then finally a matter of accountability for both good standards and regulations and also their fair but firm and impartial enforcement.

The worst feature of the substitute is that we take away and remove the accountability by the committee bill, and we put in its place a commission or perhaps we should say a faceless board and even a kind of nameless board, because we have no assurance they will be well known, and certainly not directly accountable to anyone. Such a commission or board could provide the means for those who seek to evade safety regulations or avoid enforcement of standards to have something to hide behind.

The matter of occupational well-being is of such widespread concern and consequence, Federal responsibility for protecting workers against dangerous and unhealthy working conditions most certainly merits the concern for a Cabinet officer. Inherently, those matters affecting labor are within the Department of Labor. Therefore, administration and enforcement of the Occupational Safety and Health Act should be delegated to the Secretary of Labor.

The Secretary of Labor is both responsible and politically accountable to the President. We would have better safety regulations by a department headed by a Secretary, than to wind up with a kind of five-man Secretary of Labor that could pass the buck from one to another, absent themselves on occasion, or fail to meet regularly, which is the constant temptation of any board or commission. There has been far too great a trend recently to government by commissions or boards—such as the Scranton, Ash, Kerner, Kappel, Eisenhower commissions, and many others. We have already had too much government by commission.

Legislation in the area of occupational health and safety should have as its objective adequate protection for the worker with reasonable safeguards against health damage due to his job exposures, within a framework of regulation and enforcement that is neither oppressive nor needlessly costly and without unjustified harassment of management.

Mr. McCLORY. Mr. Chairman, in urging support for the Steiger-Sikes substitute measure—H.R. 19200—I am sensitive to the interests of the working men and women of America in providing improvements in the health and safety conditions under which they work.

I am aware of the various State and

local laws which seek to assure a safe and healthful environment in stores and factories. This proposed Federal statute should serve to reenforce the local and State laws. The responsibilities of existing officials will not be diminished by enactment of such a Federal law.

Mr. Chairman, I am interested in the establishment of basic national standards which can be developed from the knowledge and information available at the national level, for the benefit of States and communities throughout the Nation, as well as for the individual working men and women whose lives are threatened when adequate precautions are not applied.

In augmenting our present law with this broad national authority, our first consideration should be the men and women whose health and safety are involved. We must provide prompt, equitable, and effective machinery for eliminating hazardous conditions. We must deal fairly with all who are involved.

The Steiger-Sikes measure—which also has the support of the Secretary of Labor—meets the existing need—and provides workable and effective solutions.

I have no doubt that a temporary or permanent injunction can eliminate promptly any hazardous working condition which violates the standards established by the five-man board to be established under the Steiger-Sikes bill. It would be impossible to interpret this dramatic improvement in behalf of the working men and women of America as in any sense contrary to their best intersts. The measure is distinctly prolabor and proprivate enterprise. Also, it is pro-American in that it gives full recognition to the Federal, State, and local prerogatives. It deserves the overwhelming support of the Members of the House.

I am proud to cast my vote for the Steiger-Sikes bill H.R. 19200.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. STEIGER), as amended.

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. STEIGER of Wisconsin and Mr. PERKINS.

The committee divided, and the tellers reported that there were—ayes 185, noes 114.

So the amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question now occurs on the committee amendment as amended by the amendment in the nature of a substitute.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CORMAN, 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. 16785), to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes, pursuant to House Resolution 1218, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. PERKINS. Mr. Speaker, I demand a separate vote on the Steiger of Wisconsin amendment, commonly known as the Steiger-Sikes substitute, as amended.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: strike out all after the enacting clause and insert:

That this Act may be cited as the "Occupational Safety and Health Act".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promul-

gated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties, and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, or the Canal Zone, except that this Act shall not apply to any vessel underway on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code, the Board shall, as soon as practicable, but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulgated pursuant to subsection (a) of this section.

(c) (1) Whenever the Board promulgates any standard, makes any rule, order, decision, grants any exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register; and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within sixty days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reasonable grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i) (1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j) (1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be published by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately. The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board prescribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed) the Board shall make a proposal relevant to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or one hundred and twenty days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employers are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(l) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service

laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more repersentatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education, or experience in the field of occupational safety or health, who shall be appointed by the President, by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board.".

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board.".

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint, in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisers, and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections, Investigations, and Reports

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 in section 5332 of title 5, United States Code, including travel-time, and allow them while away from their homes or regular places of business, 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, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained wth a minimum burden upon employers especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with

the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a) If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements of sections 5, 6, or 9(c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is de minimis. The citation shall be in writing and describe with particularity the nature of the violation, including a reference to the requirement, standard, rule, order, or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within forty-five days from the concurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commission shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within fifteen days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the fifteen-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commission.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their successors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—(a) The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C. 5108. Each hearing examiner shall receive compensation at a rate not less than the GS–16 level.

B. PROCEDURE—

(1) REPRESENTATION OF PARTIES.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) RULES OF PRACTICE, PROCEDURE, AND EVIDENCE.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) SERVICE OF PROCESS.—The mailing by certified mail or registered mail of any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice or process.

(4) ADMINISTRATION OF OATHS AND PROCUREMENT OF TESTIMONY.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission or by any other employee of the Commission) when acting under authority from the Secretary of the Commission—

(a) The attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) WITNESS FEES.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party at whose instance the witness appears or the deposition is taken.

(6) HEARINGS.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) REPORTS AND DECISIONS.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable. The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) PROCEDURES IN REGARD TO THE HEARING EXAMINERS.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within thirty days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Com-

mission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) PUBLICITY OF PROCEEDINGS.—All reports of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the Secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) PUBLICATION OF REPORTS.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. MISCELLANEOUS PROVISIONS.—

(1) EMPLOYEES.—(a) Appointment and Compensation. The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C. chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence. The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C., chapter 16.

(2) EXPENDITURES.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) DISPOSITION OF FEES.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) FEE FOR TRANSCRIPT OF RECORD.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEEDINGS

SEC. 13. (a) (1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order, or rule made or issued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside, in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless there were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, United States Code.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accordance with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety and Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years or both.

(h) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a)(1), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of section 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under

subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(a)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board, and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18, or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to

employers and employees and organizations thereof.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(b) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.) the Service Contract Act (41 U.S.C. et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting or decorating in the regular course of his business.

(e) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969 (Public Law 91-54; 83 Stat. 96), is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a)(1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with section 443 of title 5, United States Code.

"(2) Each employer as defined in section 3(6) of the Occupational Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of his business, shall comply with construction safety and health standards promulgated under this section."

(h) Subsection (b) of section 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"(b)(1) The Secretary is authorized to make inspections and investigations pursuant to sections 9 (a), (c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107(a)(2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation to the employer unless the violation is de minimis. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than forty-five days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c)(1) If the Commission determines on the record after an opportunity for hearing that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the Commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in sections 13(a) and 13 (c) and (d), and section 14 of the Occupational Safety and Health Act."

(j) Section 107 of Public Law 91-54 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91-54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d) (1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

"(2) Any citation for a serious violation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each such violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued

for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

Sec. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

Sec. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

OBSERVANCE OF RELIGIOUS BELIEFS

Sec. 28. Nothing in this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such medical examination, immunization, or treatment is necessary for the protection of the health or safety of others.

APPROPRIATIONS

Sec. 29. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

Sec. 30. This Act shall take effect one hundred and twenty days after the date of its enactment.

SEPARABILITY

Sec. 31. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The SPEAKER. The question is on the amendment.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 173, not voting 41, as follows:

[Roll No. 365]

YEAS—220

Abbitt	Chamberlain	Foreman
Abernethy	Chappell	Forsythe
Adair	Clancy	Fountain
Alexander	Clausen,	Frelinghuysen
Anderson, Ill.	Don H.	Frey
Andrews, Ala.	Clawson, Del	Fuqua
Andrews,	Cleveland	Galifianakis
N. Dak.	Collier	Gettys
Arends	Collins, Tex.	Goldwater
Ashbrook	Colmer	Goodling
Ayres	Conable	Griffin
Baring	Conte	Gross
Beall, Md.	Corbett	Grover
Belcher	Coughlin	Gubser
Bell, Calif.	Cramer	Hagan
Bennett	Crane	Haley
Betts	Cunningham	Hammer-
Blackburn	Daniel, Va.	schmidt
Blanton	Davis, Ga.	Hansen, Idaho
Bow	Davis, Wis.	Harsha
Bray	de la Garza	Harvey
Brinkley	Dellenback	Hastings
Brock	Denney	Henderson
Broomfield	Derwinski	Hogan
Brotzman	Devine	Hosmer
Brown, Mich.	Dorn	Hull
Brown, Ohio	Downing	Hutchinson
Broyhill, N.C.	Duncan	Ichord
Broyhill, Va.	Edwards, Ala.	Jarman
Buchanan	Erlenborn	Johnson, Pa.
Burke, Fla.	Esch	Jonas
Burleson, Tex.	Eshleman	Jones, N.C.
Burton, Utah	Evins, Tenn.	Jones, Tenn.
Bush	Fallon	Keith
Byrnes, Wis.	Findley	Kleppe
Cabell	Fish	Kuykendall
Caffery	Fisher	Kyl
Carter	Flowers	Landgrebe
Casey	Flynt	Landrum
Cederberg	Ford, Gerald R.	Langen
Latta	Nichols	Snyder
Lennon	Passman	Springer
Lloyd	Pelly	Stafford
Lujan	Pirnie	Stanton
Lukens	Poage	Steele
McClory	Poff	Steiger, Ariz.
McCloskey	Preyer, N.C.	Steiger, Wis.
McClure	Pryor, Ark.	Stephens
McCulloch	Quie	Stubblefield
McDonald,	Quillen	Taft
Mich.	Railsback	Talcott
McEwen	Rarick	Taylor
McKneally	Reid, Ill.	Thompson, Ga.
McMillan	Reifel	Thomson, Wis.
MacGregor	Rhodes	Ullman
Mahon	Rivers	Vander Jagt
Mailliard	Roberts	Waggonner
Mann	Robison	Ware
Marsh	Rogers, Fla.	Watson
Martin	Roth	Watts
Mathias	Rousselot	Whalley
May	Ruppe	White
Mayne	Ruth	Whitehurst
Meskill	Satterfield	Whitten
Michel	Schadeberg	Widnall
Miller, Ohio	Scherle	Wiggins
Mills	Schmitz	Wilson, Bob
Minshall	Schneebeli	Winn
Mize	Schwengel	Wold
Mizell	Scott	Wylie
Montgomery	Sebelius	Wyman
Morton	Shriver	Zablocki
Myers	Sikes	Zion
Natcher	Smith, Calif.	Zwach
Nelsen	Smith, N.Y.	

NAYS—173

Adams	Gaydos	O'Hara
Addabbo	Giaimo	Olsen
Albert	Gibbons	O'Neill, Mass.
Anderson,	Gonzalez	Ottinger
Calif.	Gray	Patman
Anderson,	Green, Pa.	Patten
Tenn.	Gude	Pepper
Annunzio	Halpern	Perkins
Ashley	Hamilton	Philbin
Barrett	Hanley	Pickle
Bevill	Hanna	Pike
Biaggi	Hansen, Wash.	Podell
Biester	Harrington	Price, Ill.
Bingham	Hathaway	Pucinski
Blatnik	Hawkins	Randall
Boggs	Hechler, W. Va.	Rees
Boland	Heckler, Mass.	Reid, N.Y.
Brademas	Helstoski	Reuss
Brasco	Hicks	Riegle
Brooks	Holifield	Rodino
Brown, Calif.	Horton	Roe
Burke, Mass.	Howard	Rogers, Colo.
Burlison, Mo.	Jacobs	Rooney, N.Y.
Burton, Calif.	Johnson, Calif.	Rooney, Pa.
Byrne, Pa.	Jones, Ala.	Rosenthal
Carey	Karth	Rostenkowski
Carney	Kastenmeier	Ryan
Celler	Kazen	St Germain
Chisholm	Kee	Sandman
Clark	Kluczynski	Saylor
Clay	Kyros	Scheuer
Cohelan	Leggett	Shipley
Conyers	Long, La.	Sisk
Corman	Long, Md.	Slack
Culver	Lowenstein	Staggers
Daddario	McCarthy	Steed
Daniels, N.J.	McDade	Stokes
Delaney	McFall	Stratton
Dent	Macdonald,	Sullivan
Diggs	Mass.	Symington
Donohue	Madden	Thompson, N.J.
Dulski	Matsunaga	Tiernan
Dwyer	Meeds	Tunney
Eckhardt	Melcher	Udall
Edmondson	Mikva	Van Deerlin
Edwards, Calif.	Miller, Calif.	Vanik
Eilberg	Minish	Vigorito
Evans, Colo.	Mink	Waldie
Farbstein	Mollohan	Wampler
Fascell	Monagan	Whalen
Feighan	Moorhead	Wilson,
Flood	Morgan	Charles H.
Ford,	Morse	Wolff
William D.	Mosher	Wright
Fraser	Moss	Wydler
Friedel	Murphy, Ill.	Yates
Fulton, Pa.	Murphy, N.Y.	Yatron
Fulton, Tenn.	Nedzi	Young
Gallagher	Nix	
Garmatz	Obey	

NOT VOTING—41

Aspinall	Camp	Dickinson
Berry	Collins, Ill.	Dingell
Bolling	Cowger	Dowdy
Button	Dennis	Edwards, La.

Foley	Koch	Skubitz
Gilbert	O'Konski	Smith, Iowa
Green, Oreg.	O'Neal, Ga.	Stuckey
Griffiths	Pettis	Teague, Calif.
Hall	Pollock	Teague, Tex.
Hays	Powell	Weicker
Hébert	Price, Tex.	Williams
Hungate	Purcell	Wyatt
Hunt	Roudebush	
King	Roybal	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Hays against.

Mr. Teague of Texas for, with Mr. Koch against.

Mr. Edwards of Louisiana for, Mr. Foley against.

Mr. Dowdy for, with Mr. Dingell against.

Mr. Stuckey for, with Mr. Roybal against.

Mr. O'Neal of Georgia for, with Mrs. Griffiths against.

Mr. Dennis for, with Mr. Aspinall against.

Mr. Teague of California for, with Mr. Collins of Illinois against.

Mr. Williams for, with Mr. Gilbert against.

Mr. Cowger for, with Mr. Powell, against.

Mr. King for, with Mrs. Green of Oregon against.

Until further notice:

Mr. Purcell with Mr. Button.

Mr. Smith of Iowa with Mr. Hall.

Mr. Hungate with Mr. O'Konski.

Mr. Wyatt with Mr. Berry.

Mr. Weicker with Mr. Skubitz.

Mr. Price of Texas with Mr. Roudebush.

Mr. Hunt with Mr. Pollock.

Mr. Dickinson with Mr. Pettis.

Mr. SCHEUER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment, as amended, adopted in the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 384, nays 5, answered "present" 1, not voting 44, as follows:

[Roll No. 366]

YEAS—384

Abbitt	Betts	Burlison, Mo.
Abernethy	Bevill	Burton, Calif.
Adair	Biaggi	Burton, Utah
Adams	Biester	Bush
Addabbo	Bingham	Byrne, Pa.
Albert	Blackburn	Byrnes, Wis.
Alexander	Blanton	Cabell
Anderson, Calif.	Blatnik	Caffery
	Boggs	Carey
Anderson, Ill.	Boland	Carney
Anderson, Tenn.	Brademas	Carter
	Brasco	Casey
Andrews, Ala.	Bray	Cederberg
Andrews, N. Dak.	Brinkley	Celler
	Brock	Chamberlain
Annunzio	Brooks	Chappell
Arends	Broomfield	Chisholm
Ashbrook	Brotzman	Clancy
Ashley	Brown, Calif.	Clark
Ayres	Brown, Mich.	Clausen,
Baring	Brown, Ohio	Don H.
Barrett	Broyhill, N.C.	Clawson, Del
Beall, Md.	Broyhill, Va.	Clay
Belcher	Buchanan	Cleveland
Bell, Calif.	Burke, Fla.	Cohelan
Bennett	Burke, Mass.	Collier
Collins, Ill.	Hosmer	Pryor, Ark.
Collins, Tex.	Howard	Pucinski
Colmer	Hull	Quie
Conable	Hutchinson	Quillen
Conte	Ichord	Railsback
Conyers	Jacobs	Randall
Corbett	Jarman	Rees
Corman	Johnson, Calif.	Reid, Ill.
Coughlin	Johnson, Pa.	Reid, N.Y.
Cramer	Jonas	Reifel
Crane	Jones, Ala.	Reuss
Culver	Jones, N.C.	Rhodes
Cunningham	Jones, Tenn.	Riegle
Daddario	Karth	Rivers
Daniel, Va.	Kastenmeier	Roberts
Daniels, N.J.	Kazen	Robison
Davis, Ga.	Kee	Rodino
Davis, Wis.	Keith	Roe
de la Garza	Kleppe	Rogers, Colo.
Delaney	Kluczynski	Rogers, Fla.
Dellenback	Kuykendall	Rooney, N.Y.
Denney	Kyl	Rooney, Pa.
Dennis	Kyros	Rosenthal
Dent	Landrum	Rostenkowski
Derwinski	Langen	Roth
Devine	Latta	Ruppe
Diggs	Leggett	Ruth
Donohue	Lennon	Ryan
Dorn	Lloyd	St Germain
Downing	Long, La.	Sandman
Dulski	Long, Md.	Satterfield
Duncan	Lowenstein	Saylor
Dwyer	Lujan	Schadeberg
Eckhardt	Lukens	Scherle
Edmondson	McCarthy	Scheuer
Edwards, Ala.	McClory	Schneebeli
Edwards, Calif.	McCloskey	Schwengel
Eilberg	McClure	Scott
Erlenborn	McCulloch	Sebelius
Esch	McDade	Shipley
Eshleman	McDonald, Mich.	Shriver
Evans, Colo.		Sikes
Evins, Tenn.	McEwen	Sisk
Farbstein	McFall	Slack
Fascell	McKneally	Smith, Calif.
Feighan	Macdonald, Mass.	Smith, N.Y.
Findley		Snyder
Fish	MacGregor	Springer
Fisher	Madden	Stafford
Flood	Mahon	Staggers
Flowers	Mailliard	Stanton
Flynt	Mann	Steed
Ford, Gerald R.	Marsh	Steele
Ford, William D.	Martin	Steiger, Ariz.
	Mathias	Steiger, Wis.
Foreman	Matsunaga	Stephens
Forsythe	May	Stokes
Fountain	Mayne	Stratton
Fraser	Meeds	Stubblefield
Frelinghuysen	Melcher	Sullivan
Frey	Meskill	Symington
Friedel	Mikva	Taft
Fulton, Pa.	Miller, Calif.	Talcott
Fulton, Tenn.	Miller, Ohio	Taylor
Fuqua	Mills	Teague, Calif.
Galifianakis	Minish	Thompson, Ga.
Garmatz	Mink	Thompson, N.J.
Gaydos	Minshall	Thomson, Wis.
Gettys	Mize	Tiernan
Giaimo	Mizell	Tunney
Gibbons	Mollohan	Udall
Goldwater	Monagan	Ullman
Gonzalez	Montgomery	Van Deerlin
Goodling	Moorhead	Vander Jagt
Gray	Morgan	Vanik
Green, Pa.	Morse	Vigorito
Griffin	Morton	Waggonner
Gross	Mosher	Waldie
Grover	Moss	Wampler
Gubser	Murphy, N.Y.	Ware
Gude	Myers	Watson
Hagan	Natcher	Watts
Haley	Nedzi	Whalen
Halpern	Nelsen	Whalley
Hamilton	Nichols	White
Hammer-schmidt	Nix	Whitehurst
	Obey	Whitten
Hanley	O'Hara	Widnall
Hanna	Olsen	Wiggins
Hansen, Idaho	O'Neill, Mass.	Wilson, Bob
Hansen, Wash.	Passman	Wilson, Charles H.
Harrington	Patman	
Harsha	Patten	Winn
Harvey	Pelly	Wold
Hastings	Pepper	Wolff
Hathaway	Perkins	Wright
Hawkins	Philbin	Wydler
Hechler, W. Va.	Pickle	Wylie
Heckler, Mass.	Pike	Wyman
Helstoski	Pirnie	Yates
Henderson	Poage	Yatron
Hicks	Podell	Young
Hogan	Poff	Zablocki
Holifield	Preyer, N.C.	Zion
Horton	Price, Ill.	Zwach

NAYS—5

Burleson, Tex.	McMillan	Schmitz
Landgrebe	Rarick	

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—44

Aspinall	Green, Oreg.	Pollock
Berry	Griffiths	Powell
Bolling	Hall	Price, Tex.
Bow	Hays	Purcell
Button	Hébert	Roudebush
Camp	Hungate	Roybal
Cowger	Hunt	Skubitz
Dickinson	King	Smith, Iowa
Dingell	Koch	Stuckey
Dowdy	Michel	Teague, Tex.
Edwards, La.	Murphy, Ill.	Weicker
Fallon	O'Konski	Williams
Foley	O'Neal, Ga.	Wyatt
Gallagher	Ottinger	
Gilbert	Pettis	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Dickinson.

Mr. Hébert with Mr. Hunt.

Mr. Teague of Texas with Mr. King.

Mr. Dingell with Mr. Pollock.

Mr. Foley with Mr. Wyatt.

Mr. Edwards of Louisiana with Mr. Michel.

Mr. Aspinall with Mr. Williams.

Mr. Purcell with Mr. Camp.

Mr. Roybal with Mr. Cowger.

Mr. Stuckey with Mr. Price of Texas.

Mr. Smith of Iowa with Mr. Bow.

Mr. Hungate with Mr. Hall.

Mr. Dowdy with Mr. Berry.

Mr. Gallagher with Mr. Button.

Mr. Fallon with Mr. Pettis.

Mr. Koch with Mr. O'Konski.

Mr. Murphy of Illinois with Mr. Weicker.

Mr. O'Neal of Georgia with Mr. Roudebush.

Mrs. Griffiths with Mrs. Green of Oregon.

Mr. Ottinger with Mr. Gilbert.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

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

There was no objection.

CONSIDERATION OF SIMILAR SENATE BILL

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, a bill similar to H.R. 16785, just passed by the House, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike out all after the enacting clause of S. 2193 and to insert in lieu thereof the provisions contained in H.R. 16785, as passed, as follows:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Occupational Safety and Health Act".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful, working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promulgated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, or the Canal Zone, except that this Act shall not apply to any vessel underway on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code, the Board shall, as soon as practicable, but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulgated pursuant to subsection (a) of this section.

(c)(1) Whenever the Board promulgates any standard, makes any rule, order, decision, grants any exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register; and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within sixty days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reason-

able grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i) (1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j) (1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be published by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately.

The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board prescribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed) the Board shall make a proposal relevant to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or one hundred and twenty days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employers are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(l) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education, or experience in the field of occupational safety or health, who shall be appointed by the President, by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board.".

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board.".

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint,

in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisers, and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necesary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections, Investigations and Reports

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision therof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 in section 5332 of title 5, United States Code, including travel-time, and allow them while away from their homes or regular places of business, 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, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secertary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealings with the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a) If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements of section 5, 6, or 9(c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is de minimis. The citation shall be in writing and describe with particularity the nature of the violation, including a reference to the requirement, standard, rule, order, or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within forty-five days from the concurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrences.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commission shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within fifteen days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the fifteen-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commission.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their successors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiraton of the term for which he was appointed shall be filled only for the remainder of such un-

expired term. A Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—(a) The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C. 5108. Each hearing examiner shall receive compensation at a rate not less than the GS–16 level.

B. PROCEDURE—

(1) REPRESENTATION OF PARTIES.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) RULES OF PRACTICE, PROCEDURE, AND EVIDENCE.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) SERVICE OF PROCESS.—The mailing by certified mail or registered mail of any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice, or process.

(4) ADMINISTRATION OF OATHS AND PROCUREMENT OF TESTIMONY.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission or by any other employee of the Commission when acting under authority from the Secretary of the Commission—

(a) The attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) WITNESS FEES.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party at whose instance the witness appears or the deposition is taken.

(6) HEARINGS.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) REPORTS AND DECISIONS.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable.

The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) PROCEDURES IN REGARD TO THE HEARING EXAMINERS.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within thirty days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Commission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) PUBLICITY OF PROCEEDINGS.—All reports of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the Secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) PUBLICATION OF REPORTS.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. MISCELLANEOUS PROVISIONS.—

(1) EMPLOYEES.—(a) Appointment and Compensation. The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C. chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence. The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C., chapter 16).

(2) EXPENDITURES.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) DISPOSITION OF FEES.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) FEE FOR TRANSCRIPT OF RECORD.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an

enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEDURES

SEC. 13. (a) (1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order, or rule made or issued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside, in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless they were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, United States Code.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accord with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety and Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or an account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years or both.

(h) The Commission shall have authority to assess and collect all penalties provided in

this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law or any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a)(1), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of apepals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary many enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board, and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18, or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c) (1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such records, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(b) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and or repair of buildings or works, including painting or decorating in the regular course of his business.

(c) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendation for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969 (Public Law 91–54; 83 Stat. 96), is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended

by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a)(1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with section 443 of title 5, United States Code.

"(2) Each employer as defined in section 3(6) of the Occupational Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of his business, shall comply with construction safety and health standards promulgated under this section."

(h) Subsection (b) of section 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"(b)(1) The Secretary is authorized to make inspections and investigations pursuant to sections 9 (a), (c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107 (a)(2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation of the employer unless the violation is de minimis. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than forty-five days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c)(1) If the Commission determines on the record after an opportunity for hearing that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the Commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in sections 13(a) and 13 (c) and (d), and section 14 of the Occupation Safety and Health Act."

(j) Section 107 of Public Law 91-54 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91-54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91-54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d)(1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

"(2) Any citation for a serious violation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

SEC. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and

the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

OBSERVANCE OF RELIGIOUS BELIEFS

SEC. 28. Nothing in this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such medical examination, immunization, or treatment is necessary for the protection of the health or safety of others.

APPROPRIATIONS

SEC. 29. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 30. This Act shall take effect one hundred and twenty days after the date of its enactment.

SEPARABILITY

SEC. 31. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than as to which it is held invalid, shall not be affected thereby.

The motion was agreed to.

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

TITLE AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a title amendment.

The Clerk read as follows:

Title amendment offered by Mr. PERKINS: Amend the title so as to read: "to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 16785) was laid on the table.

APPOINTMENT OF CONGRESS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. PERKINS, Mrs. GREEN of Oregon, Messrs. THOMPSON of New Jersey, DENT, DANIELS of New Jersey, O'HARA, HAWKINS, WILLIAM D. FORD, HATHAWAY, MEEDS, BURTON of California, GAYDOS, AYRES, QUIE, SCHERLE, ERLENBORN, STEIGER of Wisconsin, ESCH, ESHLEMAN, and COLLINS of Texas.

PERMISSION FOR THE COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be permitted to sit during general debate during the remainder of the afternoon for the consideration of the so-called school desegregation bill.

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

There was no objection.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from North Carolina (Mr. JONAS) and myself.

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

There was no objection.

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

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. 19830, with Mr. ANNUNZIO 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 Tennessee (Mr. EVINS) will be recognized for one-half hour and the gentleman from North Carolina (Mr. JONAS) will be recognized for one-half hour.

The Chair now recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, today we bring you a new Independent Offices and Department of Housing and Urban Development appropriations bill for fiscal year 1971.

The original bill, H.R. 17548, was one of the first appropriation bills to be passed by the Congress this session. It passed the House on May 12. The bill passed the Senate on July 7. The Congress proposed in the original bill to change some priorities to more adequately respond to urgent domestic needs. The bill provided necessary appropriations to continue orderly progress of urban renewal programs. Funds were included to assist communities in meeting critical requirements for basic water and sewer facilities. Funding was provided for better quality hospital and medical care for veterans and minimal financing for direct loans for housing for the elderly or handicapped.

On August 11 the President vetoed the original bill.

Acting on the veto message 2 days later, the House voted 207 to 193 to override, but this fell short of the two-thirds vote required by the Constitution to override a Presidential veto.

Today the committee brings back a new bill redrafted to replace the vetoed bill.

Mr. Chairman, this bill is an old hat with a new band. In all but two instances it contains the same sums for the various independent agencies as the original bill. The original independent offices bill, which included appropriations for the Veterans' Administration and Department of Housing and Urban Development, totaled $18,009,525,300. The new bill is now $17,709,525,300. We have brought back a bill reduced by $300 million.

As you may also recall, there were three main items in the original bill over the budget, namely, $350 million for urban renewal for the cities, $350 million in matching grant funds for basic water and sewer facilities for the rural areas and smaller communities, and an additional $105 million for veterans' hospital and medical care.

The mayors of the cities have insisted that more money is needed for urban renewal. The water and sewer facilities item was increased and voted on in the House and again in the Senate. There is a clearly demonstrated need for more funds for medical care for veterans returning from Vietnam and other veterans. Both the House and Senate increased the budget item for veterans' medical care, and the original bill sent to the President, and this bill too, carries a total of $1,857,200,000 for veterans medical care, which is $105 million over the President's request.

Mr. Chairman, we have made reductions but we have not cut any funds from the Veterans' Administration programs. So, we have essentially the same bill, with just two reductions. We have cut grants for basic water and sewer facilities $150 million and $150 million from the urban renewal program, a total reduction of $300 million from the amount contained in the vetoed bill.

This, Mr. Chairman, represents basically a split and a reasonable compromise.

I repeat, the bill is $300 million below the bill that was not approved.

Now, to those Members who want to

go back to their respective districts and talk about economy, you can point with pride to the fact that you have cut back $300 million, or more than one-quarter billion dollars. For those Members who want to say, "We need more money for urban renewal and water and sewer grants," I would point out that this bill is $241 million over the budget. This, again, is a reasonable compromise.

Now, Mr. Chairman, concerning expenditures or budget outlays—and this is a key point which seemingly was not gotten over too well when the original bill was pending before the House—there will be $1.8 million less expenditures in this bill than was proposed in the President's budget.

There is no provision in the bill requiring that any of the funds be expended, of course, there are a few items such as compensation and pensions for veterans, which are required by law.

Again, Mr. Chairman, there were three main items in the bill where increases were provided, urban renewal, water and sewer grants, and veterans' medical care. We have made no change in the veterans' medical care item. We have made a reduction of $300 million in the other two items.

Mr. Chairman, when this bill was on the floor previously, the House approved the full amount authorized for basic water and sewer grants. We all know, however, that subsequently the House passed another bill increasing the authorization by a substantial amount.

Mr. Chairman, the new year will soon be upon us. The committee will again be giving consideration to the needs of the various independent agencies and the Department of Housing and Urban Development. We believe this new bill represents a sound compromise. Because of the lateness in the year and the fact that the various agencies covered by this bill have been operating under a continuing resolution since July 1, we urge approval of this new appropriation bill and urge its acceptance.

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

Mr. EVINS of Tennessee. I yield to my distinguished friend from Iowa.

Mr. GROSS. How much of this cut—and, of course, it is still $241 million over the budget and $753 million over the expenditures for the same general purposes last year—but how much of this cut will be restored in the oncoming deficiency or supplemental appropriation bill?

Mr. EVINS of Tennessee. The supplemental request is yet to be considered. The chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), is here and it is my understanding that he will make a statement. However, all of the annual appropriation bills will have passed the House with the one now before us but there will be one supplemental wrap-up bill yet to be considered. This will have to be considered in the subcommittee, in the full committee, and by the entire Congress. I cannot answer the gentleman's question as to what might be done on the floor of the House with reference to the supplemental bill, or what will be done in the other body. However, I would like to again point out that the bill we are now considering is estimated to require $1.8 million less in expenditures in 1971 than was proposed by the President.

Mr. GROSS. Will the gentleman yield further, very briefly?

Mr. EVINS of Tennessee. Surely.

Mr. GROSS. Will the gentleman please refresh my memory as to why the increase of $2.5 million, for a total of $58,781,000 in the participation sales insufficiencies? What is that all about?

Mr. EVINS of Tennessee. I will say to my friend from Iowa that this is interest cost to the Government under the participation certificate sales program. This is a contractual commitment. When GI mortgages or other housing mortgages are pledged to holders of participation certificates, the interest from these mortgages are usually less than the yield of the certificates. The amount in this bill is to make up that difference. This is a contractual obligation of the Government that must be paid.

Mr. GROSS. So, the $58,781,000 represents the difference between the interest rates under the law and the cost of money to the Government—the interest rates on the securities or whatever they may be?

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. JONAS. Mr. Chairman, will the gentleman from Tennessee yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. Right on that point, before I use any of my time, I think it should be said that the figures mentioned by the gentleman from Iowa represent obligations on past transactions. This program has been terminated, and we are not incurring any insufficiencies on new participation certificate sales.

Mr. EVINS of Tennessee. Mr. Chairman, in summarizing my remarks, I would like to include a table of the items in the bill in the RECORD at this point:

COMPARATIVE STATEMENT—INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 19830)

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
INDEPENDENT OFFICES									
Appalachian Regional Commission									
Salaries and expenses	$890,000	$958,000	$958,000	$958,000	$958,000	$958,000	+$68,000		
Civil Service Commission									
Salaries and expenses:									
Appropriation	43,951,221	48,619,000	45,800,000	47,800,000	47,577,000	47,577,000	+3,625,779	−$1,042,000	
By transfer	(7,995,169)	(8,173,000)	(8,173,000)	(8,173,000)	(8,173,000)	(8,173,000)	(+177,831)		
Annuities under special acts	1,265,000	1,180,000	1,180,000	1,180,000	1,180,000	1,180,000	−85,000		
Government payment for annuitants, employees health benefits	41,185,000	46,523,000	46,523,000	46,523,000	46,523,000	46,523,000	+5,338,000		
Payment to civil service retirement and disability fund	230,816,600	[2]					−230,816,000		
Federal Labor Relations Council, salaries and expenses	300,000	900,000	700,000	700,000	700,000	700,000	+400,000	−200,000	
Total, Civil Service Commission	317,517,821	97,222,000	94,203,000	96,203,000	95,980,000	95,980,000	−221,537,821	−1,242,000	
Commission on Government Procurement									
Salaries and expenses	700,000	1,800,000	1,500,000	1,500,000	1,500,000	1,500,000	+800,000	−300,000	
Federal Communications Commission									
Salaries and expenses	24,561,695	24,900,000	24,725,000	24,900,000	24,900,000	24,900,000	+338,305		
Federal Power Commission									
Salaries and expenses	18,145,863	18,450,000	18,210,000	18,350,000	18,210,000	18,210,000	+64,137	−240,000	

Footnotes at end of table.

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Federal Trade Commission									
Salaries and expenses	$20,889,213	$21,375,000	$20,500,000	$20,500,000	$20,500,000	$20,500,000	−$389,213	−$875,000	
General Services Administration									
Operating expenses, Public Buildings Service	314,222,000	344,153,000	335,250,000	344,153,000	340,350,000	340,350,000	+26,128,000	−3,803,000	
Repair and improvement of public buildings	61,600,000	83,280,000	83,280,000	83,280,000	83,280,000	83,280,000	+21,680,000		
Construction, public buildings projects	26,533,000	101,664,500	142,024,300	120,672,500	133,560,300	133,560,300	+107,027,300	+31,895,800	
Sites and expenses, public buildings projects	11,371,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	+2,629,000		
Payments, public buildings purchase contracts	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses, U.S. court facilities	1,250,000	1,463,000	1,000,000	1,463,000	1,000,000	1,000,000	−250,000	−463,000	
Operating expenses, Federal Supply Service	81,946,000	83,513,000	83,346,000	83,346,000	83,346,000	83,346,000	+1,400,000	−167,000	
Operating expenses, National Archives and Records Service	22,985,000	24,695,000	24,485,000	24,485,000	24,485,000	24,485,000	+1,500,000	−210,000	
National historical publication grants	350,000	350,000	350,000	350,000	350,000	350,000			
Operating expenses, Transportation and Communications Service	6,678,000	6,478,000	6,478,000	6,478,000	6,478,000	6,478,000	−200,000		
Operating expenses, Property Management and Disposal Service	29,796,000	[3] 33,079,000	31,000,000	31,000,000	31,000,000	31,000,000	+1,204,000	−2,079,000	
Salaries and expenses, Office of Administrator	1,997,000	1,215,000	1,000,000	1,215,000	1,215,000	1,215,000	−782,000		
Allowances and office staff for former Presidents	335,000	303,000	303,000	303,000	303,000	303,000	−32,000		
Administrative operations fund (limitation on administrative expenses)	(14,190,000)	(28,561,000)	(28,500,000)	(28,500,000)	(28,500,000)	(28,500,000)	(+14,310,000)	(−61,000)	
Total, General Services Administration	561,463,000	696,593,500	724,916,300	713,145,500	721,767,300	721,767,300	+160,304,300	+25,173,800	
National Aeronautics and Space Administration									
Research and development	3,006,000,000	2,606,100,000	2,500,000,000	2,606,100,000	2,565,000,000	2,565,000,000	−441,000,000	−41,100,000	
Construction of facilities	53,233,000	34,600,000	18,275,000	34,478,000	24,950,000	24,950,000	−28,283,000	−9,650,000	
Research and program management	689,983,000	692,300,000	678,725,000	678,725 000	678,725,000	678,725,000	−11,258,000	−13,575,000	
Total, National Aeronautics and Space Administration	3,749,216,000	3,333,000,000	3,197,000,000	3,319,303,000	3,268,675,000	3,268,675,000	−480,541,000	−64,325,000	
National Commission on Consumer Finance									
Salaries and expenses	375,000	500,000	500,000	500,000	500,000	500,000	+125,000		
National Science Foundation									
Salaries and expenses	438,000,000	511,000,000	495,000,000	520,500,000	511,000,000	511,000,000	+73,000,000		
Scientific activities (special foreign currency programs)	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000			
Total, National Science Foundation	440,000,000	513,000,000	497,000,000	522,500,000	513,000,000	513,000,000	+73,000,000		
Renegotiation Board									
Salaries and expenses	4,110,000	4,235,000	4,110,000	4,235,000	4,235,000	4,235,000	+125,000		
Securities and Exchange Commission									
Salaries and expenses	21,904,977	21,916,000	21,716,000	21,716,000	21,716,000	21,716,000	−188,977	−200,000	
Selective Service System									
Salaries and expenses	76,753,000	76,000,000	75,000,000	75,000,000	75,000,000	75,000,000	−1,753,000	−1,000,000	
Veterans' Administration									
Compensation and pensions	5,314,400,000	5,456,600,000	5,456,600,000	5,456,600,000	5,456,600,000	5,456,600,000	+142,200,000		
Readjustment benefits	1,069,700,000	[4] 1,354,500,000	1,354,500,000	1,354,500,000	1,354,500,000	1,354,500,000	+284,800,000		
Veterans insurance and indemnities	7,253,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	−2,153,000		
Medical care	1,683,311,067	[5] 1,752,200,000	1,777,200,000	1,857,200,000	1,857,200,000	1,857,200,000	+173,888,933	+105,000,000	
Medical and prosthetic research	58,783,131	59,200,000	59,200,000	59,200,000	59,200,000	59,200,000	+416,869		
Medical administration and miscellaneous operating expenses	17,905,000	19,100,000	19,100,000	19,100,000	19,100,000	19,100,000	+1,195,000		
General operating expenses	241,731,719	239,200,000	239,200,000	239,200,000	239,200,000	239,200,000	−2,531,719		
Construction of hospital and domiciliary facilities	69,152,000	59,000,000	59,000,000	79,000,000	59,000,000	59,000,000	−10,152,000		
Grants for construction State extended care facilities	4,000,000	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000	+3,500,000		
Grants to the Republic of the Philippines	1,362,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	+638,000		
Payment of participation sales insufficiencies	5,716,000	6,128,000	6,128,000	6,128,000	6,128,000	6,128,000	+412,000		
Loan guaranty revolving fund (limitation on obligations)	(425,000,000)	Language	(350,000,000)	(350,000,000)	(350,000,000)	(350,000,000)	(−75,000,000)	(+350,000,000)	
Total, Veterans' Administration	8,473,313,917	8,960,528,000	8,985,528,000	9,085,528.000	9,065,528,000	9,065,528,000	+592,214.083	+105,000,000	
Total, Independent Offices, title I	13,709,840,486	13,770,477,500	13,665,866,300	13,904,338,500	13,832,469,300	13,832,469,300	+122,628,814	+61,991,800	

Footnotes at end of table.

COMPARATIVE STATEMENT—INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 19830)—Continued

Agency and item	New budget (obligational) 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II									
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality									
Salaries and expenses	$350,000	[6] $1,500,000	$650,000	$1,500,000	$1,000,000	$1,000,000	+$650,000	−$500,000	
National Aeronautics and Space Council									
Salaries and expenses	549,000	560,000	400,000	560,000	500,000	500,000	−49,000	−60,000	
Office of Emergency Preparedness									
Salaries and expenses	5,290,000	[7] 6,005,000	5,290,000	5,890,000	5,890,000	5,890,000	+600,000	−115,000	
Defense mobilization functions of Federal agencies	3,250,623	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	−120,623		
Total, Office of Emergency Preparedness	8,540,623	9,135,000	8,420,000	9,020,000	9,020,000	9,020,000	+479,377	−115,000	
Office of Science and Technology									
Salaries and expenses	1,958,000	2,175,000	2,000,000	2,175,000	2,100,000	2,100,000	+142,000	−75,000	
Office of Telecommunications Policy									
Salaries and expenses	1,795,000	3,300,000	1,795,000	3,300,000	2,000,000	2,000,000	+205,000	−1,300,000	
Total, Executive Office of the President	13,192,623	16,670,000	13,265,000	16,555,000	14,620,000	14,620,000	+1,427,377	−2,050,000	
Funds Appropriated to the President									
Appalachian regional development programs	282,500,000	295,500,000	291,500,000	295,500,000	293,500,000	293,500,000	+11,000,000	−2,000,000	
Disaster relief	245,000,000	65,000,000	65,000,000	65,000,000	65,000,000	65,000,000	−180,000,000		
Total, funds appropriated to the President	527,500,000	360,500,000	356,500,000	360,500,000	358,500,000	358,500,000	−169,000,000	−2,000,000	
DEPARTMENT OF DEFENSE									
Civil Defense									
Operation and maintenance	49,658,000	50,100,000	50,000,000	51,000,000	50,100,000	50,100,000	+442,000		
Research, shelter survey and marking	20,050,000	23,700,000	22,000,000	22,000,000	22,000,000	22,000,000	+1,950,000	−1,700,000	
Total, Civil Defense, Department of Defense	69,708,000	73,800,000	72,000,000	73,000,000	72,100,000	72,100,000	+2,392,000	−1,700,000	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Public Health Service									
Emergency health	4,083,000	3,755,000	3,500,000	3,755,000	3,755,000	3,755,000	−328,000		
Total, title II	614,483,623	454,725,000	445,265,000	453,810,000	448,975,000	448,975,000	−165,508,623	−5,750,000	
TITLE III									
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Renewal and Housing Assistance									
Grants for neighborhood facilities	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000			
Alaska housing	1,000,000						−1,000,00		
Urban renewal programs	[8] 1,000,000,000	1,000,000,000	1,000,000,000	1,700,000,000	1,350,000,000	1,200,000,000	+200,00[illegible],000	+200,000,000	−$150,000,000
Rehabilitation loan fund	45,000,000	35,000,000	35,000,000	35,000,000	35,000,000	35,000,000	−10,000,000		
Low-rent public housing annual contributions	473,500,000	654,500,000	654,500,000	654,500,000	654,500,000	654,500,000	+181,000,000		
Grants for tenant services		5,000,000		5,000,000				−5,000,000	
College housing:									
Increased limitation for annual contract authorization	(11,500,000)	(9,300,000)	(7,200,000)	(9,300,000)	(9,300,000)	(9,300,000)	(−2,200,000)		
(Cumulative limitation for annual contract authorization)	(17,000,000)	(26,300,000)	(24,200,000)	(26,300,000)	(26,300,000)	(26,300,000)	(+9,300,000)		
Appropriation for payments	2,500,000	2,500,000					−2,500,000	−2,500,000	
Salaries and expenses, renewal and housing assistance	39,508,000	45,000,000	41,000,000	45,000,000	43,500,000	43,500,000	+3,992,000	−1,500,00	
Total, renewal and housing assistance	1,601,508,000	1,782,000,000	1,770,500,000	2,479,500,000	2,123,000,000	1,973,000,000	+371,492,000	+191,000,000	−150,000,000
Metropolitan Development									
Comprehensive planning grants	50,000,000	60,000,000	50,000,000	50,000,000	50,000,000	50,000,000		−10,000,000	
Community development training and urban fellowship programs	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
New community assistance	2,500,000	10,000,000	5,000,000	5,000,000	5,000,000	5,000,000	+2,500,000	−5,000,000	
Open space land programs	75,000,000	75,000,000	75,000,000	75,000,000	75,000,000	75,000,000			
Grants for basic water and sewer facilities	135,000,000	150,000,000	500,000,000	500,000,000	500,000,000	350,000,000	+215,000,000	+200,000,000	−150,000,000
Grants to aid advance acquisition of land	2,500,000						−2,500,000		
Salaries and expenses, metropolitan development	7,980,700	8,700,000	8,000,000	8,700,000	8,000,000	8,000,000	+19,300	−700,000	
Total	276,480,700	307,200,000	641,500,000	642,200,000	641,500,000	491,500,000	+215,019,300	+184,300,000	−150,000,000

Footnotes at end of table.

Agency and item	New budget (obligational) 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Model Cities and Governmental Relations									
Model cities programs	$575,000,000	$575,000,000	$575,000,000	$575,000,000	$575,000,000	$575,000,000	----	----	----
Salaries and expenses, model cities and governmental relations:									
Appropriation	577,600	700,000	600,000	600,000	600,000	600,000	+$22,400	−$100,000	----
By transfer	(6,750,000)	(9,300,000)	(8,300,000)	(8,300,000)	(8,300,000)	(8,300,000)	(+1,550,000)	(−1,000,000)	----
Total, model cities and Governmental relations	575,577,600	575,700,000	575,600,000	575,600,000	575,600,000	575,600,000	+22,400	−100,000	----
Urban Technology and Research									
Urban research and technology	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	30,000,000	+5,000,000	−25,000,000	----
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	[9] (2,000,000)	----	----	----	----	----	----	----	----
Total, urban technology and research	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	30,000,000	+5,000,000	−25,000,000	----
Mortgage Credit									
Homeownership and rental housing assistance:									
Homeownership assistance, increased limitation for annual contract authorization:									
1971	(125,000,000)	(140,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	(+5,000,000)	(−10,000,000)	----
1972	----	(140,000,000)	----	----	----	----	----	(−140,000,000)	----
(Cumulative annual contract authorization):									
197	(195,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(+130,000,000)	----	----
Rental housing assistance, increased limitation for annual authorization:									
1971	(120,000,000)	(145,000,000)	(135,000,000)	(135,000,000)	(135,000,000)	(135,000,000)	(+15,000,000)	(−10,000,000)	----
1972	----	(145,000,000)	----	----	----	----	----	(−145,000,000)	----
(Cumulative annual contract authorization):									
1971	(190,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	(+135,000,000)	----	----
Appropriation for payments	26,500,000	[10] 115,100,000	115,100,000	115,100,000	115,100,000	115,100,000	+88,600,000	----	----
Rent supplement program:									
Increased limitation for annual contract authorization:									
1971	(50,000,000)	(75,000,000)	(50,000,000)	(75,000,000)	(55,000,000)	(55,000,000)	(+5,000,000)	(−20,000,000)	----
1972	----	(75,000,000)	----	----	----	----	----	(−75,000,000)	----
(Cumulative annual contract authorization):									
1971	(122,000,000)	(197,000,000)	(172,000,000)	(197,000,000)	(177,000,000)	(177,000,000)	(+55,000,000)	(−20,000,000)	----
Appropriation for payments	23,000,000	46,600,000	46,600,000	46,000,000	46,600,000	46,600,000	+23,600,000	----	----
Low- and moderate-income sponsor fund	2,000,000	5,000,000	3,000,000	3,000,000	3,000,000	3,000,000	+1,000,000	−2,000,000	----
Loans for housing and related facilities for elderly or handicapped families	----	----	----	25,000,000	10,000,000	10,000,000	+10,000,000	+10,000,000	----
Salaries and expenses, Federal Housing Administration	3,500,000	6,290,000	3,500,000	6,290,000	3,500,000	3,500,000	----	−2,790,000	----
Total, mortgage credit	55,000,000	172,990,000	168,200,000	195,990,000	178,200,000	178,200,000	+123,200,000	+5,210,000	----
Federal Insurance Administration									
Flood insurance	2,428,500	6,050,000	5,000,000	5,000,000	5,000,000	5,000,000	+2,571,500	−1,050,000	----
Fair Housing and Equal Opportunity									
Fair housing and equal opportunity	6,391,400	11,300,000	7,000,000	11,300,000	8,000,000	8,000,000	+1,608,600	−3,300,000	----
Departmental Management									
General administration	9,559,500	9,200,000	9,000,000	9,000,000	9,000,000	9,000,000	−559,500	−200,000	----
Regional management and services	11,155,000	14,550,000	13,500,000	14,500,000	14,000,000	14,000,000	+2,845,000	−550,000	----
Working capital fund	4,338,000	----	----	----	----	----	−4,338,000	----	----
Total departmental management	25,052,500	23,750,000	22,500,000	23,500,000	23,000,000	23,000,000	−2,052,500	−750,000	----
Participation Sales									
Payment of participation sales insufficiencies	56,238,000	58,781,000	58,781,000	58,781,000	58,781,000	58,781,000	+2,543,000	----	----
Special Institutions									
National homeownership founda	----	250,000	----	----	----	----	----	−250,000	----
Total, Department of Housing and Urban Development—Title III	2,623,676,700	2,993,021,000	3,279,081,000	4,046,871,000	3,643,081,000	3,343,081,000	+719,404,300	+350,060,000	−$300,000,000
TITLE IV									
CORPORATIONS									
Federal Home Loan Bank Board									
Interest adjustment payments	----	[11] 250,000,000	----	250,000,000	85,000,000	85,000,000	+85,000,000	−165,000,000	----
Revolving fund	8,400,000	----	----	----	----	----	−8,400,000	----	----
Total new budget (obligational) authority—Title IV	8,400,000	250,000,000	----	250,000,000	85,000,000	85,000,000	+76,600,000	−165,000,000	----

Footnotes at end of table.

COMPARATIVE STATEMENT—INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 19830)—Continued

Agency and item	New budget (obligational) 1970 [1]	Amended budget estimates of new budget (obligational) authority, 1971	Recommended in original House bill for 1971	Recommended in original Senate bill for 1971	Amounts in vetoed bill (H.R. 17548)	Recommended in new House bill for 1971	New bill compared with: New budget (obligational) authority, 1970	New bill compared with: Budget estimate for 1971	New bill compared with: Vetoed bill (H.R. 17548)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE IV—Continued									
CORPORATIONS—Continued									
Federal Home Loan Bank Board—Continued									
Administrative and Nonadministrative Expenses (Limitation on Accounts of Corporate Funds To Be Expended)									
Federal Home Loan Bank Board:									
Administrative expenses	($5,716,082)	($6,625,000)	($5,750,000)	($6,625,000)	($6,625,000)	($6,625,000)	(+$908,918)		
Nonadministrative expenses	(14,125,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)	(+575,000)		
Federal Savings and Loan Insurance Corporation	(384,000)	(408,000	(408,000)	(408,000)	(408,000)	(408,000)	(+24,000)		
Department of Housing and Urban Development:									
Housing for the elderly or handicapped	(1,200,000)	(850,000)	(850,000)	(850,000)	(850,000)	(850,000)	(−350,000)		
College housing loans	(1,175,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(−175,000)		
Public facility loans	(1,055,000)	(1,400,000)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)	(+145,000)	(−$200,000)	
Revolving fund (liquidating programs)	(106,700)	(125,000)	(125,000)	(125,000)	(125,000)	(125,000)	(+18,300)		
Federal Housing Administration:									
Administrative expenses	(12,950,000)	(13,800,000)	(13,500,000)	(13,500,000)	(13,500,000)	(13,500,000)	(+550,000)	(−300,000)	
Nonadministrative expenses	(110,175,000)	(125,550,000)	(112,000,000)	(125,550,000)	(118,775,000)	(118,775,000)	(+8,600,000)	(−6,775,000)	
Government National Mortgage Association	(5,000,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)	(+1,600,000)		
Total, administrative and nonadministrative expenses—Title IV	(151,886,782)	(171,058,000)	(156,133,000)	(170,558,000)	(163,783,000)	(163,783,000)	(+11,896,218)	(−7,275,000)	
Grand total, all titles, new budget (obligational) authority	16,956,400,809	17,468,223,500	17,390,212,300	18,655,019,500	18,009,525,300	17,709,525,300	+753,124,491	+241,301,800	−$300,000,000
Consisting of—Appropriations	(16,956,400,809)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(17,709,525,300)	(+753,124,491)	(+241,301,800)	(−300,000,000)
Grand total	(16,956,400,809)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(17,709,525,300)	(+753,124,491)	(+241,301,800)	(−300,000,000

[1] Includes all supplemental appropriation acts of 1970.
[2] Sec. 103 of the Civil Service Retirement Amendments of 1969 requires the Secretary of the Treasury to make annual payments from general revenues as determined by the Civil Service Commission.
[3] Reflects increase of $600,000 contained in H. Doc. 91-305.
[4] Reflects increase of $275,500,000 contained in H. Doc. 91-312.
[5] Reflects increase of $50,000,000 contained in H. Doc. 91-294.
[6] Reflects increase of $800,000 contained in S. Doc. 91-87.
[7] Reflects increase of $600,000 contained in S. Doc. 91-88.
[8] Includes advance funding for fiscal year 1970, provided in 1969 act; $750,000,000.
[9] Provided by transfer from "Urban Research and Technology."
[10] Reflects increase of $10,500,000 contained in H. Doc. 91-273.
[11] Estimate contained in S. Doc. 91-85.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

THE APPROPRIATION BILLS FOR FISCAL YEAR 1971

Mr. MAHON. Mr. Chairman, when the pending independent offices-HUD bill is passed, the House will have initially cleared all of the regular annual appropriation bills for the current fiscal year 1971 and sent them to the other body. I, therefore, thought it would be well at this point in the RECORD to give a status report as to the various annual appropriation bills which have been considered.

I would think that there is no reasonable doubt but that the pending bill, if approved by the Congress in substantially the form in which it now is, would be approved by the President.

Only the final cleanup supplemental bill remains to be reported to the House, and on that we expect to conclude all hearings tomorrow and get the bill ready for reporting in approximately 2 weeks.

BILLS IN THE HOUSE

I might say, Mr. Chairman, that the House this year passed all of the regular appropriation bills for 1971 before the beginning of the fiscal year on July 1 with the exception of two. The Labor-HEW bill was passed on July 23; the defense bill, because of the related authorization bill delay, was not passed until October 8.

As the distinguished gentleman from Tennessee has said, the pending Independent Offices-HUD bill has been revised downward by $300 million from the total of the vetoed bill which it replaces.

Omitting the vetoed bill and instead considering the pending bill, the House, in the 14 regular annual bills for the fiscal year 1971, has—

	Billion
Considered budget requests for new spending authority of	$137.4
Approved	135.0
For a net reduction of	−2.4

The precise reduction is $2,443,352,005.

Eleven of the 14 bills as passed by the House—again, including the pending independent offices-HUD bill—were below the budget requests; three were above—Education; Labor-HEW; and the bill now pending.

BILLS ENACTED

Seven of the 14 regular annual bills for fiscal 1971 have been enacted into law. They carried a grand total new budget spending authority of $18.1 billion, some $230 million—net—above the related budget requests. Six of the seven bills were below the budget; the education bill was $453 million above the budget.

BILLS STILL PENDING

Three of the seven regular bills still not finally cleared are pending in conference.

The conferees met today on the military construction appropriation bill, and we expect to file the report on it later today. It will be under the budget request.

The Labor-HEW appropriation bill has now passed the other body. In its present form it is $444 million over the House-passed bill; $510 million over the budget requests. The House version was $92 million above the budget. Thus it is clear that the final conference total will also be above the budget.

The agriculture appropriation bill is also pending in conference. In its present form it is about a billion dollars over the House-passed bill; $727 million over the budget requests. The Senate considered a supplemental budget request that was not presented to the House. The House version was $81 million under the related budget requests.

We would hope to be able to confer on both the Labor-HEW and Agriculture bills next week.

IN THE SENATE

Three of the regular bills are still in the other body. Two of them—transportation and foreign assistance—are to be reported from committee today. The Defense bill is scheduled to be reported next week.

I am also advised that it is the plan to schedule all three of those bills for floor action in the latter part of next week.

The Senate must, of course, also consider and pass this new independent offices-HUD bill and the cleanup supplemental bill.

In the bills which it has passed—there

are 11 of them, including the vetoed independent offices-HUD bill—the Senate total is somewhat more generous than the House. In the 11 bills, counting the Senate version of the vetoed independent offices-HUD bill, the other body has—

	Billion
Considered new budget authority spending requests of	$64.0
Approved	67.0
For a net increase of	+3.0

The precise net increase by the other body in the 11 bills is $2,988,847,832. Omitting the vetoed independent offices-HUD bill, the net increase by the Senate over the budget requests in the other 10 bills is $1.8 billion.

All of these totals are, of course, open to considerable adjustment depending on final conference actions.

In conclusion, Mr. Chairman, may I say that there is every reason to expect that we should be able to conclude the appropriations business in the next 3 or 4 weeks.

With the cooperation of all concerned, we can.

And we should.

THE PENDING BILL

Mr. GROSS. Mr. Chairman, would the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, yield to me?

Mr. MAHON. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Could the gentleman say—and I addressed the question to the distinguished chairman of the subcommittee a moment ago—as to how much of this $300 million cut would be restored in the deficiency or supplemental bill that is coming up? We are not merely going through an exercise here today, are we?

Mr. MAHON. I think we can say unequivocably that we are not going through an exercise here today, and that the funds reduced here will not be restored in the supplemental bill, which is the next, and last, appropriation bill scheduled to be presented to the House at this session. This is a bona fide reduction. The bill is in total higher than the bill as originally passed by the House, and the increase above the budget is a bit higher than the original House-passed bill was, but it is still $300 million under the vetoed bill. It was the best arrangement that could be worked out under all the circumstances. I think the Committee on Appropriations and the subcommittee have done a satisfactory job in dealing with this very difficult matter.

Mr. GROSS. But it is still $241 million above the related budget requests for appropriations; is that not correct?

Mr. MAHON. That is correct, for various popular programs which have been insisted upon by a majority of the Congress, in one form or another.

GENERAL BUDGET SITUATION AND OUTLOOK

Mr. GROSS. Does the gentleman see any light ahead leading to any possible time when we might come even close to balancing the budget of this Government?

Mr. MAHON. The fiscal future, I would say from my standpoint at this time, looks very bleak.

As the gentleman knows, it is anticipated that the President, in submitting his fiscal 1972 budget in January or February of next year, is going to plan for a large budget deficit. I understand it is contemplated that overall budget spending may well be recommended at a level of from $10 to $15 or $20 billion above the level of probable budget spending for the current fiscal year, and that it would be planned that the Federal Government would spend money as though we had so-called full employment, and as though, having so-called full employment, we would be receiving the revenue that the so-called full employment budget would bring to the Treasury.

We do not have a full employment situation. We will not have these revenues in the Treasury. But as I understand, the recommendation in the forthcoming budget for fiscal 1972 may very well provide for the expenditure of these revenues which otherwise might be assumed to be collected if we had full employment.

This sounds a bit complex, but as I understand it, this is being seriously considered as one fundamental premise on which the new budget may be based.

Mr. EVINS of Tennessee. Regarding the bill at hand, I said earlier and I repeat again—it is estimated that there is $1,800,000 less in budget outlays for fiscal 1971 in this bill than was planned by the President.

Mr. GROSS. So the gentleman from Texas is saying that despite the fact that we are looking at a deficit of somewhere, or probably somewhere between $10 billion and $15 billion and perhaps even more, the administration is thinking in terms of increasing budgetary requirements or spending by some $10 billion or more. Is that what the gentleman is saying?

Mr. MAHON. I am referring to the new budget now in preparaton—for the fiscal year 1972—which will be submitted early in the next session.

Mr. GROSS. For 1972?

Mr. MAHON. That is correct.

Mr. GROSS. It still does not make much sense—if we are ever going to bring order out of this chaos of deficits and inflation. It does not make very much sense going on spending at that rate.

Mr. MAHON. It is very discouraging to me and I know to the gentleman from Iowa.

I have the old fashioned idea that we should not spend Federal funds in times of a reasonable degree of national prosperity if we do not have the money in hand or in sight.

We spent money last year; we are spending money this year; and it is anticipated we will be requested to spend money next year that is neither in hand nor in sight. I think this is bad business. I think we ought to seek to avoid it—and failing to avoid it, we ought to hold the line as best we can. That is what we are trying to do although we have not been too successful.

Mr. GROSS. If the gentleman will yield further—will the gentleman agree with me that so far as the Congress is concerned that balanced budgets are a thing of the past; that balancing of budgets is a lost art?

Mr. MAHON. Well, almost so, because since 1930—in the last 40 years—we have only had about eight or perhaps nine balanced budgets. And most of the eight or nine have been balanced by thin margins. The aggregate excess of spending over revenues has been huge; in a recent year as high as about $25 billion. So this, of course, is a very disturbing experience.

The national debt limit, as the gentleman knows, is now $395 billion. The present debt is about $385 billion; it is anticipated that this year the debt will go up by perhaps $15 billion or so, and if we have a big budget deficit next year, it will of course go up by probably a similar amount. I feel certain the debt next year will go well over $400 billion. This ought to be shocking, of course, to the American public.

Mr. GROSS. So an early order of business next year, I take it, in view of what the gentleman has said—an early order of business next year will be the requirement for a further increase in the debt ceiling?

Mr. MAHON. This undoubtedly will be necessary.

The next Congress will be confronted with another huge budget deficit for fiscal 1972, and there will have to be either a sharp reduction in spending or some way found to raise additional revenue, or else the debt limit must go higher to cover the borrowings that will be necessary to the excess expenditures.

Mr. Chairman, I thank the gentleman from Tennessee for yielding to me.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I want to ask this question of either the gentleman from Tennessee or the distinguished chairman of the full Committee on Appropriations, the gentleman from Texas (Mr. MAHON)—if it is not true that expenditures which will be authorized this year by the Committee on Appropriations will be less than the approved level of the President's budget?

Mr. EVINS of Tennessee. That is the estimate, I will say to my friend that the expenditures for this bill are estimated to be $1,800,000 less than those estimated by the President for 1971.

Mr. HOLIFIELD. That is the estimate?

Mr. EVINS of Tennessee. We estimate that this bill will be $1,800,000 less in expenditures, or budget outlays, than those estimated by the President for the current fiscal year 1971.

The distinguished chairman is talking about the overall budget and appropriation situation, including the fiscal 1972 budget which has not yet been submitted. There are some 14 regular appropriation bills for fiscal 1971. I am confining my remarks to this bill we are considering at this time, which is only one of the 14 bills, and which relates only to the fiscal 1971 budget.

Mr. MAHON. Mr. Chairman, I would like to comment on the question asked by the gentleman from California.

In the Committee on Appropriations we have been saying for a number of weeks that in the regular annual appropriation bills, Congress will reduce the President's requests for new appropriations considered in connection with those bills, relating to fiscal 1971, by probably $1 billion. Some of the bills will be above the budget; a number will be below the budget. But as a rough approximation, in the aggregate, in the appropriation bills, there will be a net reduction from the requests of perhaps a billion dollars, give or take a little.

I am speaking now of the regular annual appropriation bills for fiscal 1971. And I am speaking of new appropriations—the technical budget term is "new budget authority." I am not referring to expenditures, or "budget outlays," which involve expenditures not only from new appropriations but also from unexpended carryover balances. And may I add that I am not talking about actions affecting the budget that have been taken or may be taken in non-appropriation bills out of various legislative committees of both Houses. Including those actions, the results will be quite different as I have previously indicated on the floor and as the periodic budget "scorekeeping" reports of the Joint Committee on Reduction of Federal Expenditures disclose.

In the interest of further clarification, I should also say that when we talk about budget deficits, we are referring to the gap between revenues and expenditures.

Mr. HOLIFIELD. I wanted to pin this point down because there is going to be a deficit, and I have heard various figures. For example, I have heard that there will be a deficit this year of possibly $18 billion. I have heard other figures. Will the gentleman give us what, in his opinion, will be the deficit?

Mr. MAHON. The budget deficit for the current fiscal year 1971 will be somewhere between $10 and $20 billion, I would estimate.

Mr. HOLIFIELD. Is it not true that that amount of the deficit is caused by a lowering of income tax payments, corporate and individual income tax payments, and a lowering of receipts as heretofore estimated by the administration?

Mr. MAHON. Last February, the budget for fiscal 1971 overestimated receipts for fiscal 1971 by several billion dollars, and this short fall, this reduction below estimates in revenue is one of the major reasons why we are confronted with such a huge deficit.

Also, last February the President in his estimates for fiscal 1971 underestimated expenditures in certain so-called uncontrollables; for example, he underestimated by at least $1.8 billion the interest that would have to be paid on the national debt. Interest on the national debt will require something over $21 billion. There was a misestimate there. There was a misestimate on certain other programs of expenditures which were mandated by law.

Mr. HOLIFIELD. So in the one instance there is the increase in interest payments as the direct result of the escalation of interest rates throughout our economy, plus the other items you refer to, and in the second instance, the deficit that we are approaching is the result of a smaller input of corporate and individual income taxes into the Treasury as a result of the economic situation this country is in today.

Mr. MAHON. To complete the picture in this respect, I would add that in the February budget, or subsequently, the President made certain legislative proposals for additional revenues. If any of those fail, or fall short of his recommendations—as I feel certain will be the case—that will contribute to an increase in the size of the deficit he originally projected for fiscal 1971.

And finally, certain legislative bills have either been enacted or are in process of enactment that mandate additional expenditures above the budget recommendations of the President.

All of these classes of items enter into the final picture to one extent or another.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, I want to get one point straight in my mind, if possible. When we had this appropriation bill before the House previously, I offered an amendment to provide $350 million for water and sewerage. That provision was in the bill which was vetoed by the President. In the present bill we are adding $200 million more than the original recommendation of $150 million; is that correct?

Mr. EVINS of Tennessee. The gentleman was the author of the amendment which called for an increase of $350 million over the budget estimate for grants for basic water and sewer facilities, which was one of the reasons for the veto of the bill. The House approved the amendment on a teller vote. We have cut this amount by $150 million. There is still $200 million over the budget estimate of $150 million in this bill for water and sewer grants to aid the small towns and communities on a 50–50 matching basis. This is a matching grant program to provide assistance in the construction of needed facilities.

Mr. STEPHENS. That is, $350 million would be available. There was $150 million as originally recommended plus the $200 million? That leaves $150 million still unappropriated from the old authorization plus $1 billion under the new authorization.

Mr. EVINS of Tennessee. That is correct.

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

Mr. EVINS of Tennessee. I yield to the distinguished minority leader, the gentleman from Michigan (Mr. FORD).

Mr. GERALD. R. FORD. I appreciate the distinguished chairman of the subcommittee yielding. I regret that the chairman of the full committee was called off the floor on an important piece of legislative business, because I did want to comment on something that he said a moment ago. As I recollect, the chairman of the committee said that at the end of this Congress it was anticipated that the action of the Congress would result in a reduction of appropriations and expenditures below the President's budget.

I think that may be true, but I believe it is also fair to point out that some of the legislative committees, by action they have taken, ratified by the House and by the Senate, force additional spending of one kind or another, and then the executive branch of the Government has to come in with supplementals which become a part of the President's budget whether he likes it or not. So it is not quite fair to take just the basic budget as submitted in January and ignore other events, particularly the action of legislative committees, because the increases in appropriations and expenditures have to become a part of the President's final budget at a subsequent date whether he likes it or not.

Mr. Chairman, I appreciate the gentleman yielding, and before closing let me express my appreciation to the distinguished chairman and his colleagues on the subcommittee. He and they have done a fine job. I commend the chairman and his colleagues.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the distinguished gentleman from North Carolina (Mr. JONAS), the able ranking minority member of our subcommittee.

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

Mr. Chairman, I do not think it is necessary for me to repeat an analysis of what has transpired with respect to this bill since it was before the Committee of the Whole, previously, because the distinguished chairman of the subcommittee, my friend from Tennessee, has ably explained what did happen and has submitted to the committee this afternoon comparable figures indicating changes in the bill made on the floor and changes made in the bill in the other body.

Now we are here this afternoon with a revised bill, following the veto of the original one. As the gentleman from Tennessee has pointed out, we had to do some compromising. This bill before us today is about $300 million higher than the original bill as reported by our subcommittee, but $350 million was added on the floor of the House in one item, and funds were also added in the VA program. Then when the bill got over to the coordinate branch of the Congress, it was increased by more than $1 billion—actually the increase was $1,264,807,200. We were able in conference to reduce that increase to $654,494,200 so that the bill that emerged from conference was $541,301,800 above the budget. This was the bill the President vetoed and he used his veto authority because of this very substantial increase above budget requests.

So the bill that the President vetoed was about $541 million above his budget. As the gentleman from Tennessee has said, we have more or less split the difference. We reduced that $541 million excess by $300 million, leaving a bill before us today which is $241 million above the budget. But as the gentleman from Tennessee has also pointed out, and I think this should be kept in mind, our estimate of the outlays—that is the spend-

ing as authorized in this bill, is that it will be $1,800,000 under the budget.

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

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

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

Mr. Chairman, the gentleman spoke of the action of the Congress in increasing some of these items above the budget, and I recognize the validity of his statement. But is it not also true that we have right now before the Congress a request for another $1 billion from the President for foreign aid, which is in addition to the original budget requested in January.

Mr. JONAS. I think that is true, but with all due respect to my friend from California, I do not see how that is pertinent to the discussion here today.

Mr. HOLIFIELD. I think it is pertinent, if the gentleman will yield further, because the gentleman criticized the Congress for going above the budget in some instances, but the President is also asking us to appropriate another billion dollars which was not originally considered in the budget. So the shoe fits both feet, I think.

Mr. JONAS. If I may say to my friend from California, I am not criticizing anybody. I did not criticize the Congress. I stated a fact.

Mr. HOLIFIELD. That is right.

Mr. JONAS. The fact is that our subcommittee and the budget got rolled on the floor by this House on one item alone to the extent of $350 million.

Mr. HOLIFIELD. That is right.

Mr. JONAS. And the other body reported a bill which was above the budget by more than $1 billion.

So let the criticism fall where it may. I am not absolving anybody from part of the responsibility for the terrible fiscal situation we are in now. I believe there is plenty of blame to go around the White House and the Congress also.

But Congress has the final say-so and we, therefore, have the ultimate responsibility. If we do not like what the President is doing, the votes are here to change it. I would invite all Members of this House to join the Committee on Appropriations in our continuing effort to keep spending under control and discontinue the habit of voting increases in bills as reported by that committee after long and careful deliberations.

Incidentally, I read an article on the ticker this afternoon which said that the president of the First National Bank of Chicago made a speech in which he pointed out the very terrible fiscal situation into which we are getting ourselves because of a failure to operate our fiscal affairs as a sensible businessman would operate his. We are faced with a run on the dollar. There is a probability we may face the very serious question of whether we have to devalue our currency. There is a prospect of an increasing demand for gold by holders of dollars abroad far beyond our ability to satisfy their demands.

I certainly hope that, working cooperatively and without blaming anybody, accepting part of the responsibility ourselves and working in cooperation with other agencies of the Government, we can try to restore the necessary confidence in the dollar in order to avoid a catastrophe.

But there is one fact that has not been mentioned during the discussion and I think it should be in the RECORD. The fact is that House actions through October 14, 1970, on legislative spending bills—those that involve mandatory spending authority—have increased the President's requests for fiscal 1971 budget authority by $7,528,335,000. Over $5.7 billion of this legislation has been enacted into law. Moreover, the House has failed to act on $4 billion worth of revenue-producing proposals requested by the President.

The foregoing figures are taken from the 1971 budget scorekeeping report, cumulative to October 14, 1970, filed by the Joint Committee on Reduction of Federal Expenditures, which committee is chaired by our distinguished colleague from Texas (Mr. MAHON), the chairman of the House Committee on Appropriations. These, therefore, are Mr. MAHON'S figures and not mine, but I certainly believe they are accurate, else they would not have been published by the joint Senate-House committee which is under the chairmanship of Mr. MAHON.

I support the pending bill because it is the best we could do in the committee. To repeat, it is $300 million below the bill that was vetoed by the President. Our best estimate is that it will involve net budget outlays of about $1,800,000 below the budget estimate for cash outlays.

Mr. TEAGUE of Texas. Mr. Chairman, on behalf of the sick and disabled veterans of America, and as chairman of the House Committee on Veterans' Affairs, I want to express special appreciation to our House Appropriations Committee for recommending in H.R. 19830 the retention of the additional $105 million for VA medical care over the President's amended budget request. This actually results in a $155 million increase over the original 1971 budget request of the Nixon administration to help treat the sick and disabled veterans of this Nation, as the President amended his January budget on April 2, 1970, to provide for additional VA medical care funds totaling $50 million.

Mr Chairman, investigations conducted by the Veterans' Affairs Committee in the House and Veterans' Affairs Subcommittee in the Senate clearly demonstrated the need for this increased funding and the situation is growing more acute as each day passes. For example, back in July of this year, funds for the dental care backlog for returning Vietnam veterans amounted to approximately $20 million. The most recent reliable estimates indicate that this figure has increased to approximately $33 million because of increased workloads brought on by discharges from our Armed Forces of additional personnel from the Vietnam war who have become eligible for dental benefits.

Mr. Chairman, the $105 million which Congress has added to the President's amended budget request for 1971 VA medical care will not take care of all the fiscal problems presently existing in the VA hospital program, and I hope the Bureau of the Budget will recognize this fact, as they review and compile the 1972 budget for the Veterans' Administration. If they fail to do so, I feel certain that the Congress will once again take a very close look at their recommendations and do whatever is necessary to keep faith with those who have worn the military uniform of our country.

Mr. Chairman, in conclusion, I particularly want to express my appreciation to the gentleman from Texas who is chairman of the Appropriations Committee (Mr. MAHON), the gentleman from Tennessee (Mr. EVINS), chairman of the Subcommittee on Independent Offices, the ranking minority member of the full Appropriations Committee, the gentleman from Ohio (Mr. BOW), and the ranking minority member of the Independent Offices Subcommittee, the gentleman from North Carolina (Mr. JONAS). As is usually the case, this has been a bipartisanship effort in this body and I want to express by appreciation to all of my colleagues who have continued to unite in their efforts to insure that our Nation's sick and disabled veterans receive prompt and proper care in our Veterans' Administration medical facilities.

Mr. MINISH. Mr. Chairman, as the House considers the new appropriations measure for Independent Offices and Housing and Urban Development, I should like to point out some of the lopsided priorities advanced by the budget requests.

While the SST program was allotted $290 million, the earlier version of the 1971 housing appropriations measure was vetoed because it was $541 million above the budget request. The overlap was in three areas, urban renewal, water and sewer facilities, and the veterans' programs.

The new appropriations measure being considered today reduces the amount originally passed by Congress for urban renewal by $150 million and reduces by a similar amount the sum approved for water and sewer facilities. Fortunately, the Veterans' Administration medical care program was not revised downward, and takes account of the urgent need for additional funds.

Unfortunately, the reduction in funds for urban renewal and water and sewer facilities grants will have ill-effects for a long time to come. Coming from an urban district, I have firsthand knowledge of the fact that urban areas suffer from an urban blight that only sufficient funding and adequate resources can repair. Moreover, as a member of the committee that authorizes housing programs, I know that urban renewal plans must be made well in advance of execution, and cutting back on funds now will undercut the future development of the urban development program significantly.

Furthermore, the basic water and sewer facilities grants reduced herein by $150 million is another program whose progress will be impeded. Since applications presently far exceed appropriations, the reduced funding will service a very limited number of applications.

Thus, no anticipation has been made of the future need for adequate water and sewer facilities throughout the Nation.

Our critical domestic needs cannot disappear unaided. If they are not improved, we will all reap the ensuing bitter harvest.

Mr. COHELAN. Mr. Chairman, I rise in support of the Independent Offices and Department of Housing and Urban Development appropriation bill for fiscal year 1971. In all candor I am not enthusiastic about this bill, but I do realize the constraints that the members of the subcommittee operated under. Given the constraints, they operated with considerable skill.

Still this bill represents a compromise in its current form. The only reductions that have been made from the previous bill that was vetoed are $150 million from urban renewal funds and $150 million from the water and sewage sections of the bill. It was to these two sections that the Congress added funds to supplement the inadequate administration budget. However, even with these two reductions this bill exceeds the President's request for urban renewal by $200 million and water and sewage treatment programs by $50 million.

The Appropriations Committee has retained part of the increases for urban renewal and water and sewage treatment programs, and for this action my colleagues on the committee are to be commended. However, we must keep in mind that our housing problems and our pollution problems will not be met by fervid rhetoric or the establishment of various panels or commissions, but only by the creation of adequate housing for all income levels and the adequate construction of water and sewage treatment plants.

It is for this reason that I fought to have funds increased for water pollution equipment and offered an amendment to increase the supplemental appropriation bill by over $500 million for urban renewal. In addition, I voted to override the President's veto of the HUD appropriations bill, but unfortunately this veto was sustained.

During the debate on the question of overriding the veto I pointed out that the administration's rationale for the veto was based on erroneous reasoning; that is, that the small money increase in this bill was responsible for the economic conditions of this Nation. Now this is not the time to go into a lengthy economic discourse, but I would remind the Members of this House that the increasing deficit is more dependent on the lower tax revenues caused by a stagnating economy rather than small but significent increases in the funding of vital domestic programs.

Mr. Chairman, I did not notice the White House guardians of the Federal budget demure when the Secretary of Defense announced that the budget would be increased to $75 billion next year, yet a small increase in funds for urban renewal and water pollution equipment brings out the economists with a vengence.

Mr. Chairman, I support this appropriations bill. I would have preferred the higher figures as in the original bill but this session grows late. I am hopeful that future Congresses will dramatically increase funds for these vital domestic programs that improve the quality of life for our citizens. Yet the increases for urban renewal and water and sewage treatment plants in this bill serves as a tangible indication that this Congress will not be satisfied only with rhetoric.

Mr. ALEXANDER. Mr. Chairman, when a physician sets out to cure a patient of an illness, his goal is to treat the cause—not the symptom. An educator dealing with a youngster having difficulty learning, seeks the cause rather than attacking the symptom. And, ideally, a government—whether local, State, or Federal—catches its problems at the earliest possible stage and works at removing their causes.

There is growing awareness in Congress, and among urbanologists and ruralologists across the Nation, that current programs aimed at curing the ills caused by over-crowding in our metropolitan areas are treating the symptoms rather than removing the cause. The difficulties of the urban areas expand so rapidly that Federal programs become "catch-up" efforts rather than improvement projects.

It is generally agreed that one primary source of the cities' problems is the unskilled, or undereducated, persons who are driven into the streets in search of jobs. They come from the rural areas and small towns where work opportunities in agriculture and related industries are being wiped out by advancing technology. They come to the cities rootless, jobless, and desperate.

The newcomers quickly begin to lose their personal identity. They rapidly become just new faces in the masses fighting for a place in a hostile city. A society they are forced to enter. We are concerned about the destiny of our people. We approve, and appropriate money for, economic development, welfare, manpower, and educational programs aimed at relieving their plight.

But, with all the programs, our people continue to move from the farm to the city.

We continue to formulate programs to deal with the symptoms rather than the cause—the migration of persons from rural areas and small towns to the cities in search of work.

We establish within the Department of Agriculture the authority for dealing with the troubles of the rural areas. Then we set up the Department of Housing and Urban Development for the cities, and legally limit its interests to municipalities having more than 5,000 residents. This has the effect of pointing their programs in opposite directions and diluting their effectiveness.

The very title of Housing and Urban Development seems symptomatic of our failure to deal with the problems as a whole. Would it not be wise to change the name of HUD to the Department of National Development and widen its scope of operation?

Rather than learning from the physician and educator, we have splintered our efforts. This delays bringing to reality our Nation's promise of freedom and opportunity for all of her citizens to develop to their fullest potential.

The time for an end to this practice has come. The time for Congress to act is now. The appropriate vehicle for finding answers to this problem can be the Select Committee on National Development. I first proposed the establishment of this representative committee in a speech in this Chamber on September 23, 1970, a copy of which follows herewith. Its establishment is essential to the development of comprehensive debate which is necessary before we can achieve needed structural and policy changes in the operation and objectives of Federal programs.

My hope is that my colleagues will join me in this effort.

The material referred to follows:

NATIONAL DEVELOPMENT: AN URGENT NEED

Mr. ALEXANDER. Mr. Speaker, the results of the 1970 census are still incomplete and are considered preliminary, but they are complete enough to tell us that disturbing trends are continuing in our Nation. The Census Bureau says the shift of population from nonurban to urban sections is continuing and that the movement of population from the cities to suburbs is accelerating.

Despite American preoccupation with size and quantity, there are frightening aspects to the census totals. As Rene Dubos said in his book "So Human an Animal":

"Most modern prophets in and out of the academies seem to be satisfied with describing a world in which everything will move faster, grow larger, be mechanized, bacteriologically sterile and emotionally safe."

We cannot continue to operate on the unofficial slogan that "anything that is bigger must be better."

The sad realization that we came to in the decade of the 1960's was that while huge cities might sprout impressive buildings and increase opportunities for some people, they also lead to unacceptable pollution, to unhealthy and dehumanizing overcrowding, to insufficient power sources, to the progressive erosion of public services, to disastrous traffic problems, and to social regimentation.

Residents of the inner cities were apparently learning these lessons during the past decade. Census Bureau Director Dr. George H. Brown has reported:

"The suburban rings have grown rapidly and substantially. The number of people living in the suburbs is now greater than the number of persons living in the central cities, and this in spite of the annexations that have been made in the last decade."

The overcrowding, the pollution, the threat of crime and the loss of identification in the inner cities apparently became unacceptably obvious to thousands of citizens, pushing them to the suburbs. We know, however, that this movement will not solve the problems of the cities, nor will it solve the problems of those persons who are abandoning the central cities.

These shifts in population will not lessen pollution. The criminal elements will continue to follow the population to the suburbs. In other words, long-range solutions are not provided for any of the urban problems by this exodus to the suburbs. The problems will only continue to mushroom.

We know, however, that the problems which we face in this Nation do not belong exclusively to the metropolitan centers—the cities and the suburbs.

In the nonurban sections of the Nation, we have continued to see massive outmigration to the metropolitan cen-

ters. The Census Bureau has reported that the farm population declined by approximately one-third during the past decade, dropping from about 15 million to about 10 million persons. More than three-fourths of the national growth occurred in the metropolitan areas, while about one-half of the Nation's counties lost population and another fourth of the counties showed a low rate of growth. Persons were leaving the nonurban sections of the Nation because there were insufficient job opportunities or because the jobs available could not compete with salaries and benefits provided in urban centers. Millions of people rejected nonurban living because of a failure to provide adequate educational opportunities, sufficient cultural attractions, or acceptable housing conditions.

Just as the rapid movement of persons from nonurban to urban sections of the Nation makes the solving of city problems almost impossible, that same movement destroys the nonurban tax base which could be used to improve living conditions and opportunities for the millions of nonurban residents.

It is my contention, Mr. Speaker, that these trends are not in our best interests and tend to move this Nation toward self-destruction. It is also my contention that this situation need not be accepted as a fact of life—one which cannot be halted or reversed. These trends can, they should, and they must be reversed.

Let me give you an example of what this problem is costing the American taxpayer in both funds and security:

In the District of Columbia with a population of approximately three-quarters-of-a-million people, more than $112 per resident is invested in providing police protection and one policeman is provided for each 120 residents. These averages do not even include capitol or park police.

Yet, the resident of Washington is almost six times more likely to be the victim of a crime as a resident of Jonesboro, Ark., a town of 26,580. In Jonesboro, the investment in providing police protection is $9.36 per resident, and one policeman is provided for each 862 residents.

This is not an isolated example. Uniformly, the investment increases and the security provided residents decreases as a city continues to grow.

According to the 1969 report of the Federal Bureau of Investigation, almost 6.5 out of each 100 residents of cities of more than 250,000 persons were the victims of crime. This average dropped to: 5.1 in cities of 100,000 to 250,000; 4.0 in cities of 50,000 to 100,000; 34 in cities of 25,000 to 50,000; 2.8 in cities of 10,000 to 25,000; 2.3 in cities under 10,000; and 1.3 in rural areas.

I think it would be a fair assessment to say that this same situation applies to the provision of all other services—fire protection, garbage disposal, and other municipal services.

For a Nation that is interested and concerned with the plight of the consumer, what kind of madness provokes us to continue adding to this problem which seems almost devoid of effective solution?

It is a national shame to continue crowding more and more people into smaller and smaller areas, creating demoralizing conditions for adults and unhealthy conditions for children.

It is unforgiveable for us to continue trying to provide more and better housing at higher and higher costs under ghetto conditions when there are wideopen spaces throughout this Nation hungering for development.

It is unconscionable when the enjoyment of a forest or a clean lake becomes a once-a-year opportunity for thousands of people, or when the sight and smell of clean air comes only at vacation time.

It is irresponsible when we continue to create urban conditions upon which crime breeds and thrives, and which is growing into a monster that threatens the democratic traditions which have allowed our growth and development.

Why have we allowed this situation to develop and these problems to grow? Who is to blame? How can the shortsighted policies, or the lack of policies, be reversed and solutions to these problems found?

The blame, I fear, lies with all of us—not because we deliberately tried to create these conditions—but because we failed to see the handwriting on the wall and failed to devote sufficient attention to the conditions being created. We are guilty—not of sins of commission, but of sins of omission.

In the Congress and at the national level, we have failed to take into consideration the demographic consequences of our programs and policies. To the extent that the continued location of Federal agencies, offices and installations have continued to be centered in the crowded metropolitan centers, we have even been directly guilty of adding to our problems.

State and local governments have failed to provide the foresight the planning, the opportunities, and the consideration orderly population growth requires.

The corporations of our Nation have been guilty of refusing to consider national implications in the location of their facilities, of considering only short-range cost factors rather than the long-range national interest and the health and well-being of their employees.

A national growth policy can and must be established. The consideration of demography can and must be included in the extension and establishment of Federal programs. Questions must be considered within a national context, rather than as a narrow urban versus nonurban conflict.

It is symptomatic to me of the way in which we have ignored these essential considerations that we have a Department of Housing and Urban Development which, by statute, loses all interest in the problems of a community below the 5,000-person dividing line. At the same time, we have a Department of Agriculture which gives little or no consideration to the problems of our cities in the overall formulation of its policies.

Can any systematic approach to these problems emerge when we have multiple agencies administering vital programs relating housing, to economic development to vocational and technical training, to the problems of pollution, to our national transportation network, and to health services?

Can an orderly population growth policy be either established or administered under a fractured system of divided authority?

Can the problems of the urban areas be solved by ignoring the opportunities or the problems of the nonurban areas? And, can the problems of the nonurban areas be met by refusing to acknowledge the existence of the problems which plague our urban centers?

The answer to all of these questions is an emphatic "No."

We are still one nation, and our problems can be viewed only as national problems which can be attacked efficiently and effectively only on a national scale. To adopt this approach is not to ignore sectional heritages or obvious loyalties. But, to adopt this approach is to acknowledge obvious realities. We are all bound together, and my problems are not being solved until the problems of my fellow citizens are also being solved.

The President has recognized the need for a long-range approach to this problem with the appointment last fall of a Task Force on Rural Development and of a Council for Rural Affairs. While I might argue that it is shortsighted to focus only on the nonurban sections of our Nation, these two organizations are giving their attention to the need for a concerted effort to achieve a reasonable, a rational, and a realistic solution to the problem of population growth.

It is my feeling, Mr. Speaker, that we in the Congress must also give special attention to this problem and to the implications of our actions, previous and proposed.

What we need in the House of Representatives is a select committee which would give its attention to this problem, and to this opportunity to move into a period of planned growth rather than haphazard expansion.

We cannot allow the 1980 census to tell another story of a decade of neglect of this crucial problem. We cannot allow the headlines in 1980 to read that we are still ignoring our demographic problems and wasting our potential.

The time for we in the Congress to consider this problem is now. This goal can be accomplished through the work of a Select Committee on National Development. This is my goal for the 92nd Congress. I hope my colleagues will join me in that effort.

As the Washington Evening Star said in a September 15 editorial on this subject:

"Surely more effective remedies can arise from the trial-and-error ashes of the Sixties."

Mr. DORN. Mr. Chairman, I enthusiastically support H.R 19830, which makes appropriations for fiscal year 1971 for various independent offices, including the Veterans' Administration. The funding provided in the bill represents an extra $105 million for veterans' medical care in addition to the amount recommended by the administration. I commend the great Appropriations Committee for acting on the recommedations of the House Veterans' Affairs Committee in providing for the larger appropriation, especially in view of the opposition by the administration and the Budget Office to this badly needed additional funding. I urge the House to approve this money for those veterans who so urgently need it.

This appropriations bill contains the funds which would allow the Veterans' Administration to begin preliminary work toward improving the facilities in Columbia, S.C., and allow the proposed new Augusta, Ga., veterans' hospital to reach the blueprint stage. I very earnestly recommend that the VA build a completely new veterans' hospital at Augusta and Columbia. New facilities in Columbia would mean that we would not have the problems of staffing for veteran care so pronounced in many other areas of the country. This bill will provide the funds to build a new, modern Veterans' Administration hospital in Columbia and I urge the VA to approve such a facility without further delay.

Mr. RYAN. Mr. Chairman, each year, the demand for Federal funds far outstrips the amounts which Congress actually appropriates. The bill before us today provides the essential, minimal funding needed for several key Federal programs.

In total, H.R. 19830—the independent offices and the Department of Housing and Urban Development appropriations bill for fiscal year 1971 provides $17,709,525,300. This is $300 million less than the total provided by H.R. 19830's predecessor—H.R. 17548—which was vetoed by the President.

It was misguided perception of priorities which prompted the Presidential veto of H.R. 17548. Funds for urban renewal, for water and sewer grants, and for medical care for veterans are all urgently necessary, yet it was claimed by the President in his veto message that funding for these needs was excessive. Strangely, $290 million for the SST, billions for unneeded military programs and for a misguided war in Southeast Asia, and millions lost in tax dollars through depletion allowances do not fall within the same purported scrupulous regard for financial efficiency.

The House failed to override the President's veto on August 13, and so today it has before it a bill embodying a reduction of $150 million from the amount originally passed by Congress for urban renewal, and a reduction of $150 million from the amount originally passed by Congress for water and sewer grants.

That the executive has forced upon the House its misguided perception of priorities does not alter the reality that funds for urban renewal and for water and sewer grants are desperately needed. It is not financial responsibility which is being served when these needs are shortchanged, for the long-range costs to our society outstrip any temporary dollar savings.

H.R. 19830 appropriates $1.2 billion for urban renewal. This funding is essential, but it far from meets the need: Localities currently have applications in the pipeline for renewal grants in the total of $3.7 billion. It is also $1 billion below the full authorized amount—a large and unwarranted gap.

The importance of the urban renewal program is clear, although some aspects of it require improvement. In money terms alone, and this seems to be the language which the administration likes to play with, the values added by redevelopment of renewal sites have resulted in a 240-percent increase in assessed value of taxable land and a corresponding increase in tax revenues. The October 1970 issue of the Journal of Housing points out that before renewal, the assessed value of the land amounted to $375 million; after, it amounted to $1.28 billion.

In human terms, of course, urban renewal is a program which is intended to accomplish what its very name states—the renewal of urban areas, the environment in which more than one half of this country's population lives.

Several other housing problems of very significant and direct benefit are funded by H.R. 19830. The contract authorization for the section 235 homeownership assistance program is increased by $130 million, thereby meeting the full authorization for this program. Similarly, the section 236 rental assistance program—particularly crucial to urban areas such as New York City—is brought up to full authorization level by an increased annual contract authorization of $135 million.

Both the section 235 and 236 programs are particularly important in bringing suitable dwellings to thousands of Americans. The section 235 program was authorized by the Housing and Urban Development Act of 1968 to provide Federal assistance for homeownership by lower-income families. This section provides for mortgage loans to be made by private lenders to lower-income families at market rates of interest. The Secretary of Housing and Urban Development enters into contracts with the lenders to make periodic payments to the lenders in the amounts necessary to make up the difference between 20 percent of the family's monthly income and the required monthly payment under the mortgage for principal, interest, taxes, insurance, and the mortgage insurance premium. In no case, however, can the payment on a mortgage exceed the difference between the required payment under the mortgage for principal, interest, and mortgage insurance premium and the payment that would be required for principal and interest if the mortgage bore an interest rate of 1 percent.

The section 236 program was also authorized by the Housing and Urban Development Act of 1968 to provide Federal assistance for rental and cooperative housing for lower income families. The assistance is in the form of periodic payments to the mortgagee financing the housing to reduce the mortgagor's interest costs on market rate FHA-insured project mortgages and State and municipally financed programs, such as the Mitchell-Lama program in New York. Thereby, lower rentals or charges to be paid by the occupants of the housing are made possible. The interest reduction payments will reduce payments on the project mortgage from those required for principal, interest, and mortgage insurance premium on a market rate mortgage down to those required for principal and interest on a mortgage bearing an interest rate as low as 1 percent. The tenant pays 25 percent of his income as rent.

The rent supplement program receives an increased annual contract authorization of $55 million under H.R. 19830. Unfortunately, unlike the section 235 and 236 programs, the rent supplement program is not being fully funded. And yet this is another very important program. Initiated by the Housing and Urban Development Act of 1965, it provides that low-income individuals and families who are either elderly, handicapped, displaced by Government action, occupants of substandard housing, or occupants or former occupants of homes damaged by disaster are made eligible for admission to FHA market rate section 221(d)(3) new or rehabilitated housing which is assisted by rent supplement payments. Up to 20 percent of the units in a project financed under section 236 may be occupied by tenants receiving rent supplement benefits. The housing owner enters into a contract with the Secretary of Housing and Urban Development for Federal rent supplement payments, made on behalf of the tenant.

The appropriation made by H.R. 19830 for the model cities program is $575 million. This program's principal objective is to enhance the existing capability and commitment of local government to respond to the needs of blighted and decayed neighborhoods that need upgrading. Some 150 cities are participating in it. While this $575 million is essential, it fails to meet the full authorization level by $850 million—a large and unwarranted gap.

Thus, H.R. 19830 provides essential funding for essential housing programs. But it does not sufficiently meet the massive need for funds which exists, and which are reflected in authorizations far in excess of the amounts appropriated by this bill.

H.R. 19830 also provides $1,857,200,000 for veterans' medical care in Veterans' Administration hospitals, and these are funds which are, once again, urgently needed. The debt this Nation owes its servicemen, past and present, cannot be repaid simply in money or the goods and services money can buy. But, by the same token, this tremendous debt cannot be shortchanged. And the fact is that the medical care provided veterans is shockingly inadequate, as my inspection of the Bronx Veterans' Administration Hospital last June 12 confirmed.

Once again, an appropriation bill such as that before us today affords us an opportunity to see the enormous domestic needs of this Nation—needs measured in human want and deprivation. H.R. 19830, the Independent Offices and the Department of Housing and Urban Development appropriations bill for fiscal year 1971, partially meets these needs. But only partially. I support this bill, but I support also far greater funding for these programs. Our priorities must be reordered, and programs such as these must be the beneficiaries of that reordering.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 19830, which is our second effort at an appropriation bill for Housing and Urban Development and independent offices.

The only reason that I feel it is necessary to make any comment at all for the record, is because I voted on August 13 to sustain the President's veto on August 11 of our earlier effort at appropriations for HUD and the independent offices.

At that time I distinctly recall that I seem to have shocked some of my friends, because it was predicted that the result of sustaining a veto would be to lose all of the increases which had been put in our first bill for medical care in our veterans hospitals. After all is said and done, our Appropriations Committee in its wisdom has made no reduction in the funds for VA medical care, and the new bill provides the identically same amount for medical care and other benefits of the Veterans' Administration that was provided in the vetoed bill. It should be recalled that the House and Senate increased the amount for veterans medical care by $105 million over the $8.9 billion budget estimate earlier submitted to the Congress.

One disappointment was that the funds for urban renewal were not reduced by a greater amount. The budget estimate provided $1 billion for 1961, and yet the Congress increased this very generous amount by $350 million. Even when our committee got through this second time around, only $150 million was reduced leaving a $200 million increase over the budget. The only argument I can find for such large sums is that planning must

be accomplished long in advance of actual execution of such plans.

While most of us cannot vote against this second effort by our Appropriations Committee, because of the needed money for adequate medical care for our veterans, the reduction of $150 million for basic water and sewer facility grants is equally disappointing and is a most unfortunate action. The reason is that the demand for water and sewer project grants is very great in all of our small communities. Recently the Farmers Home Administration has relinquished some of its authority in the several suburban fringes of our country to the Department of Housing and Urban Development. Lack of funding will hurt some of our communities whose applications have long been waiting to be funded.

I am sure many of us on the House side of the Congress would prefer to see the total $300 million come out of urban renewal rather than half from sewer and water grants because then there would still be more money provided for than was in the budget estimate for urban renewal. Finally, let me commend the gentleman from Tennessee, the chairman of the subcommittee who deserves our special commendation, for his watchfulness and careful attention to the fact that funds for medical care for our veterans came out exactly as provided in the original but vetoed bill.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

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

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

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

Mr. GROSS. Mr. Chairman, I am not at all unmindful or unappreciative of the work that the subcommittee has done in cutting $300 million off this bill, but it is still more than $241 million above the budget, and still $753 million plus above the spending for the same general purposes last year.

This Government of ours is borrowing money from foreign countries in order to operate. As the gentleman from North Carolina (Mr. JONAS) has just said, we are facing another gold withdrawal situation. De Gaulle is deceased, but the gold situation is being revived. We are in trouble, in deep trouble, financially in this Government of ours. In my opinion, this is no way, and I repeat, this is no way, to meet the situation that confronts us. As the chairman of the full Committee on Appropriations said a few moments ago, the deficit in the next fiscal year will be in the neighborhood of—as I remember his words, between $10 billion and $20 billion. That is no way to meet the situation that is fast developing into a crisis. If there is to be no recorded vote on this bill, I want the RECORD to show that I oppose it and for the reasons I have stated. This and every other appropriation bill ought to be cut until it hurts. There is no other way to avoid major financial surgery unless the course of events is changed now.

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

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to compliment the committee on its economy and on the efficient way it has gone about its work.

Second, as the ranking minority member on the Committee on Science and Astronautics, I am pleased to see that we are still continuing our U.S. interest and supremacy in research and development in space and aeronautics, and lunar and solar system exploration. We need these programs both for peacetime progress as well as for adequate defense.

I know ahead of time that the United States will be looking for projects and scientific accomplishments to celebrate our U.S. bicentennial in the year 1976. Therefore, I recommend that the United States adopt three major goals or targets that should be our U.S. peaks of progress for 1976, to display to the world at the U.S. bicentennial, to show what American industry with cooperation of Government, of an independent, free people can accomplish.

I recommend as one of the U.S. peaks of progress, the Viking program. First is the landing on the planet Mars. NASA should be able to complete that tremendous advance. Congress should now give the commitment in 1976 to complete the Viking program so that the United States will be the first nation to accomplish a soft landing of scientific and research equipment on Mars.

The second U.S. peak of progress goal for the United States is to complete the space-earth shuttle plane. This project is the equivalent of inventing a new Wright brothers airplane, which would be useful for operation both in the air and in space. This reusable plane will replace large boosters, launching pads, and will reduce the cost per pound of payload delivered in space orbit by 90 percent. The shuttle would be a remarkable step forward in research, expanding tremendously atmosphere flight, and controlled space orbital flight. The shuttle will be the vital and necessary link between aeronautics and astronautics.

I recommend the United States adopt as the third peak of progress, goals in science, research, and exploration—successful nuclear-powered space exploration. This goal can be accomplished by 1976, by planning the completion of the present NASA-Atomic Energy Commission joint NERVA nuclear rocket program. This NERVA program development has been an amazingly successful project to date. If the United States completes the NERVA project for nuclear-powered space operations, the fuel will be space storable, with capability for long journeys and extended stay in space. There can be ground control with speeds 3, 5, and 8 times faster than the current chemically powered vehicles, which orbit in the 17,500 miles per hour range. We are nearing the limit of efficiency of chemical fuel powered systems that are now seen to be costly, slow, and inefficient in payload capacity. We could announce to the world the space "grand tour" project with nuclear power using one space vehicle to make a fly-by, or spinoff orbit at each successive planet in passage from the Earth to Jupiter, Saturn, Uranus, Neptune, and Pluto at double the speed and half the time, and one-fifth the cost of present conventional chemical propulsion space vehicles.

Mr. Chairman, the American people have already shown that we can make amazing progress when we decide on definite goals. These three major accomplishments would put the American people, and U.S. research, development, technology, and exploration far ahead of any other countries or peoples of the world. These projects would be peacetime triumphs that we in the U.S. Congress should plan for as goals.

Mr. Chairman, I complimented President Kennedy on his imagination and foresight when in 1961 he said that within the decade of the 1960's that the United States would land a man on the moon or men on the moon, and return them safely.

We Congressmen working on the U.S. space program and the House of Representatives unanimously backed this project by unanimous record vote in the U.S. House of Representatives. What audacity and courage to dream and plan and successfully execute, the impossible task of landing two men on the moon, not once, but twice.

Thus, for the U.S. bicentennial the U.S. Congress and the American people should set these high goals and target projects, and look forward. We can show the world the American people are not giving up scientific research, development, and space exploration, but that we are advancing in giant steps forward, for mankind, and have the technical competence to do it.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. ANNUNZIO), 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. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on

the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 375, nays 10, not voting 49, as follows:

[Roll No. 367]

YEAS—375

Abbitt	Corman	Hechler, W. Va.
Abernethy	Coughlin	Heckler, Mass.
Adair	Cramer	Helstoski
Adams	Culver	Henderson
Addabbo	Daddario	Hicks
Albert	Daniel, Va.	Hogan
Alexander	Daniels, N.J.	Holifield
Anderson, Calif.	Davis, Ga.	Horton
	Davis, Wis.	Hosmer
Anderson, Ill.	de la Garza	Howard
Anderson, Tenn.	Delaney	Hull
	Dellenback	Hutchinson
Andrews, Ala.	Denney	Ichord
Andrews, N. Dak.	Dent	Jacobs
	Derwinski	Jarman
Annunzio	Diggs	Johnson, Calif.
Arends	Donohue	Johnson, Pa.
Ashley	Dorn	Jonas
Ayres	Downing	Jones, Ala.
Baring	Dulski	Jones, N.C.
Barrett	Duncan	Karth
Beall, Md.	Dwyer	Kastenmeier
Belcher	Eckhardt	Kazen
Bell, Calif.	Edmondson	Kee
Bennett	Edwards, Ala.	Keith
Betts	Edwards, Calif.	Kleppe
Bevill	Eilberg	Kluczynski
Biaggi	Erlenborn	Koch
Biester	Esch	Kuykendall
Bingham	Eshleman	Kyl
Blackburn	Evans, Colo.	Kyros
Blanton	Evins, Tenn.	Landgrebe
Blatnik	Farbstein	Langen
Boggs	Fascell	Latta
Boland	Feighan	Leggett
Brademas	Findley	Lennon
Brasco	Fish	Lloyd
Bray	Fisher	Long, La.
Brinkley	Flood	Long, Md.
Brock	Flowers	Lowenstein
Brooks	Ford, Gerald R.	Lujan
Broomfield	Ford, William D.	Lukens
Brotzman		McClory
Brown, Calif.	Foreman	McCloskey
Brown, Mich.	Forsythe	McClure
Brown, Ohio	Fountain	McDade
Broyhill, N.C.	Fraser	McDonald, Mich.
Broyhill, Va.	Frelinghuysen	
Buchanan	Frey	McEwen
Burke, Fla.	Friedel	McFall
Burke, Mass.	Fulton, Pa.	McKneally
Burleson, Tex.	Fuqua	McMillan
Burlison, Mo.	Galifianakis	Macdonald, Mass.
Burton, Calif.	Gallagher	
Burton, Utah	Garmatz	MacGregor
Bush	Gaydos	Madden
Byrne, Pa.	Gettys	Mahon
Byrnes, Wis.	Giaimo	Maillliard
Cabell	Gibbons	Mann
Caffery	Goldwater	Marsh
Carey	Gonzalez	Martin
Carney	Goodling	Mathias
Carter	Gray	Matsunaga
Casey	Green, Pa.	Mayne
Cederberg	Griffin	Meeds
Celler	Grover	Melcher
Chamberlain	Gubser	Michel
Chappell	Gude	Mikva
Chisholm	Hagan	Miller, Calif.
Clark	Haley	Miller, Ohio
Clausen, Don H.	Halpern	Mills
	Hamilton	Minish
Clawson, Del	Hammer-schmidt	Mink
Clay		Minshall
Cleveland	Hanley	Mize
Cohelan	Hanna	Mizell
Collier	Hansen, Idaho	Mollohan
Collins, Ill.	Hansen, Wash.	Monagan
Collins, Tex.	Harrington	Montgomery
Colmer	Harsha	Moorhead
Conable	Harvey	Morgan
Conte	Hastings	Morse
Conyers	Hathaway	Morton
Corbett	Hawkins	Mosher
Moss	Robison	Symington
Murphy, Ill.	Rodino	Taft
Murphy, N.Y.	Roe	Talcott
Myers	Rogers, Colo.	Taylor
Natcher	Rogers, Fla.	Teague, Calif.
Nedzi	Rooney, N.Y.	Thompson, N.J.
Nelsen	Rooney, Pa.	Thomson, Wis.
Nichols	Rosenthal	Tiernan
Nix	Rostenkowski	Tunney
Obey	Roth	Udall
O'Hara	Ruppe	Ullman
Olsen	Ruth	Van Deerlin
O'Neill, Mass.	Ryan	Vander Jagt
Passman	St Germain	Vanik
Patman	Sandman	Vigorito
Patten	Satterfield	Waggonner
Pelly	Saylor	Waldie
Pepper	Schadeberg	Wampler
Perkins	Scherle	Ware
Philbin	Scheuer	Watson
Pickle	Schneebeli	Watts
Pike	Schwengel	Whalen
Pirnie	Scott	Whalley
Poage	Sebelius	White
Podell	Shipley	Whitehurst
Poff	Shriver	Whitten
Pollock	Sikes	Widnall
Preyer, N.C.	Sisk	Wiggins
Price, Ill.	Slack	Wilson, Bob
Pryor, Ark.	Smith, Calif.	Wilson, Charles H.
Pucinski	Smith, N.Y.	
Quie	Snyder	Winn
Quillen	Springer	Wold
Railsback	Stafford	Wolff
Randall	Staggers	Wright
Rees	Stanton	Wydler
Reid, Ill.	Steed	Wylie
Reid, N.Y.	Steele	Wyman
Reifel	Steiger, Ariz.	Yates
Reuss	Steiger, Wis.	Yatron
Rhodes	Stephens	Young
Riegle	Stratton	Zablocki
Rivers	Stubblefield	Zion
Roberts	Sullivan	Zwach

NAYS—10

Ashbrook	Gross	Schmitz
Clancy	McCarthy	Thompson, Ga.
Crane	Rarick	
Devine	Rousselot	

NOT VOTING—49

Aspinall	Fulton, Tenn.	O'Neal, Ga.
Berry	Gilbert	Ottinger
Bolling	Green, Oreg.	Pettis
Bow	Griffiths	Powell
Button	Hall	Price, Tex.
Camp	Hays	Purcell
Cowger	Hébert	Roudebush
Cunningham	Hungate	Roybal
Dennis	Hunt	Skubitz
Dickinson	Jones, Tenn.	Smith, Iowa
Dingell	King	Stokes
Dowdy	Landrum	Stuckey
Edwards, La.	McCulloch	Teague, Tex.
Fallon	May	Weicker
Flynt	Meskill	Williams
Foley	O'Konski	Wyatt

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Dickinson.
Mr. Hébert with Mr. Hunt.
Mr. Teague of Texas with Mr. Hall.
Mr. Dingell with Mr. Button.
Mr. Foley with Mr. Weicker.
Mr. Edwards of Louisiana with Mr. McCulloch.
Mr. Aspinall with Mr. Bow.
Mr. Roybal with Mr. Pettis.
Mr. Stuckey with Mr. O'Konski.
Mr. Smith of Iowa with Mr. Skubitz.
Mr. Hungate with Mr. Camp.
Mr. Dowdy with Mr. Price of Texas.
Mr. Fallon with Mr. Williams.
Mr. O'Neal of Georgia with Mr. Cowger.
Mrs. Griffiths with Mr. King.
Mrs. Green of Oregon with Mrs. May.
Mr. Flynt with Mr. Cunningham.
Mr. Jones of Tennessee with Mr. Roudebush.
Mr. Landrum with Mr. Berry.
Mr. Fulton of Tennessee with Mr. Meskill.
Mr. Stokes with Mr. Gilbert.
Mr. Purcell with Mr. Dennis.
Mr. Ottinger with Mr. Wyatt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and include tables and extraneous material.

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

There was no objection.

TRANSFER OF SPECIAL ORDER

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to transfer the special order which I had scheduled for today after the close of legislative business until Tuesday next.

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

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, 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 California?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman if that would include the House resolution presently pending before the Committee?

Mr. SISK. Mr. Speaker, I am not clear as to what House resolution the gentleman is referring to. There are a number of resolutions pending before the Committee on Rules.

Mr. GROSS. House Resolution 1147.

Mr. SISK. May I ask the gentleman if he is referring to what might otherwise be referred to as the Friedel resolution?

Mr. GROSS. That is correct.

Mr. SISK. That is one of the matters on which a rule has been granted, and the rule will be covered under the unanimous-consent request.

Mr. GROSS. If the gentleman will exclude House Resolution 1147, I will not be constrained to object, but if that is included in the request then I will be constrained to object.

Mr. SISK. Mr. Speaker, at this point in time I withdraw my unanimous-consent request.

The SPEAKER. The gentleman withdraws his unanimous-consent request.

PROVIDING FOR CONSIDERATION OF H.R. 19504, FEDERAL-AID HIGHWAY ACT OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1267 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1267

Resolved, That, upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 16(c) of rule XI and clause 4 of rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, title I and title II of the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of title II of the bill for amendment, title III of the bill shall be considered as having been read for amendment. No amendments shall be in order to title III of the bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. Speaker, House Resolution 1267 provides a rule with 3 hours of general debate for consideration of H.R. 19504, the Federal-Aid Highway Act of 1970. Two hours of debate shall be controlled by the chairman and ranking minority member of the Committee on Public Works. One hour of the general debate shall be controlled by the chairman and ranking minority member of the Committee on Ways and Means. No amendments may be offered to title III of the bill except those offered at the direction of the Committee on Ways and Means. All points of order are waived for failure to comply with provisions of clause 16 (c) of rule XI which provides that general legislation relating to construction or maintenance of roads shall not contain provisions for any specific road. There is language on pages 7, 20, 28, 43, and 45 of the bill in violation of this rule. In addition, points of order are waived for failure to comply with clause 4 of rule XXI which prohibits appropriations in a legislative bill. There is language on pages 13, 14, 25, and 38 of the bill in violation of this rule.

The purpose of H.R. 19504 is to authorize appropriations for the construction of certain highways in accordance with title 23, United States Code, and for other purposes.

The 1970 estimate for the Interstate System shows that completion of the system will cost $69.87 billion, as compared to the 1968 estimate of $56.5 billion, an increase of $13.37 billion. H.R. 19504 authorizes the additional sum of $17.275 billion over the 5-year period from 1974 through 1978: an increase from $2.225 billion to $4 billion for fiscal year 1974, $4 billion for each of fiscal years 1975 to 1977, inclusive, and $3.5 billion for fiscal year 1978.

Authorizations are provided out of the highway trust fund for each of the fiscal years 1972 and 1973 in the amount of $1.1 billion for the ABC program; $125 million for the Federal-aid primary and secondary systems exclusive of their extensions in urban areas; $200 million for traffic operation projects in urban areas.

Two hundred million dollars is authorized for each of fiscal years 1972 and 1973 for each of fiscal years 1972 and 1973 are established by the legislation.

Out of the general fund, authorizations for each of fiscal years 1972 and 1973 are provided in the amount of $33 million for forest highways; $16 million for each fiscal years 1972 and 1973 are authorized for public lands highways.

Authorizations of not to exceed $55 million for each of fiscal years 1972 and 1973 are authorized out of the highway trust fund, which is in addition to all other authorizations for the Interstate System. These authorizations are to be apportioned to each of the States receiving less than one-half of 1 percent of the interstate apportionment for fiscal year 1972 or 1973.

There are authorizations for other Federal highways out of the general fund for fiscal years 1972 and 1973: $170 million for forest development roads and trails; $5 million for public lands development roads and trails; $30 million for park roads and trails; $11 million for parkways; $25 million for construction of the Palisades Parkway in the District of Columbia and $65 million for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior; $30 million for Indian reservation roads and bridges.

Mr. Speaker, I urge the adoption of House Resolution 1267 in order that H.R. 19504 may be considered.

PERSONAL ANNOUNCEMENT

Mr. Speaker, I would yield at this time to the gentleman from Illinois (Mr. PRICE) for the purpose of making an announcement.

Mr. PRICE of Illinois. Mr. Speaker, I would like to announce to my colleagues that the special order I had scheduled following the close of business today to eulogize our late colleague, William Dawson, has been transferred by unanimous consent to Tuesday next following the legislative business on that day.

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

Mr. Speaker, in the interest of time, I will simply concur in the explanation of House Resolution 1267, so far as the rule is concerned, the waiving of points of order, and so forth, and also as to the explanation which the gentleman from California (Mr. SISK) gave on H.R. 19504.

In addition to the remarks of the gentleman from California, I would like to add that title II of this bill deals with highway safety programs and projects. Funds are authorized for State and Community Highway Safety programs, $75 million for fiscal year 1972, and $100 million for 1973.

Also are authorized funds for research and development projects of the Highway Traffic Safety Administration, $30 million for fiscal 1972 and $45 million for 1973.

Mr. Speaker, I am concerned about some of the things that are going on so far as our Highway Trust Fund is concerned, and I would like to make a little record of it at this time. I am in support of this bill, but I am not in support of an administration, that is, this administration and the past two administrations, simply diverting money or refusing to permit the money to be spent after the Congress of the United States has allocated and appropriated that money. It has been going on now for several administrations, and I think it is absolutely wrong.

We started this program back in 1956, or some such time as that. We planned for the program to be completed in 1969 or 1970. We have had to extend it on and on, year in and year out, because the Bureau of the Budget, this one and past ones, and the administrations, this one and past ones, have simply not permitted money to be spent when the Congress had authorized it and appropriated it to be spent.

I think that is absolutely wrong. We had some language in one bill—I do not know whether it would be referred to as the language of the gentleman from Ohio (Mr. HARSHA) or an amendment, but in any event, as I recall, we said that it is the sense of Congress that the money shall be spent, and that none of the money shall be diverted. But money has been diverted from this trust fund and used for other purposes, and it is not now available for the purpose for which we had set it up in the first place.

Particularly consider my own 20th Congressional District in California. We have three interstate freeways, or parts of interstate systems, going through the district. Actually we did not want those particular freeways, but the Federal Government said we have to connect these two points together. All we can do is to go ahead and let the State authorities decide where the road is going to go. It is going through one section of La Canada and Montrose, taking out many residential homes. In Pasadena they started and have now stopped right in the middle of the project. We have one in Glendale which is about 150 feet up in the air, and no money is available to complete the project.

This fiscal year we authorized $5.4 billion. They decided not to spend that amount. The administration and the Bureau of the Budget decided they would only spend $4.2 billion. There was $400 million in carryover funds. California

does not have any carryover funds, but that made a total of $4.6 billion. So there was $1.2 billion which Congress has authorized to try to complete this necessary system which will not be spent.

Where are we going to get the money? We have the third and fourth quarters coming in, and I guess about $176 million will reach California, but it will not finish these freeways. If they are going to start these freeways, condemn the houses, buy the property, and tear the structures down, they should either have the money to finish the project or, in my opinion, they should not start it in the first place, making people go for a year detouring all around the city, houses and homes because, they say, "We do not want to spend the money because of the financial situation of the Government."

Frankly, I do not like it. I do not like it in this administration; I did not like it in the past several administrations. I do not think we should be diverting money from this fund or changing the sense of Congress by administrative action. It should be available for the Highway Interstate System. That is the way we started the program. Once you divert money for beautification, safety, and other things, we will end up with nothing but a mess of uncompleted freeways. We may never get them finished.

I think I have delivered my speech, Mr. Speaker. You can see I am a little upset. This action should not take place. We should be able to get the money to complete freeways and highways which have been started. I imagine other Members are in the same position I am in.

I have heard other Members of Congress make the same statement.

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

Mr. SMITH of California. I am happy to yield to the gentleman from California.

Mr. DON H. CLAUSEN. I am glad the gentleman has taken the time to express himself as the program relates to a specific problem in California. I think I can say for the committee he has in fact expressed the position of the Roads Subcommittee.

In the Highway Act of 1968, the gentleman from Ohio (Mr. HARSHA) not only offered, but there was included an amendment that said we would not freeze these trust funds for the very reason the gentleman from California explained.

In order to establish, for the record, some of the problems our own State of California has encountered, I asked the California Department of Public Works to provide me with some background information in connection with the highway trust fund and the Federal aid highway program.

This information substantiates and dramatizes the problems alluded to by my colleague from California, Mr. H. ALLEN SMITH.

Therefore, I will relate some of the information conveyed to me by the California director of public works, in order to place this problem in proper focus.

Historically, expenditures from the highway trust fund—via reimbursements—have followed obligations by 18½ months. Also, the last time a reasonable balance existed between total trust fund revenues and total trust fund expenditures was in early calendar 1967—$69 million.

It is most difficult to make meaningful direct comparisons between the sums authorized by Congress for a given year which are apportioned by the administration and the administrative releases of trust fund obligational authority. One reason is that the timing of apportionments can vary widely. For example, congressional authority was available to make all 1970–71 apportionments in July of 1969 yet they withheld the issuance of these apportionments to near the December 31, 1969, statutory deadline.

This year congressional delay in passing a Federal Highway Act will similarly delay apportionment into December.

To date, released obligational authority lags apportionments by $2.1 billion. In addition, the delay in making apportionments is approaching one-half year which equates to approximately $2.7 billion, producing a net cutback effect of, at this time, $4.8 billion.

During the first 6 months of fiscal 1971, California has been authorized to obligate $164.4 million, or 6.7 percent, of the $2,450 million released nationwide. All of California's share has been committed which, by quarter's end, December 31, 1970, shoul reflect in Federal records.

Had obligational authority been released starting July 1, 1970, so as to restore reasonable Trust Fund balance 5 years hence, an annual rate of release of $6.25 billion per year would be required. California should then receive on the order of $500 million per year or about 8 percent.

In summary, administrative diversion of Highway Trust funds to other purposes—via Treasury Notes—has disrupted the necessary long-range transportation planning Congress seeks, the administration advocates, and California has long followed. As a result, particularly in California, much right-of-way now lies fallow and considerable engineering remains unexecuted because these time-consuming segments of our capital improvement outlays cannot be brought to fruition due to the lack of the assured, available, and promised construction funds.

Mr. Speaker, I support the gentleman from California (Mr. SMITH) in what he has said.

Mr. SMITH of California. Mr. Speaker, I appreciate the gentleman's statement.

Mr. Speaker, I urge the adoption of the rule.

I yield 3 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, I rise to comment on section 129 of this bill, which deals with the District of Columbia. I believe it is an unnecessary section, because it fails to recognize certain principles and rights we give other people. I am convinced the people who are directly concerned have not had their day in court, so I just take this time momentarily to say that tomorow I will file an amendment, or an amendment will be filed to strike on page 43, line 9, and all that follows through that section, to take it out of the bill, so the people who are directly concerned can have a voice in this, and we can further explore this problem and other possibilities.

There are some other factors that come into this argument, and I shall present them in more detail tomorrow when we have time for debate.

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

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

Mr. GUDE. Mr. Speaker, I thank the gentleman from Iowa for yielding.

I commend him on his interest in the problems in the District of Columbia and the metropolitan area.

Mr. Speaker, I believe that waiving a point of order so as to stipulate particular routes in legislation, is satisfactory when there is no opposition to the routes set forth. However, in the case of the North Central Freeway in the District of Columbia, which is one of the routes embodied in this particular bill, we have a situation where the local governing body for Montgomery County and also the delegation to the State Legislature for Montgomery County, through which the northern extension of said freeway would go, are now opposed to this routing.

Also, I am attempting to ascertain from the Maryland State Roads Commission and from the Governor as to whether they at this time support this routing. There have been indications that the Governor of the State of Maryland is opposed to it.

So, if we immediately order the construction of the North Central Freeway in the District of Columbia, we could very well be building a road to nowhere. Until we have a clarification from State and local government in Maryland, I feel this section should be stricken out of the bill. I hope Members will support this when an amendment is presented tomorrow.

Mr. SCHWENGEL. Mr. Speaker, again I announce to the House that an amendment will be filed tomorrow, and I hope the Members will listen with sympathetic interest to the very serious problem that concerns the people in this district. It would be setting a precedent which I think would be very bad for us as Members of Congress and might affect us adversely in our own States and our own districts in the future.

With that said, I yield back the balance of my time.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, when the Committee on Rules had the rule under consideration, some of us appeared before the committee and testified against the proposed rule.

The bill provides that the District of Columbia must construct certain free-

ways, and this appears to be a violation of rule XVI(c) of the Rules of the House of Representatives. Thus the rule which the committee sought to obtain from the Rules Committee waived all points of order in order to permit the Public Works Committee to bring out a bill which appears to be in violation of the rules of the House.

Mr. Speaker, I think it is a mistake to waive our own rules which were adopted to prevent just such a situation as will be before the House in this bill.

The District of Columbia and the people who live in it have been trying for years to get home rule on the theory that they know best what is needed to regulate their affairs. They have not been able to get it. Instead, the governing body is appointed by the President.

Now, even those decisions are to be taken away; that is, the power is being taken away even from those people appointed by the President, and instead Congress is decreeing that it knows what is best with respect to construction of freeways in the District of Columbia.

I really believe, in fairness to the people who live here—and there are many hundreds of thousands who live here—we ought to strike that provision. I believe it would have been stricken as a violation of the rules except for the rule proposed here this afternoon.

The District of Columbia has a lot of unmet needs. The Federal City College has been seeking to grow to meet the demand for higher education but does not have enough money. The housing problem in the District of Columbia is a very tough problem which has not been dealt with adequately. Yet in the face of these needs we are going to mandate the construction of a lot of cement to move a lot of cars. On occasion this is considered so important that it is sought to hold up as a hostage the subway program, which will move a lot more people a lot more efficiently with a lot less impairment to the environment than would be involved in the freeway system.

So, Mr. Speaker, when an amendment is offered to strike section 129, that mandates the District of Columbia to a freeway which the representatives of the District of Columbia do not want, I hope that amendment will be supported.

I wish it were possible to vote down this rule, but I expect realism suggests it is not possible. At least we ought to leave some range of discretion with the people who live in Washington, D.C., and their representatives.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I should like to take this time to inform the Members of the House that in the Committee of the Whole I expect to offer an amendment in connection with new grade separation projects which would authorize 100 percent Federal contributions from the highway trust fund for such additional costs which may be incurred in constructing underpasses or overpasses to accommodate a mass transit system where the Secretary of Transportation makes a decision or a finding that a rapid transit system may be extended at some future date through the project.

In my community today we are building underpasses and overpasses. We are disregarding the possibility that we might in the very near future have to do the same thing with respect to a rapid transit system. It seems to me that this is very wasteful in a situation where the Secretary of Transportation can make a finding that there may be a rapid transit extension. It would seem to me it would be in the public interest and in the interest of long-range economy to at the same time make provision for the mass transit system that may utilize the separation facility. I know how the members of the committee guard the highway trust fund which I, as a member of the Committee on Ways and Means, have helped to support, but I feel we ought to try to make some provision for mass transit utilization of this type of construction when it is undertaken.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I rise in support of the rule, and I take this time to advise the Members of the House that I shall offer at the appropriate time tomorrow an amendment to this legislation which would include in this bill wording similar to that of section 12 of similar legislation as it was reported in the Senate, that relates to a specific legislative provision for the dual hearing procedure for interstate highways which is now being followed by the Department of Transportation but which is not actually in the basic law.

It is a procedure which not only provides for two public hearings, but it also provides, as the Senate report indicates, for the offering of alternatives to the public affected during these hearings. It also requires a report from the State transportation authorities to the Federal Government on the extent to which they have actually carried out or responded to the wishes of the people as developed in these hearings.

In my State of New York, for example, we have a controversy at the present time in the capital district area of Albany over the terminus of Interstate Highway 88. A public hearing was held and the people in that area were almost overwhelmingly opposed to the proposal to terminate this highway at a particular location. Yet, the State Transportation Department indicated its intention to ignore the public and recommend the termination contrary to the wishes of the people of the area, although they delayed announcement until after the election so, hopefully, it would not have an impact on the election itself.

My amendment would incorporate this into the bill.

I want to advise the House that I intend to introduce in the RECORD tomorrow a memorandum circulated by the Federal Department of Transportation and sent to the State transportation departments which in effect advises transportation officials at the regional level how to hold public hearings and yet succeed in ignoring the wishes of the public. It is time that we recognize what is going on in these public hearing procedures, and by incorporating this wording in the basic legislation, we make it clear that we intend the public view shall be recognized and not ignored by the Department of Transportation.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. FRASER. 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 287, nays 60, not voting 87, as follows:

[Roll No. 368]

YEAS—287

Abernethy	Conable	Harvey
Adair	Conte	Hastings
Addabbo	Corbett	Hathaway
Albert	Corman	Helstoski
Alexander	Cramer	Henderson
Anderson, Calif.	Crane	Hicks
	Daniel, Va.	Hogan
Anderson, Ill.	Daniels, N.J.	Holifield
Anderson, Tenn.	Davis, Ga.	Horton
	Davis, Wis.	Hosmer
Andrews, Ala.	de la Garza	Howard
Andrews, N. Dak.	Delaney	Hull
	Dellenback	Hutchinson
Annunzio	Dent	Ichord
Ashbrook	Derwinski	Jarman
Ayres	Devine	Johnson, Calif.
Barrett	Donohue	Johnson, Pa.
Beall, Md.	Dorn	Jones, Ala.
Belcher	Downing	Karth
Bell, Calif.	Duiski	Kazen
Bennett	Duncan	Kee
Betts	Edmondson	Keith
Bevill	Edwards, Ala.	Kleppe
Biaggi	Eilberg	Kluczynski
Blackburn	Erlenborn	Kuykendall
Blatnik	Esch	Kyl
Boggs	Eshleman	Kyros
Boland	Fascell	Landgrebe
Bray	Feighan	Latta
Brinkley	Findley	Leggett
Brock	Fish	Lennon
Brooks	Fisher	Lloyd
Broomfield	Flood	Long, La.
Brotzman	Flowers	McClory
Brown, Mich.	Ford, Gerald R.	McCloskey
Brown, Ohio	Foreman	McClure
Broyhill, N.C.	Forsythe	McDade
Broyhill, Va.	Fountain	McDonald, Mich.
Burke, Fla.	Frelinghuysen	
Burke, Mass.	Frey	McEwen
Burleson, Tex.	Friedel	McFall
Burlison, Mo.	Fulton, Pa.	McKneally
Burton, Utah	Fuqua	McMillan
Bush	Galifianakis	Macdonald, Mass.
Byrne, Pa.	Gallagher	
Byrnes, Wis.	Gaydos	MacGregor
Cabell	Giaimo	Madden
Caffery	Gibbons	Mahon
Carney	Gonzalez	Mailliard
Carter	Goodling	Mann
Casey	Gray	Marsh
Cederberg	Griffin	Martin
Chamberlain	Grover	Mathias
Chappell	Gubser	Matsunaga
Clausen, Don H.	Hagan	Mayne
	Haley	Melcher
Clawson, Del	Halpern	Meskill
Cleveland	Hammer-schmidt	Miller, Ohio
Cohelan		Mills
Collier	Hanley	Minish
Collins, Ill.	Hansen, Idaho	Minshall
Collins, Tex.	Hansen, Wash.	Mize
Colmer	Harsha	Mollohan

Monagan	Rodino	Stubblefield
Montgomery	Roe	Stuckey
Morgan	Rogers, Colo.	Sullivan
Murphy, N.Y.	Rogers, Fla.	Taft
Myers	Rooney, N.Y.	Talcott
Natcher	Rooney, Pa.	Taylor
Nelsen	Roth	Thomson, Wis.
Nichols	Rousselot	Udall
O'Neill, Mass.	Ruppe	Ullman
Passman	Ruth	Vigorito
Patman	St Germain	Waggonner
Patten	Sandman	Wampler
Pelly	Satterfield	Ware
Pepper	Saylor	Watson
Perkins	Schadeberg	Watts
Philbin	Schmitz	Whalley
Pickle	Schneebeli	White
Pike	Scott	Whitehurst
Pirnie	Sebelius	Whitten
Podell	Shipley	Widnall
Poff	Shriver	Wiggins
Pollock	Sikes	Wilson, Bob
Preyer, N.C.	Sisk	Wilson,
Price, Ill.	Slack	Charles H.
Pryor, Ark.	Smith, Calif.	Winn
Pucinski	Smith, N.Y.	Wold
Quie	Snyder	Wright
Quillen	Springer	Wylie
Railsback	Stafford	Wyman
Randall	Staggers	Yatron
Rarick	Stanton	Young
Reid, Ill.	Steed	Zablocki
Reifel	Steele	Zion
Rhodes	Steiger, Ariz.	Zwach
Roberts	Stephens	
Robison	Stratton	

NAYS—60

Adams	Gude	O'Hara
Ashley	Hamilton	Ottinger
Biester	Harrington	Rees
Bingham	Hechler, W. Va.	Reid, N.Y.
Brademas	Heckler, Mass.	Reuss
Brasco	Jacobs	Riegle
Brown, Calif.	Jonas	Rosenthal
Burton, Calif.	Kastenmeier	Ryan
Conyers	Koch	Scheuer
Coughlin	Long, Md.	Schwengel
Culver	Lowenstein	Steiger, Wis.
Daddario	McCarthy	Symington
Eckhardt	Meeds	Tunney
Evans, Colo.	Mikva	Van Deerlin
Farbstein	Mink	Vanik
Foley	Moorhead	Waldie
Ford,	Morse	Whalen
William D.	Mosher	Wolff
Fraser	Moss	Yates
Green, Pa.	Nedzi	
Gross	Obey	

NOT VOTING—87

Abbitt	Fallon	Murphy, Ill.
Arends	Flynt	Nix
Aspinall	Fulton, Tenn.	O'Konski
Baring	Garmatz	Olsen
Berry	Gettys	O'Neal, Ga.
Blanton	Gilbert	Pettis
Bolling	Goldwater	Poage
Bow	Green, Oreg.	Powell
Buchanan	Griffiths	Price, Tex.
Button	Hall	Purcell
Camp	Hanna	Rivers
Carey	Hawkins	Rostenkowski
Celler	Hays	Roudebush
Chisholm	Hébert	Roybal
Clancy	Hungate	Scherle
Clark	Hunt	Skubitz
Clay	Jones, N.C.	Smith, Iowa
Cowger	Jones, Tenn.	Stokes
Cunningham	King	Teague, Calif.
Denney	Landrum	Teague, Tex.
Dennis	Langen	Thompson, Ga.
Dickinson	Lujan	Thompson, N.J.
Diggs	Lukens	Tiernan
Dingell	McCulloch	Vander Jagt
Dowdy	May	Weicker
Dwyer	Michel	Williams
Edwards, Calif.	Miller, Calif.	Wyatt
Edwards, La.	Mizell	Wydler
Evins, Tenn.	Morton	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Dickinson.

Mr. Hébert with Mr. Arends.

Mr. Teague of Texas with Mr. Bow.

Mr. Thompson of New Jersey with Mr. Hunt.

Mr. Celler with Mr. King.

Mrs. Chisholm with Mr. Roybal.

Mr. Miller of California with Mr. Goldwater.

Mr. Jones of North Carolina with Mr. Dennis.

Mr. Carey with Mr. Button.

Mr. Clark with Mr. Clay.

Mr. Dingell with Mr. Vander Jagt.

Mr. Edwards of California with Mr. Diggs.

Mr. Evins of Tennessee with Mr. Williams.

Mr. Fulton of Tennessee with Mr. Cowger.

Mr. Garmatz with Mr. Pettis.

Mr. Rivers with Mr. Hall.

Mr. Gettys with Mr. Camp.

Mr. Gilbert with Mr. Nix.

Mr. Aspinall with Mr. Wyatt.

Mr. Abbitt with Mr. Berry.

Mr. Jones of Tennessee with Mr. Cunningham.

Mr. Landrum with Mr. Buchanan.

Mr. Murphy of Illinois with Mrs. May.

Mr. Dowdy with Mr. Langen.

Mr. Edwards of Louisiana with Mr. Denney.

Mr. Fallon with Mr. Morton.

Mr. Purcell with Mr. Price of Texas.

Mr. Rostenkowski with Mr. Michel.

Mr. Hanna with Mr. Stokes.

Mrs. Griffiths with Mrs. Dwyer.

Mrs. Green of Oregon with Mr. Lujan.

Mr. Flynt with Mr. Mizell.

Mr. O'Neal of Georgia with Mr. O'Konski.

Mr. Blanton with Mr. Clancy.

Mr. Baring with Mr. Lukens.

Mr. Hungate with Mr. McCulloch.

Mr. Tiernan with Mr. Hawkins.

Mr. Smith of Iowa with Mr. Scherle.

Mr. Blanton with Mr. Skubitz.

Mr. Olsen with Mr. Roudebush.

Mr. Teague of California with Mr. Thompson of Georgia.

Mr. Wydler with Mr. Weicker.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSIDERATION OF HOUSE RESOLUTION 1147, RELATING TO CERTAIN ALLOWANCES OF MEMBERS, OFFICERS, AND STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 1272, Rept. No. 1627), which was referred to the House Calendar and ordered to be printed:

H. RES. 1272

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the resolution shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on House Administration as an original resolution for the purpose of amendment under the five-minute rule, and all points of order against sections 2(a) and 3(a) of said substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the resolution or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PROVIDING FOR THE CONSIDERATION OF H.R. 19436, ESTABLISHMENT OF A NATIONAL URBAN GROWTH POLICY

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 1271, Rept. No. 1626), which was referred to the House Calendar and ordered to be printed:

H. RES. 1271

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII and clause 4, Rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CONFERENCE REPORT ON H.R. 17970, MILITARY CONSTRUCTION APPROPRIATIONS 1971

Mr. SIKES submitted the following conference report and statement on the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1625)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, 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 amendment numbered 6.

That the House recede from its disagree-

ment to the amendments of the Senate numbered 4 and 7, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$646,958,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$302,483,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$284,147,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$806,464,000"; and the Senate agree to the same.

ROBERT L. F. SIKES,
JOHN J. MCFALL,
EDWARD J. PATTEN,
CLARENCE D. LONG,
GEORGE MAHON,
E. A. CEDERBERG,
CHARLES R. JONAS,
BURT L. TALCOTT,
FRANK BOW,
Managers on the Part of the House.

MIKE MANSFIELD,
ALAN BIBLE,
WILLIAM PROXMIRE,
RALPH W. YARBOROUGH,
RICHARD B. RUSSELL,
J. CALEB BOGGS,
JAMES B. PEARSON,
HIRAM L. FONG,
MILTON R. YOUNG,
STUART SYMINGTON,
BARRY GOLDWATER,
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. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1, Military Construction, Army: Appropriates $646,958,000 instead of $637,909,000 as proposed by the House and $653,996,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Fort Belvoir, Va.: Anti-intrusion systems laboratories	+$2,759,000
Fort Dix, N.J.: Laundry	+3,379,000
Fort Bliss, Tex.: Moving target simulator buildings	+809,000
Vint Hill Farms Station, Va.: Incinerator	+475,000
Kansas City Field Office, Topographic Command, Mo.: Physical security facility alteration	+558,000
U.S. Army Security Agency: Location 03	+59,000
Fort Lewis, Wash.: Sewage treatment facility improvement (addition)	+2,190,000
Fort Lee, Va.: Sewage treatment plant (deficiency)	+$848,000
Edgewood Arsenal, Md.: Addition to ADP facility	−990,000
Germany:	
Franconia District—Mess hall	−296,000
Seventh Army Training Center—Hangar and airfield facilities	−742,000

The conferees have approved the use of not to exceed $10.7 million of available funds to meet the additional costs being encountered in connection with the cadet activities center at the U.S. Military Academy, West Point, New York. The conferees reconfirm the restraint imposed on the Army by the Senate, not to cancel any approved troop housing or community support projects in order to generate the funds for this project. A report on the source of the funding for this project will be made to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives upon convening of the 92nd Congress.

The conferees are very concerned at the high costs and habitual overruns on construction projects at West Point and request the Army to review the remainder of the expansion program with a view to reducing the construction at West Point by stretching out the completion of the less essential items in the expansion program. In addition, the conferees will expect the new review board to exercise a strong and positive influence over construction planning, standards, and execution, with special emphasis on cost control aspects.

The House approved a total of $357,000,000 for Safeguard construction, exclusive of $8,800,000 specifically provided for family housing. Within this sum, it approved $27,400,000 for planning and engineering design based on the need to do complete design of the Whiteman site as well as advance planning for five additional sites, including one near Warren Air Force Base. Subsequently, the Senate recommended deferring such advance planning, except for the Warren site, and reducing the planning funds by $12,000,000. However, in recognition of the severe impact of Safeguard operations on surrounding communities and their abilities to provide public facilities and services, the Senate recommended that the $12,000,000 no longer required for advance planning be appropriated for use by the Department of Defense to assist such communities through existing Federal aid programs to meet the additional costs of providing increased public facilities and services required as a direct result of construction, installation, testing, and operation of Safeguard sites.

The primary purpose of the Senate recommendation was to provide some relief to such communities from an unfair and excessive financial burden which would be incurred as a result of the siting of SAFEGUARD installations in their areas.

After a careful study of this matter, the House conferees have agreed to the Senate proposal with the following important considerations. In view of the transitional nature of a large portion of the additional population to be supported by the adjacent communities, the conferees feel that, to the extent they may be practicable, the use of temporary or relocatable facilities to meet temporary peaks should be encouraged within the communities.

In recognition of the uncertainty at this time as to the scope and costs of the facilities to be assisted through this program, and to provide some needed flexibility, the conferees expect that in no event shall expenditures for such assistance exceed a ceiling of $14,000,000 unless prior approval of the Committees on Appropriations of the Senate and House of Representatives has been obtained.

Amendment No. 2, Military Construction, Navy: Appropriates $302,483,000 instead of $285,672,000 as proposed by the House and $309,551,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Naval Shipyard, Portsmouth, N.H.: Improvements to Dry Dock 2	+$4,000,000
Naval Air Propulsion Test Center, Trenton, N.J.: Propulsion test facility—air supply	+356,000
Naval Air Rework Facilitiy, Norfolk, Va.: Avionics facility improvement	+1,061,000
Naval Air Station, Meridian, Miss.:	
Technical training building	+1,973,000
Utilities and ground improvements (1st increment)	+809,000
Naval Air Station, Corpus Christi, Tex.:	
Structural fire and crash station	+322,000
Control tower cab	+75,000
Training building	+1,200,000
AMD calibration/qualification building	+60,000
General warehouse	+295,000
Enlisted women's quarters	+680,000
Commissary renovation and storage area	+500,000
CPO club	+268,000
Naval Undersea Research and Development Center, San Diego, Calif.: Undersea technology facility	+6,736,000
Marine Corps Air Station, Cherry Point, N.C.: Mess hall for Auxiliary Landing Field, Bogue	+248,000
Naval Station, San Juan, P.R.: Sewage collection system	+134,000
Navy Public Works Center, Subic Bay, Republic of the Philippines: Water supply and distribution improvements	+859,000
Naval Air Station, Whiting Field, Fla.: Control towers	+420,000
Naval Ammunition Depot, Hawthorne, Nev.: Bachelor enlisted quarters	+495,000
Navy Public Works Center, Pearl Harbor, Hawaii: Sewage system improvements (deficiency)	+759,000
Marine Corps Base, Camp Lejeune, N.C.: Post office for Hadnot Point Area	+536,000
Navy Aviation Supply Office, Philadelphia, Pa.: Computer center alterations	−790,000
Naval Ordnance Station, Indian Head, Md.: Potable water system improvement	−533,000
Naval Station, Charleston, S.C.: Commissary store (reduction)	−215,000
Naval Hospital Corps School, Great Lakes, Ill.: Hospital corps school	−2,922,000
Naval Weapons Center, China Lake, Calif.: Flood control	−220,000
Naval Construction Battalion Center, Port Hueneme, Calif.: Berthing wharves (reduction)	−225,000

The conferees are in agreement that a new hospital is required as authorized in the amount of $24,100,000 at Camp Pendleton, California, and are in agreement with the language contained in the Senate report, which states as follows: "The Committee now recommends proceeding with the proj-

ect but is not providing funds in the belief that by careful management of the total Navy program, funding can be generated from savings and from deletion of projects which may no longer be justified as a result of base closure or force reduction actions."

Amendment No. 3, Military Construction, Air Force: Appropriates $284,147,000 instead of $268,831,000 as proposed by the House and $292,409,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Kelly Air Force Base, Tex.: Aircraft engine overhaul facility	+$15,741,000
Bergstrom Air Force Base, Tex.: Aircraft engine test facility	+75,000
George Air Force Base, Calif.: Aircraft engine test facility	+134,000
Lowry Air Force Base, Colo.: Technical training research facility	+559,000
Mountain Home Air Force Base, Idaho: Aircraft engine test facility	+71,000
Nellis Air Force Base, Nev.: Aircraft engine test facility	+129,000
Post office	+239,000
Electrical distribution system	+282,000
Seymour Johnson Air Force Base, N.C.: Aircraft engine test facility	+75,000
Grand Forks Air Force Base, N. Dak.: Refueling vehicle parking area	+98,000
Beale Air Force Base, Calif.: Aircraft maintenance dock	+590,000
Homestead Air Force Base, Fla.: Aircraft runup facility	+179,000
Hahn Air Base, Germany, Aircraft weapons arming/disarming pad	+70,000
Izmir Air Station, Turkey: Dependent school	+990,000
Malmstrom Air Force Base, Mont.: Airbase group headquarters	+1,202,000
Buckley Field, Colo.: Aerospace data facility	+8,000,000
Peterson Field, Colo.: Chapel center	−837,000
Logan Field, Mont.: Fire protection sprinkler system	−32,000
Tinker Air Force Base, Okla.: Addition to aircraft engine shop	−656,000
Arnold Engineering Development Center, Tenn.: Addition to heating plant (reduction)	−314,000
L. G. Hanscom Field, Mass.: Optical physics laboratory	−1,228,000
Craig Air Force Base, Ala.: Taxiway	−674,000
Lackland Air Force Base, Tex.: Officers training support facility	−287,000
Westover Air Force Base, Mass.: Add to and alter special project facility	−416,000
Industrial waste treatment facilities (reduction)	−400,000
Randolph Air Force Base, Tex.: Addition to electrical distribution system (reduction)	−185,000
Norton Air Force Base, Calif.: Gymnasium	−696,000
Davis-Monthan Air Force Base, Ariz.: Aircraft processing apron	−$2,900,000
Luke Air Force Base, Ariz.: Addition to warehouse	−528,000
Andrews Air Force Base, Md.: Dental laboratory	−324,000
Bolling Air Force Base, D.C.: Dependent elementary School	−2,300,000
Lockport Air Force Station, N.Y.: Alteration of heating plant	−91,000
Wake Island Air Force Station, Wake Island: Aircraft operational apron	−1,250,000
Minuteman operational facility	−1,000,000

Language in the House report specified that a reduction of $2,000,000 be applied to "facilities at major C–5A terminals in the continental United States." The conferees have agreed instead to a reduction of $1,000,000 which may be applied to facilities at such terminals worldwide.

Amendment No. 4, Military Construction, Defense Agencies: Appropriates $46,300,000 as proposed by the Senate instead of $45,025,000 as proposed by the House. The conferees have agreed to the following additions to the amounts and line items as proposed by the House:

Defense Atomic Support Agency: Sandia Base, N. Mex.: Warehousing and sales addition to main commissary	+$575,000
National Security Agency: Fort George G. Meade, Md.: Land acquisition	+700,000

Amendment No. 5, Family Housing, Defense: Appropriates $806,464,000 instead of $808,138,000 as proposed by the House and $804,153,000 as proposed by the Senate.

With regard to new housing construction for the Army, the conferees agree to adjust the House proposal by subtracting 20 housing units at New Cumberland Army Depot, Pennsylvania, and adding 20 housing units at Fort Carson, Colorado. This conforms to the manner in which housing units were provided in the authorizing legislation and is the same as the Senate proposal.

Amendment No. 6, Family Housing, Defense: Authorizes not to exceed $95,174,000 for the construction of Navy and Marine Corps family housing as proposed by the House instead of $92,863,000 as proposed by the Senate.

The conferees are in agreement that these additional funds should be used for reconstruction of family housing units at Corpus Christi, Texas, which were damaged by Hurricane Celia and for improvements to adequate quarters or for application to prior-year unused authorizations for new family housing units.

Amendment No. 7, Family Housing, Defense: Authorizes not to exceed $75,926,000 for the construction of family housing for the Air Force as proposed by the Senate instead of $77,600,000 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, FY 1970	$1,562,607,589
Budget estimates of new (obligational) authority, FY 1971	2,134,800,000
House bill, FY 1971	1,997,037,000
Senate bill, FY 1971	2,057,871,000
Conference agreement	2,037,814,000
Conferenece agreement compared with:	
New budget (obligational) authority, FY 1970	+$475,206,411
Budget estimates of new (obligational) authority, FY 1971	−96,986,000
House bill, FY 1971	+40,777,000
Senate bill, FY 1971	−20,057,000

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BURT L. TALCOTT,
FRANK T. BOW,
Managers on the Part of the House.

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object and I hope I will not have to object—will the gentleman assure the House that he will take some time to explain the conference report?

Mr. SIKES. Yes; of course. I will be very glad to explain the conference report and to submit to any questions that are pertinent.

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

The Clerk read that statement.

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

Mr. SIKES. Mr. Speaker, I would like to call the attention of the House to the fact that this conference report calls for military construction for the current fiscal year in the amount of $2,037,814,000. I submit that this is $96,986,000 below the budget. It is $40,777,000 above the House bill. However, it is $20,057,000 under the Senate bill.

Now, Mr. Speaker, a number of items were added or deleted in conference primarily because the authorizations legislation had not been completed at the time that the military construction appropriation bills reached the floor of the House. In an effort to expedite the work of the House, we brought the appropriations to the floor under a rule waiving points of order. Our bill was based on the authorization bill as passed by the House. When the authorization bill was completed, a number of items were restored and a number of other items failed

authorization. Many of the projects which were restored in the conference on the authorizing legislation were needed improvements to the facilities at military bases and these facilities have likewise been restored in the conference action which we are considering today.

Mr. Speaker, I submit that the bill is $96,986,000 under the budget. That means that a substantial number of projects were not approved even though some of them possibly had merit.

I would like to submit, Mr. Speaker, that the military construction appropriation bill is always one of the smallest of the appropriation bills. It does not meet the needs of improvements, additions, or replacement of facilities at military installations. We do the best we can to give them the essentials that are required for training and operations, and other items such as hospitals, and housing and personnel support projects which we feel cannot be postponed.

Mr. Speaker, I repeat the bill is a rather small one. It does provide, however, for the most urgently needed items which are required to support the long-range program of the permanent military establishment, for the training and operations of the military forces.

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

Mr. SIKES. I shall be happy to yield to the distinguished gentleman from Iowa for a question.

Mr. GROSS. I thank the gentleman for yielding.

Would the gentleman give us something of a breakdown of at least the major amounts in the $40,777,000 increase over the House figure—give us some information as to what this money is to be used for?

Mr. SIKES. Let me give the gentleman some indication as to some of the items that were added in the conference which were not authorized at the time we brought the bill to the House floor or which were deleted by the House in the appropriation bill and reconsidered and agreed to by the House.

The Department of the Army received $646,958,000, an increase of $9,049,000 above the House bill and $7,038,000 below the Senate.

One of the major items of the Department of the Army which is restored is an anti-intrusion system laboratory at Fort Belvoir, Va., in the amount of $2,759,000. This is something which is very important for the protection of military personnel in a wartime situation as well as to protect civilians and military personnel from hijacking and assassination in normal times.

There is a new laundry at Fort Dix, N.J., in the amount of $3,379,000. It will eventually accommodate the laundry for three bases in the area and it will save a very considerable amount of money.

There are sewage treatment facilities at Fort Lewis, Wash., in the amount of $2,190,000 and at Fort Lee, Va., which is an addition to a project already approved in the bill in the amount of $848,000.

The Department of the Navy received $302,483,000, an increase of $16,811,000 above the House bill and $7,068,000 below the Senate.

Major items added by the conference action include $4,000,000 for improvements to drydock 2 at the Naval Shipyard, Portsmouth, N.H.; $1,061,000 for an avionics facility improvement at Naval Air Rework Facility, Norfolk, Va.; and $2,782,000 for the Naval Air Station, Meridian, Miss., for a technical training building and the first increment for utilities and ground improvements.

There is also in the Department of the Navy, at Corpus Christi, Tex., $3,400,000 to replace facilities which were destroyed by hurricane Celia. An undersea technology facility at San Diego, Calif., is approved in the sum of $6,736,000. The House had eliminated this item. However, the Department of the Navy made a very strong case for its reinstatement because of the importance of the undersea technological studies which are now in progress.

The Department of the Air Force received $284,147,000, an increase of $15,316,000 above the House bill and $8,262,000 below the Senate.

At Kelly Air Force Base, Tex., the conferees approved an aircraft engine overhaul facility, in the amount of $15,741,000, one of the largest items in this bill. This is a project that the House initially refused but reconsidered because of additional information which was submitted.

The present aircraft engine overhaul facilities at Kelly Air Force Base are widely scattered and are largely World War I facilities. They are making do with buildings that are antiquated and inadequate for modern, efficient, techniques for the overhaul of aircraft engines. It is anticipated that very considerable savings will result from replacement of these facilities.

Let me call the attention of the gentleman to the fact that we do not propose to add additional engine overhaul capacities; we propose only to replace antiquated facilities where efficient overhauls cannot be done.

Mr. GROSS. Mr. Speaker, will the gentleman yield on that for a question?

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

Mr. GROSS. Mr. Speaker, I would ask the gentleman whether it was necessary to renovate the overhaul plant at Kelly Air Force Base? Were there not other engine overhaul plants in this country that could be used?

Mr. SIKES. We examined this situation very carefully, and we find that there are no facilities to overhaul engines such as the TF–39 engine for the C–5A aircraft that would not require repair, replacement, or rebuilding. We have and will continue to insist that all of the facilities in the Department of Defense be used to the fullest extent possible for any depot repair requirements of any service. But this item is a valid replacement, and we feel satisfied that the savings are such that it will be speedily amortized.

And I should mention two other items which were added for the Air Force by the conference action: $1,202,000 for an airbase group headquarters at Malmstrom Air Force Base, Mont., and $8,000,000 for an aerospace data facility at Buckley Field, Colo.

Mr. GROSS. I thank the gentleman.

Mr. SIKES. There are numerous other items of course. I have merely touched on the major ones.

Mr. Speaker, I include a table setting forth the new budget (obligational) authority for military construction for the Department of Defense for fiscal year 1971 for the information of the Members:

MILITARY CONSTRUCTION APPROPRIATION BILL, 1971

[In thousands of dollars]

						Conference action compared with—			
	Appropriations, 1970	Budget estimate, 1971	Passed House	Pased Senate	Conference action	Appropriations, 1970	Budget estimate, 1971	House	Senate
Military construction, Army	288,267,741	686,100,000	637,909,000	653,996,000	646,958,000	+358,690,259	−39,142,000	+9,049,000	−7,038,000
Military construction, Navy	300,028,000	339,100,000	285,672,000	309,551,000	302,483,000	+2,455,000	−36,617,000	+16,811,000	−7,068,000
Military construction, Air Force	284,570,636	303,500,000	268,831,000	292,409,000	284,147,000	−423,636	−19,353,000	+15,316,000	−8,262,000
Military construction, defense agencies	33,915,000	45,600,000	45,025,000	46,300,000	46,300,000	+12,385,000	+700,000	+1,275,000	
Transfer, not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)				
Military construction, Army National Guard	15,000,737	15,000,000	15,000,000	15,000,000	15,000,000	−737			
Military construction, Air National Guard	13,200,000	8,000,000	8,000,000	8,000,000	8,000,000	−5,200,000			
Military construction, Army Reserve	10,002,475	10,000,000	10,000,000	10,000,000	10,000,000	−2,475			
Military construction, Naval Reserve	9,600,000	5,000,000	5,000,000	5,000,000	5,000,000	−4,600,000			
Military construction, Air Force Reserve	5,300,000	4,000,000	4,000,000	4,000,000	4,000,000	−1,300,000			
Total, military construction	959,884,589	1,416,300,000	1,279,437,000	1,344,256,000	1,321,888,000	+362,003,411	−94,412,000	+42,451,000	−22,368,000
Family housing, defense	688,476,000	809,038,000	808,138,000	804,153,000	806,464,000	+117,988,000	−2,574,000	−1,674,000	+2,311,000
Portion applied to debt reduction	−85,784,000	−90,538,000	−90,538,000	−90,538,000	−90,538,000	−4,754,000			
Subtotal, family housing	602,692,000	718,500,000	717,600,000	713,615,000	715,926,000	+113,234,000	−2,574,000	−1,674,000	+2,311,000
Homeowner assistance fund, defense	31,000					−31,000			
Grand total	1,562,607,589	2,134,800,000	1,997,037,000	2,057,871,000	2,037,814,000	+475,206,411	−96,986,000	+40,777,000	−20,057,000

Mr. SIKES. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, the gentleman from Florida has adequately and concisely explained the contents of this conference report. I have no further requests for time.

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

Mr. SIKES. Mr. Speaker, I yield to the gentleman from Maryland, a member of the committee, who has been very helpful in all stages of consideration of this bill.

Mr. LONG of Maryland. Mr. Speaker, I would like to have the gentleman tell us what the Army is doing in response to the recommendation of the Committee on Appropriations that the Army further review its plans to move the functions from Fort Holabird, Md.

Mr. SIKES. I would sincerely hope that the language contained in House Report 91–1163 will be strictly followed by the Army. I quote the pertinent language:

> Members of the Committee inspected both Fort Holabird, Maryland, and Fort Huachuca, Arizona, with regard to the proposed relocation of intelligence functions from the former to the latter. Information developed as a result of the Committee's review indicates that the Army, while anxious to vacate Fort Holabird, Maryland, because of the physical limitations of the base, did not consider fully the possible use of training areas at Fort George G. Meade as an adjunct to the classroom instruction at Fort Holabird. Furthermore, although the implications of the move to the Department of Defense's five-year military construction program were taken into account, longer term construction requirements and realistic family housing programming were not. Committee has approved the fiscal 1971 budget request for family housing and other facilities at Fort Huachuca as being necessary to support the permanent mission at this base. However, the Committee is not convinced that the total facilities implications of this move have been satisfactorily taken into account, and it will expect to be informed of the total costs for major construction, minor construction, and family housing of this move in connection with any requests for construction to accommodate the activities which are proposed for relocation. The Committee feels that, in view of these considerations, the Army should further review its plans to move intelligence functions from Fort Holabird to Fort Huachuca.

I am informed that the Army has undertaken a complete reevaluation of this question, but that they have not yet reached a final decision on the question of relocating activities from Fort Holabird.

I expect that in view of the committee's findings, the Army and the Department of Defense will revise their proposals with relation to the use of Fort Holabird and the relocation of activities from Fort Holabird.

I would hope that at the very least the Army and the Department of Defense would give careful thought to retaining a maximum number of these functions, consonant with effective operations, at Fort Holabird or in the general Washington/Baltimore area so as to provide minimum disruption to the personnel employed by these activities and to the communities involved.

Mr. LONG of Maryland. I thank the gentleman.

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

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

Mr. LEGGETT. Mr. Speaker, first I want to commend the gentleman from Florida for an outstanding bill. What bothers me is perhaps what might be compounding the appropriation and executive functions. It is my information that there is a current freeze on new construction of all of the things that we approved in the 1970 military construction appropriation bill. And I note that the ticker tape just a few minutes ago said that the Bureau of Reclamation has now imposed a freeze on all construction for 1970 and 1971. So I wonder if the gentleman can advise me whether we are just going through an idle action here, or do we really intend to build the various items that are presently appropriated for here?

Mr. SIKES. The gentleman has expressed a very valid concern, one which I would share with the gentleman. However, I would advise my distinguished friend that the freeze which was in effect on military construction was lifted as of July 1970. The later freeze to which the gentleman refers is on public works construction; not on military construction.

We are told the Department of Defense and the administration recognize the essentiality of the military construction which is proposed in this bill and we do not anticipate any freeze.

Mr. LEGGETT. I thank the gentleman.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the matters discussed in connection with the conference report on the military construction bill and to include certain statistical facts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2108, FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

Mr. PICKLE. Mr. Speaker, on behalf of the gentleman from West Virginia (Mr. STAGGERS), I ask unanimous consent to take from the Speaker's table the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, CARTER, and HASTINGS.

APPOINTMENT OF CONFEREES ON H.R. 8298, WATER CARRIER MIXING RULE

Mr. PICKLE. Mr. Speaker, on behalf of the gentleman from West Virginia (Mr. STAGGERS), I ask unanimous consent to take from the Speaker's table the bill (H.R. 8298) to amend section 303 (b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, SPRINGER, and DEVINE.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock a.m. tomorrow.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, could the gentleman tell us what the order of business will be tomorrow?

Mr. ALBERT. Mr. Speaker, the order as to important matters is the completion of the highway bill. There are 3 hours of debate provided under the rule.

There may be a few miscellaneous matters like sending bills to conference, but there will be no other legislative business.

Mr. GROSS. No other legislation will be added to that program?

Mr. ALBERT. The gentleman is right.

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

The SPEAKER. The Chair will state that there will be no other legislation, but matters may be taken up by unanimous consent.

Mr. ALBERT. That is correct, Mr. Speaker, only minor matters may come up.

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

There was no objection.

TRIBUTES OF MEMBERS OF THE HOUSE TO THE HONORABLE LAURENCE J. BURTON OF UTAH

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

Mr. LLOYD. Mr. Speaker, I take this occasion to submit for the RECORD a statement regarding the congressional service to date of our colleague, LAURENCE

J. BURTON. As you all know, he recently unsuccessfully contested the reelection of FRANK E. Moss as U.S. Senator from Utah. His many thousands of friends and loyal supporters are convinced it is a very temporary setback which will very soon pass.

LAURENCE is completing four terms of distinguished service to Utah's First Congressional District and to the United States in the U.S. House of Representatives. About a year ago, in the fall of 1969, the elected officials of the Utah Republican Party approached LAURENCE and urged him to run for the U.S. Senate. Their approach was made on the basis of their conviction that his capability and proven popularity with Utah voters imposed upon him an obligation to carry the Republican banner, and he considered these entreaties over many weeks and months in which he was torn between what many Republicans felt to be his obligation and what he and his friends acknowledged to be an equally imposing responsibility, that of adding to his seniority and effectiveness as the representative of the First Congressional District from Utah in the House of Representatives.

His first election victory in 1962 was a narrow one, and he defeated a widely-known Democratic incumbent by an understandably small margin. In 1964, however, in the year when virtually all Republican candidates for State office suffered overwhelming defeat, LAURENCE was able to increase his margin of victory to 56.1 percent over a strong opponent. In 1966 his margin was further increased to 65.2 percent and in 1968 still further increased to a remarkable 68.3 percent, each time over well-known and formidable opposition.

As he was proving his effectiveness and popularity with Utah voters, he was also increasing his effectiveness in the House of Representatives. He served with distinction on the Committee of Interior and Insular Affairs, which is so important to the State of Utah where 67 percent of the public lands are under Federal control and where some of the Nation's greatest parks and scenic and recreational areas are located. The lifeblood of Utah is water and our last waterholes was the Colorado River. In the 90th Congress the Lower Colorado Basin Act was a milestone in Utah's history. The contributions of Congressman LAURENCE J. BURTON to that legislation were reported by Gordon Eliot White, correspondent of the Deseret News published in Salt Lake City. On May 21, 1968, Mr. White reported:

To students of Congress, last week's House passage of the Lower Colorado Basin reclamation project was a classic performance, worthy of becoming a textbook example of how to pass a bill despite opposition and controversy.

Aside from the merits or demerits of the bill, last Thursday's accomplishment was not without drama—the penultimate contest in a 20-year fight by Arizona to use its share of the waters of the Colorado, apportioned 46 years ago in the Colorado Compact.

Immediately after World War II, Arizona brought its request for a federal reclamation project to Congress. Though the Senate twice passed Arizona project bills, the House Interior Committee, under California control, proved an impregnable obstacle. California would not give up water it was using that would go to Arizona once that state had built its irrigation project.

At first California was successful. There began, however, to be an undercurrent of unrest. The Interior Committee in the House was now controlled by Rep. Wayne N. Aspinall, D–Colo., a man from an Upper Colorado Basin state, with sympathies for Arizona. In the Senate, mild Sen. Carl Hayden, D–Ariz., held the powerful post of chairman of the Appropriations Committee. A possibility existed that California could be directly defeated, and lose all the water it was using in excess of the 1922 compact amount.

An intriguing idea came along—perhaps water could be imported from the water-rich Columbia Basin to more than fill the needs of the Southwest, particularly California.

In the Metropolitan Water District of Los Angeles, fear of losing two million acre feet of water each year began to dictate a compromise. Crafty California water lawyer Mike Ely saw that figures indicated that if California could hold 4.1 million acre feet of Colorado River water—600,000 feet over its quota—it could get along, especially with new water sourecs then being tapped in northern California.

That basic compromise was reached three years ago, but it was too fragile to pass California. California still feared losing its "extra" water on the House floor, and blocked an Interior Committee passed bill in the House Rules Committee.

A rewritten bill reached the House floor last Wednesday. Gone were proposed power dams in the Colorado Canyon. Gone were "sweetening projects" outside the basin.

Backers of the bill, such as Rep. Laurence J. Burton, R–Utah, . . . had worked 14 hours a day for a month or more to contact almost all of the 435 House members to lobby them on the bill, determine their leanings, and enlist their support. It was homework well done, in a complex system that involved 50 of the 51 basin state legislators plus hundreds of local volunteers here for the fight.

Again on October 15, 1968, Mr. White wrote:

The 90th Congress was a productive one for the West, probably as productive as possible, particularly with a $24 billion war, inflation, and mounting social crises in the nation competing for dollars and attention.

The $1.3 billion Lower Colorado Basin Act is, of course, the landmark legislation of the decade as far as the Intermountain West is concerned. One has to go back to the Upper Colorado River Project bill of the 1950's to find a measure to compete with this year's Lower Basin bill, and even the Upper Basin bill did not carry with it the far-reaching implications that were written here this year. * * *

The Upper Basin, notably Colorado and Utah, could see themselves being shut out of their fair share of the river, but luck and foresight had given the Upper Basin the chairmanship of the House Interior Committee in the person of Rep. Wayne N. Aspinall, D-Colo. Utah had a studious follower of the chairman in Rep. Laurence J. Burton, R-Utah, on the House Interior Committee. Together, Aspinall and Burton kept both sides of the aisle in line and protected their states by adding authorizations for their own projects to the Arizona bill.

LAURENCE also found time to serve with varying duration on other committees of pertinent importance to his State, including the Committee on Agriculture and the Select Committee on Small Business. He received the significant honor of appointment to the Public Land Law Review Commission which completed its work during the current year and the impact of which is of such major importance to the State of Utah. He served his party as a member of its strategic policy committee, and, as a regional whip at the same time he served on the executive committee of the Republican Congressional Committee. He was continually called on for increasing responsibility and responded generously and capably in behalf of his constituents and all of the people of Utah.

Finally, near Christmas of 1969, the media reported that LAURENCE had been called to the White House and received the urging of President Nixon to become his party's candidate for the U.S. Senate from Utah, and so under the continued appeals of Utah Republican Party officials and individual State Republican leaders, he consented to become the candidate.

For the past 6 months or so, while discharging his congressional responsibilities, he has campaigned vigorously and enthusiastically. The effort ended in defeat for LAURENCE and for the Republican Party in Utah, but as a reflection of his reaction in defeat, and explanation of the result, I wish to present the statement of a member of the Utah communications industry made on the night of the election. This statement, made on television Channel 5, KSL–TV, by Wes Bowen follows:

Ted, the only comment I have left to make is that I saw Congressman Burton sitting in that chair one hour ago very gallantly taking full responsibility for the decision to enter the Senate campaign and also for the nature and direction of his campaign. With all due respect to Mr. Burton, I don't believe him in either case, but I think it was gallant of him nevertheless to take it all on his own shoulders.

I remember sitting in a motel room with Laurence and Mrs. Burton in Williamsburg, Virginia, just after Mr. Nixon had taken office and asking him if he would seek Senator Moss's seat. He said then that he was happy in the House, that he thought his seat there was secure for the foreseeable future, that he served on Committees which were of critical importance to Utah and had seniority on those Committees, and that he thought he could be as useful to Utah, therefore, in the House as in the Senate. In short, that he did not particularly covet a seat in the Senate. We discussed it on another occasion over lunch in Washington and perhaps three or four other times. I never got the feeling that Laurence's basic convictions changed.

I think they were changed for him. I think there was pressure from the White House of the sort that would be hardest for Mr. Burton to resist. I think that it was suggested by persons arounds the President that loyalty to the party and the leader of the party—the President—should indicate to Laurence where his duty lay if capture of the Senate majority was a possibility and with it better success for the President's program. I think the President left the decision to Laurence but also left no doubt in his mind as to what he hoped, and perhaps expected, it would be. I think Mr. Burton was promised open-ended support of the sort we have seen. And I think Mr. Burton ran, if not against his will, perhaps against his better judgment.

As for his campaign, it is a matter of record that it was handled by a firm in St. Louis. It bore no resemblance to the image of the Laurence Burton we have known in previous acquaintance, on campaign or elsewhere. Some folks thought someone was trying to

put something over on them and they resented it. They rejected the technique, I think, not Mr. Burton. Of course, the facile thing to say is that the final campaign responsibility was Mr. Burton's. Perhaps. But perhaps not. Perhaps it was part of the other thing. Perhaps the party said to Mr. Burton something like: "Look, we'll provide the war chest and hire the experts to program it for you. You just go out on the hustings and hust." Somehow it doesn't fit my knowledge of Mr. Burton for him to go buzzing off to St. Louis to hire some experts at image building.

This is all the sheerest speculation, Ted. I have no knowledge, inside or any other kind. But somehow that's how I believe it all went, or something close to it.

But as I say, it was gallant of Laurence to take full responsibility for it all himself. That was the Laurence Burton we have known from previous elections.

Mr. Speaker, LAURENCE BURTON is a young and newly turned 44. There is every reason to expect that with his capability and health, with the support of a beautiful and understanding wife and family to which he is so deeply devoted, his future will be even brighter than his past, so my statement is by no means an epitaph on his public service. Rather, it is meant to be a recording of one brief setback in the public life of a young man who has experienced political defeat for the first time and who still has before him a full measure of opportunity for continued service which may very possibly be enriched in some ways by this experience and the disappointment which is shared by so many thousands in his native State.

Mr. Speaker, many of LAURENCE's colleagues have expressed a desire to add their statements to this RECORD. I regret that some who would like to be included are not present in Washington.

Mr. GERALD R. FORD. Mr. Speaker, I deeply regret that our colleague, LARRY BURTON of Utah, will not be a Member of the 92d Congress.

It has been my great privilege to have known LARRY BURTON on a close and personal basis during his outstanding service as a Member of the House of Representatives. I hope this warm friendship will continue in the years ahead, and I am certain that will be true.

LARRY BURTON has been an invaluable member of the Committee on Interior and Insular Affairs. He had a unique grasp of the problems and worked to find solutions. He will be greatly missed as a constructive member of that vitally important committee. His work for the development of our natural resources will be long remembered.

I am also deeply indebted to LARRY BURTON for his cooperation and assistance during my tenure as House Republican leader. He was always willing to stand up and be counted when the going was the roughest. He was unselfish, always willing to understand and look at the broad picture. LARRY BURTON would have been an outstanding member of the U.S. Senate.

I am not informed as to the future plans of LARRY BURTON, but I hope and trust that he will continue in public service because of his long experience, sound judgment and dedication to good government. LARRY BURTON's career has been temporarily sidetracked. He is young and able. His future is still one of great prospect and potential. I wish him the very best.

Mr. ARENDS. Mr. Speaker, one of the tragedies of politics is that the ablest and most dedicated men are not infrequently unsuccessful candidates for a public office. Many factors account for this. Not the least is that they are the victims of the circumstances at the time over which they had no control. Their time had not arrived.

This is the case of our colleague, LARRY BURTON. It was not for personal prestige, or for fame and glory, that he relinquished his seat in the House to seek a seat in the U.S. Senate. He well recognized the political risks involved. But he was willing to take those risks because he was asked to be a candidate for the Senate by the Republican Party of Utah and by the Nixon administration.

That is the kind of a man LARRY BURTON is. He is one of those all too rare individuals who has a high sense of duty. He felt he had an obligation to his party and to his President and to his own principles to take this step. He also saw an opportunity for him to be of greater service to the people of Utah.

LARRY BURTON'S unsuccessful candidacy for the Senate is one of the real tragedies of the last election. We will miss him here in the House where he has made a real contribution both in the Committee on Interior and Insular Affairs and on the floor of the House. He was one of my assistant whips, and one of the best. He will be difficult to replace.

But this is not the end. This is but the beginning for LARRY BURTON. He is a young man of proven ability, and I predict for him a rewarding future, be it in politics or in whatever he may decide to undertake. He takes with him the best wishes of all of us who have been privileged to know him and to work with him. I am proud to call him my friend, for whom I hold great respect and real affection.

Mr. MORTON. Mr. Speaker, it has been my privilege to serve in the House of Representatives with LARRY BURTON since we were both elected in 1962. His contribution to the Congress and the representation of his constituency were of the highest order. Sometimes in the confusion of a campaign we look at the disappointments of the moment, failing to look at the true record of a man who has served so well the interests of the people who sent him to Washington, and more than this, the interests of the Nation.

LARRY, in my opinion, has been a great public servant. He has the capacity for continued service in public life. His broad knowledge of the problems that face his State and the Nation, linked with his compassionate understanding of people, makes LARRY an extraordinary citizen and a much-needed leader in our time.

I am proud that he ran for the Senate. He knows well that I share his disappointment in losing this election. But the point I make here is that LARRY'S great service during the turbulent decade of the 1960's should not be overlooked by the American people and especially the people of his great State of Utah. Certainly it is not overlooked by those of us who have served with him in the Congress.

Mr. SAYLOR. Mr. Speaker, I rise to associate myself with the remarks of my colleagues concerning the gentleman from Utah, Congressman LAURENCE J. BURTON.

The fact that Congressman LAURENCE BURTON will not be a Member of the 92d Congress is a deep personal loss to me. Since his election to the 88th Congress as the Representative of the First Congressional District of the State of Utah, my association with LARRY BURTON has provided me with the assistance of a most able legislator and the pride of a deep and lasting personal friendship.

Our friendship over the past 8 years has also brought me to know the fine family of LAURENCE BURTON, his wife Janice, and their four lovely children. I admire him for his devotion to his immediate family and for his deep and abiding love and respect for his parents and his brothers and sisters. Through this association, I have come to know LARRY BURTON as a man of strong character and understanding, a devoted father, and, in my opinion, a good example of what an American family should be.

There is another side to LAURENCE BURTON and that is the political acumen and legislative ability of LARRY BURTON. As a keen and perceptive legislator, Congressman BURTON has the ability to see the problem, to understand it, and to come up with practical solutions. Congressman BURTON possesses that great attribute of an accomplished legislator, the ability to work and compromise in the settling of differences. In my opinion, the fact that LAURENCE BURTON will not be a Member of the 92d Congress is a tremendous loss for the people of the First Congressional District of Utah, a loss for the State of Utah, and a greater loss for the Nation.

Mr. RHODES. Mr. Speaker, periodic elections are fundamental to our American system of government. One of the results of those elections is the change of faces in this body. Old friends and colleagues sometimes do not return; new men take their places. Goodbys are sometimes hard; that is the case today.

Many men have made their mark in this body and will long be remembered for what they have done here. The Honorable LAURENCE J. BURTON, Congressman for the First District of Utah, is one of those men. He will be sorely missed by this body. A gentleman and a friend, he has served with honor and dedication, setting an example for all of us.

We must remember that LAURENCE BURTON is a young man. He has many good and productive years ahead of him. I predict that it will not be too many months before we will again hear that he has been called upon to serve in an honorable and distinguished capacity.

Mr. WYATT. Mr. Speaker, my friend, LAURENCE J. BURTON, of the State of Utah, is retiring as a Member of the House of Representatives at the end of this session of Congress. It is with great regret that I see him leave this body. It has been my pleasure during the first 4 years I have served in Congress to sit either

next to him or near him in full committee and in subcommittee meetings of the House Committee on Interior and Insular Affairs. I have seen few Members of Congress who could equal his devotion, dedication, and perception as he listened to testimony, asked penetrating questions, and participated in the deliberative processes of our committee.

In addition to my observations of his work in the committee, I have been closely associated with him in connection with numerous legislative interests on the floor of the House and have had occasion to become well acquainted with him and his lovely wife, Jan, and his very fine family.

I am particularly grieved at observing his departure from the House of Representatives at the age of 45 and with his present seniority. It would be my great hope that he would return to Congress in the near future. With his academic background and his knowledge of the legislative and executive processes, he is in a unique position to make a lasting contribution in the years ahead.

He and his wife are my friends and will always remain so. My wife joins me in wishing him well in whatever endeavor he undertakes in the future.

Mrs. REID of Illinois. Mr. Speaker, I am pleased to join the gentleman from Utah (Mr. LLOYD), and others in paying tribute to our colleague, the Honorable LAURENCE BURTON.

LARRY and I were both first elected to the 88th Congress in 1962 and for 4 years I sat next to him as a member of the Committee on Interior and Insular Affairs. I value his friendship highly and have always been impressed by his ability and integrity as a Member of Congress and his capable and effective way of accomplishing so much for his district and our Nation. It has been a privilege to serve with him in the Congress.

Those of us who know LARRY so well will certainly miss not having him with us in the 92d Congress. However, I am sure he has a very bright future in whatever endeavor he chooses and I wish him much success and happiness.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, when I was elected to Congress in the fall of 1963, by reason of a special election, I became a member of the 88th Congress Club on the Republican side. One of the members of this club was the Honorable LAURENCE J. BURTON of Utah. We immediately formed a very fine friendship. As a new Member I found in LARRY a person who went out of his way to be helpful to a new freshman Member of Congress, and I will always be grateful for his kindness.

Since 1963 LARRY has become one of the very best Members of Congress, always striving to do his best for his district, his State, and the Nation. It was not at all unusual that his party chose him as their candidate for the U.S. Senate this year. He would have been a great U.S. Senator.

And now as he soon returns to private life, may I wish him the best of success in whatever new endeavor he may pursue. And I predict we have not heard the last of LAURENCE J. BURTON.

Mr. McCLURE. Mr. Speaker, one of the most rewarding aspects of my tenure on the Committee on Interior and Insular Affairs has been the opportunity it afforded me to get to know LARRY BURTON on both a personal and professional basis.

Few people could have been more considerate and none have gone out of their way more to help me during these committee sessions. As the ranking Republican on the Mines and Mining Subcommittee, his understanding of the Nation's mineral problems was unexcelled and frequently contributed to their final resolution.

His quick and ready wit livened many an occasion and his calm judgment relieved tensions at several critical discussions. While I had hoped that his political fortunes would make his talents available in the Senate where they are so badly needed, the voters judged otherwise. Nevertheless, his ability is so obvious that I am sure he will be called upon for service. I wish him well and look forward to our future contacts, in whatever forum they may take place.

Mr. HOSMER. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to LARRY BURTON, an outstanding Congressman and a fine gentleman. Let me say that I do not think for a minute that we in the Congress have seen the last of LARRY BURTON. I am confident that a rich and rewarding career lies ahead of the gentleman from Utah rather than behind him.

As one who has witnessed his work on the Interior and Insular Affairs Committee, I can say that LARRY BURTON served his constituents, his State and his country with great credit. I trust that the good people of Utah will not let these talents go to waste.

GENERAL LEAVE TO EXTEND

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject today.

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

There was no objection.

THE POW RESCUE ATTEMPT—"I DO NOT KNOW WHAT YOU MEAN BY INTELLIGENCE"

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

Mr. LEGGETT. Mr. Speaker, my first reaction on hearing of the past weekend's attempt to rescue POW's was to think it must have been planned by the Saigon army, or perhaps by the scriptwriter of a grade "C" war movie.

But when I read that the colonel in charge of the rescue party had responded to the press question, "On whom do you blame the intelligence failure?" with "I am not sure what you mean by intelligence failure." I realized this was, indeed, an American operation.

Who else could launch a rescue raid on a camp from which the prisoners had been evacuated several weeks earlier—if they had ever been there—and say, "I'm not sure what you mean by intelligence failure?"

The "intelligence" on this operation seems to be of the same quality as the "intelligence" that told the troops going into Mylai all the women and children would be away marketing, and the only people in the village would be Vietcong troops.

Mr. Speaker, this operation was a first-magnitude blunder from the beginning. All that kept it from being an even greater blunder was the fact that there were no POW's in the camp. I say thank God there were no POW's there. If there had been, nothing in the world could have kept their captors from shooting them as soon as they heard the rescuers approaching. And in the most unlikely event that a few prisoners were successfully rescued, the operation would have radically decreased our chances of negotiating better treatment and early release for the remaining POW's.

As it is, the consequences are somewhat less. We made the North Vietnamese look stupid by getting in and out virtually unscratched. But we also made ourselves look stupid by trying to rescue men who were not there. Hopefully, the two will cancel out, and the North Vietnamese will not feel they have sustained a loss of face for which they must compensate.

There is no rational reason for the North Vietnamese to retaliate against our POW's. I hope they will not. I implore them not to do it.

But because there is no reason for them to retaliate and nothing for them to gain by retaliating, does not mean they would not. There is no reason for them to treat the men in the despicable and contemptable way they have been treating them, but they do it anyway.

If they do retaliate, the POW's will be paying a stiff price for somebody's desire to be a hero.

TRANSPORTATION OVERHAUL NEEDED

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

Mr. PICKLE. Mr. Speaker, there is growing concern that our national transportation picture depicts a shambles.

And the Penn Central marks the wreck.

Although this Congress has passed landmark legislation such as the airport and airways bill, this is barely a piecemeal approach when we consider the overall transportation problems mounting in all segments of the industry.

The problem is so critical that leading transportation experts are giving serious consideration encompassing transportation agencies to coordinate the activities of the various regulatory agencies such as the ICC, CAB, Maritime Commission, and Federal Railroad Administration.

Two years ago, the Department of Transportation promised a comprehensive national transportation plan—but to date, the only result is a questionnaire. Obviously, we need serious consideration of all the transportation systems. Obviously, we need leadership from DOT and

the administration on this, one of the most urgent needs of America.

Ever since the far-reaching Doyle report of several years ago, transportation experts have been kicking around the idea of one agency to oversee the regulatory bodies.

Like it or not, the agencies today spend much time protecting their particular industries and sometimes not enough time looking at the national picture.

Mr. Speaker, the November 14 issue of Business Week offers a special report on our transportation needs. Accordingly, I ask permission to revise and extend my remarks in order to reprint this article.

Not everyone will agree with the article, but no one will find it dull.

The article follows:

TRANSPORTATION NEEDS A DRASTIC OVERHAUL

The common carrier principle, backbone of the regulated transportation system, is a wreck. The cozy 19th-Century concept behind much of this nation's commercial strength and industrial geography has collided with the harsh economic realities of the 1970s. The result is that just when the country needs more and better transportation, it is in serious danger of getting less and worse.

Under the common carrier principle, regulated transportation companies must carry people or goods or both at published fares on set schedules. And, in what is the crux of today's crisis, the railroads, airlines, and other transportation companies must serve both profitable and unprofitable markets. High-profit operations within each carrier have always been expected to subsidize the uneconomic but socially necessary services—a concept called cross-subsidization.

In aviation, the plight of Eastern Airlines exemplifies the problem. Eastern is showing a profit so far this year, but could wind up in the red. President Floyd Hall reports that only 30% of his company's flight segments make money, "another 30% have lost money for as long as we can trace their records," and 40% are borderline. With soaring costs, more and more of the borderline flights are plunging into the loss column.

Three so-called granger railroads—the Chicago & Northwestern, the Chicago, Rock Island & Pacific, and the Chicago, Milwaukee, St. Paul & Pacific—are all in financial difficulty, largely because of their many branch-line freight trains that serve only a few grain elevators each.

"The motor carrier industry in the Middle Atlantic territory is in serious financial condition," says Arthur E. Imperatore, president of A-P-A Transport Corp. of North Bergen, N.J. Speaking for Middle Atlantic truckers, Imperatore says that if a special rate increase is not granted for this territory, "several of the largest carriers in the East, and many smaller carriers, could face financial disaster. We cannot afford to do less business; we have not the financial wherewithal to handle more business."

In return for agreeing to haul anyone or anything correctly tendered to them under their franchise, common carriers got rate and route protection from federal agencies and stayed free of government ownership. It all worked beautifully until recent years. But not anymore. The Penn Central debacle marks the site of the wreck. And even if cross-subsidization can still be salvaged, there are other danger spots from coast to coast: other railroads weakened by unprofitable service to out-of-the-way communities; airlines too weak financially to fly on their own without mergers; truckers squeezed by costly traffic jams, soaring Teamsters' wages, a proliferation of unregulated competitors, and an inundation of small packages.

By almost any yardstick of performance or profitability, the common carriers are in bad shape. To cope with the transportation burden they must double their plant in the next decade. But profits are becoming more and more elusive, the carriers argue, and a low rate of return means they cannot possibly attract essential investment capital. Their answer is to dump weak-sister operations.

The customers—the public and business at large—cannot accept this solution, and at least one railroadman has his doubts. Says Alan S. Boyd, the country's first Transportation Secretary and current president of the Illinois Central RR: "If the publicly obligated common carrier concept breaks down, it won't affect just the carriers, the shippers, the warehouse industry, and everyone else whose distribution patterns would be mislocated. It will affect the whole population as well. If you think we have urban problems now, just wait."

The trouble is that the regulated carriers must serve the public interest, but no one has ever spelled out which segment of the public has the paramount interest. This can turn benevolent regulation into bitter irony for shippers and carriers alike. Because of the perennial grain car shortage, for example, Kansas farmers estimated they lost $1-million just last summer by not getting their wheat to elevators on time. Meanwhile, John S. Reed, president of the Atchison, Topeka & Santa Fe Ry., a major carrier of grain, watched his beautiful passenger trains streak through Kansas wheat fields, mostly empty except during holidays, losing $22-million or so a year. "This is not serving the public," says Reed. "If we could use that money for more grain cars, the public interest would be better served."

THERE IS ALWAYS ONE MORE NASTY PROBLEM

The question, in the railroads' case at least, may become moot if the federal government's new Railpax corporation can succeed in assuming the deficits of passenger service. But there is always one more nasty problem in this game. The biggest right now, the one chipping away at profits the most, is inflation. But even if the Nixon Administration could stabilize wages and prices tomorrow, the carriers would still be hard-pressed by the burgeoning rivalry of private carriage: Around the country, freight shippers that are unhappy with the way regulated transport works are setting up their own, unregulated methods for getting goods delivered to market. Both the independent Private Truck Council of America and the Private Carrier Conference of the American Trucking Associations report a recent surge in inquiries from large companies, such as Xerox Corp., interested in switching to private carriage to beat "freight rates that are going out of sight." The common carriers say they cannot cope with this kind of competition under the present regulatory system.

In self-defense, the carriers can—and increasingly do—circumvent the common carrier principle by simply not soliciting the kind of freight they do not want. But as far as the fate of common carriage is concerned, this is part of the problem, not the solution. If the common carrier principle continues to crumble, transportation experts see only three real options: nationalization, deregulation, and an already evolving concept that requires a neologism to describe it—the superforwarder system.

There are strong objections to the first two alternatives—so strong that they have as much chance as a snowball in a steam engine boiler. The third would involve the creation of companies that would act as contractors for the whole industry. They would function like travel agents but on a much grander scale, packaging all specialized forms of transportation. Since they would cross industry lines, they would require creation of a superagency to regulate them. The plight of the American transportation system demands that these options be considered now.

The recent history of Penn Central Transportation Co. is the most dramatic example of the dilemmas of cross-subsidization and defining the public interest. Bad management, bad advice, and bad luck certainly played their parts. But the fact remains that the Penn Central had to operate, at a staggering loss, 35% of the nation's intercity railroad passenger business and thousands of miles of lightly used, duplicative branch lines that the regulatory process would not let it abandon in time to avoid reorganization under the bankruptcy laws. Shortly before it slid into reorganization, the road petitioned the Interstate Commerce Commission for permission to drop its 24 passenger trains west of Buffalo, N.Y., and Harrisburg, Pa. It argued that there was more than adequate plane and bus service to meet passenger demand in the region, that the trains were less than 40% full, and that the deficits from their operations were huge and mounting.

There was a great public outcry and the ICC began its laborious procedures for handling "train-off" petitions. The National Industrial Traffic League, a huge association of freight shippers, demanded that the passenger trains be taken off instead. In the end, long after the PC filed for reorganization, the ICC approved discontinuance of the 24 trains, but they are still running by court order.

Now every railroad is thinking of abandoning lightly used branches and ripping up track. A recent rail industry study insists that abandonment should be "permitted on any line that fails to meet its avoidable costs." For many roads, this would mean one-third of their mileage. For many communities and plants, it would mean the end of all rail service. In turn, attracting new plants and industries would be tougher, and the lack of rail competition could mean higher truck rates.

THE ARTFUL DODGING OF UNPROFITABLE FREIGHT

"The ability to transport people and products by air is an important national asset," says Secor D. Browne, chairman of the Civil Aeronautics Board, in a statement that applies equally to surface transportation. "It should not be denied citizens who live outside the great metropolitan areas for whatever reason: logistical, legal, or economic."

In fact, though, the regulated airline industry is ceasing to serve small communities in droves. Towns such as Hagerstown, Md., Lewistown, Mont., Rockland, Me., Waycross, Ga., and Douglas, Ariz., have had to turn to a new group of airlines. Call them what you will—air taxis, commuter airlines, third-level airlines—they do not have the major airlines' amenities or prestige. And while they often provide more frequent service, fares can be sharply higher.

The airline industry is countering the breakdown of cross-stabilization in other ways. Historically, long-haul routes, such as New York-Los Angeles, have been expected to pay for the milk runs. But now there is so much competition on these routes that many flights carry too few passengers to break even. To make these routes profitable again, American, Trans World, and United met last summer to work out a mutually satisfactory reduction in flights. The CAB has ordered them to submit a new plan.

The trucking industry suffers the most from the breakdown of cross-subsidization. The industry is the most labor-intensive segment of transportation, and inflation, as one trucker puts it, "has sent wages up the elevator while rates took the stairs." The impact is clear in cities such as Chicago and New York, where skyrocketing costs—along with high insurance rates, crime, and congestion—have forced many of the smaller truckers to start turning down jobs. In fact, U.S. Freight Co., a major forwarder, reports freight piling up at some of its smaller docks because its regular cartage companies will not or cannot handle it.

Congestion is a word with almost unbelievable pungency in trucking. According to a recent study by the New York metropolitan area's Tri-State Transportation Commission, one square mile in Brooklyn is visited each weekday by an average of 4,000 trucks hauling about 18,000 consignments totaling 1,500 tons, for an average consignment size of 165 lb. Some of the trucks stop to deliver as little as 25 lb.

Yet the truckers have an escape valve. The majors are becoming increasingly sophisticated, aided by computers, in determining what freight returns a profit. They are also becoming more adept in avoiding freight they do not want. "There is nothing unlawful about a carrier restricting his solicitation to the traffic that is profitable," says Professor Ernest W. Williams, Jr., of Columbia University's Graduate School of Business and chief author of a transportation study written for the Eisenhower Administration.

There are other ways of foisting off unprofitable freight. A few years ago, a trucking company called a competitor without mentioning its own name and asked the rival to handle a low-profit shipment of desk ornaments that it wanted to give away as Christmas presents. The competitor begged off because of the holiday rush, but helpfully suggested contacting the company actually making the call. "They don't know what their costs are yet," said the competitor. "They're patsies for this sort of thing."

The drive to escape carriage at a loss is spreading through the rail and airline industries, as well. In addition to their campaign to drop uneconomical runs, the railroads are scrapping the old, flexible, all-purpose boxcars by the thousands and replacing them with high-capacity, single-purpose cars for use by big shippers only.

THE INROADS OF DO-IT-YOURSELF TRANSPORT

All of this contributes to the collapse of the common carrier principle, but the companies are quick to rationalize their stand against cross-subsidization. They cannot provide good service, they insist, if they cannot attract the capital to pay equipment replacement costs not covered by tax write-offs, seek new technology, or attract top-caliber employees. Uneconomic transportation, they add, cannot be wished away; somebody has to pay for it. The customers no longer have to.

A passenger who can qualify for a low group charter rate to Europe, for example, sees no reason to pay an individual ticket price on Pan American World Airways, a price that has to be inflated to make up the airline's losses on regular service to such places as Tegucigalpa, Honduras. So the share of total U.S. flag airline traffic across the North Atlantic carried by supplemental airlines flying cut-rate charters soared from 3.7% in 1963 to 24.2% in 1969.

By the same token, a company that pays high rail freight rates to subsidize passenger service—and gets unsatisfactory service to boot—would be insane not to switch to another form of transportation or provide its own if it could.

The trend to unregulated, do-it-yourself transportation is tough to measure because of the lack of accurate public records. But the Transportation Assn. of America estimates that the freight bill for unregulated intercity trucks surged from $10.8-billion in 1958 to $16-billion in 1968. Over the same span, the railroad freight bill only grew from $8.9-billion to $10.6-billion.

Generally, when a big industrial company or store chain decides it can provide its own transportation more efficiently and less expensively than the common carriers, it goes out and buys or lease whatever trucks, trailers, rail cars, or barges are necessary. But it acquires only enough to handle its basic needs. It then dumps its high-cost peak shipments and its hard-to-handle freight on the public transportation company. Stripped of high-profit, low-cost freight, the common carrier has no choice but to seek higher rates on the cats and dogs it is left with. But this drives still more business into private carriage.

In self-defense, the transportation industry has come up with a compromise system: contract carriage. A big shipper can get an agreed-upon rate from a common carrier to haul his goods on specified routes at set times. This is one area where railroads can compete well. Unit coal trains between specific mines and utilities, auto parts trains from Detroit to outlying assembly plants, and Illinois Central's rent-a-train for export grains are typical forms.

The net effect, though, is still rough on communities, companies, and people who depend on common carriage. Robert S. Reebie, a former marketing vice-president of the old New York Central RR and now a management consultant, sums it up this way: "Contract carriage is a way of getting out from under the costs and obligations of common carriage, just as private carriage is. And to the extent that shippers get a contract rate, they are gradually foisting off on those segments of the economy the costs that are incurred by those segments."

The unregulated operator still has the edge, though, according to John P. Doyle, a retired Air Force major general who now is transportation professor at Texas A&M. Such an operator, says Doyle, "can underprice a franchised operator with public service obligations and costs in virtually any traffic he can handle. Can this fail to lead eventually to the demise of the obligated public carrier concept?"

If this concept is lost, Doyle asks, "who will serve those who cannot afford private carriage and whose traffic is unattractive to the free-lance operators? Does this spell the death of the small entrepreneur?" The regulatory bodies were created in the first place precisely to prevent this.

Still, some regulated carriers argue that the problem now is too much regulation and, as a result, too much competition in too many markets. "It will take the airlines 10 years of growth to overcome the damage the CAB has inflicted on us in its recent route awards," says a TWA vice-president.

Among railroads, the cry is that "unfair" regulation has forced the industry to maintain unneeded, unused facilities and services left over from its monopoly days. "The alternatives are not whether there is a railroad industry or not," says Illinois Central's Boyd, "but whether it is nationalized or in private hands. If it is the latter, it will have a radically different look."

For truckers, the chief complaint is the necessity of carrying small packages—mostly at a loss. One major trucking company estimates that it lost an average of $4.92 on each of the more than 1.2-million of shipments weighing less than 300 lb. that it carried in 1966. Since then, trucking wages have gone up sharply for the small package service, and so have the losses.

It is clear that late 20th-Century technology could go a long way toward solving a great many of the transportation industry's 1900-style problems. Some innovations and improvements now under study:

Advanced short-takeoff-and-landing aircraft.

Virtually crewless, high-speed passenger trains traveling on their own rights of way for intercity, suburban and urban mass transit runs.

Highway "trains" of relatively small trailers could be detached at cities for pickup and delivery.

Pneumatic tubes or long conveyor belts for carrying small packages throughout cities.

Failing revolutionary technological changes, the transportation situation can only get worse as more companies find they can no longer afford cross-subsidization. Somehow, the rules will have to be changed.

The leading exponent of deregulation, doing away with most of the rules altogether, is George W. Hilton, economics professor at the University of California at Los Angeles. "I am in favor of letting anyone carry anything and at any rate he can get," Hilton declares. "I'm in favor of there being just a dozen or so railroads free from any prohibition except collusion in rate-making, free to get out of the passenger business or anything else they want, and free to get into the airline business and trucking business." Hilton, in short, thinks the industry can be "rationalized" like any other. "Sure there will be transitional problems as transportation is decartelized and as resources flow out," he concedes, "but the economy would secure its freight transportation with an annual saving in the freight bill probably of several billion dollars."

Opponents of Hilton's idea call it "the law of the jungle theory of transportation rationalization." Deregulation would lead to such a wave of brankruptcies among the weaker carriers, they assert, that the carnage would be brutal and the whole industry would be badly shaken, despite Hilton's claim that everyone would be better off.

Most people simply think deregulation is impractical and unlikely. "If we were to deregulate tomorrow, I'm not sure the carriers would know what to do with their freedom, nor would they have the tools to do the job," says Columbia B-school's Williams. The railroads want to be free to compete with truckers, airlines, and barges, but not with each other. This is even truer of the motor carrier industry, which has thousands of companies, greater ease of entry, and far less discipline. Being allowed to get together in rate-making bureaus under regulatory supervision is essential if the truckers are to avoid chaos.

As for the public, ICC Chairman George M. Stafford thinks it wants "at least as much transportation regulation as we have now." Some public groups, he notes, would even prefer "a degree of regulation bordering on price control and government intervention into areas of managerial discretion."

These critics of the industry do not, however, go to the opposite pole of suggesting nationalization. In social terms, the concept is anathema to most Americans. It would overcome the problem of supporting losing operations by making the taxpayers foot the bill, but would a sheep farmer in Nevada be willing to subsidize wealthy New Haven commuters? Should the poor who never fly

be made to subsidize the jet set? Most crushing of all, it would cost the government at least $60-billion just to buy out the railroads.

WHERE THE SUPERFORWARDER COULD HELP

Clearly, what most people want is continued regulation, though few agree on the form. Says Stuart G. Tipton, president of the Air Transport Assn., trade group for the common carrier airlines: "At present our industry serves 525 points in the U.S. If Congress wants us to continue serving all those points, it will have to keep tight regulation. There is no alternative to cross-subsidizaton. My guess is that with freedom of entry in the air we would have to pull back 525 points to 100 or less. I would advocate a policy of protecting the lucrative routes in order to provide the service that is required of us."

But Anthony F. Arpaia, ICC member from 1952 to 1960 and now a transportation consultant, flatly opposes the whole present system of requiring each agency to protect its own industry. "If there was justification in the past for a paternalistic, hothouse environment for transportation, the time has passed," he states. "It is no longer possible to squeeze the economics of transport into a pattern which dictates to shippers limitations on the service they want. The present policy and program of regulation has failed to satisfy the needs of business."

The main thrust of regulation, Arpaia adds, "should be to promote efficient, low-cost common carriage, to make it so attractive that only exceptional reasons would induce shippers to perform the service themselves." What is needed, he concludes, it to "forget past history and the patchwork of laws which spawned it and enact one law, to be administered by a single agency."

Since there is so little agreement on how to strengthen or replace the common carrier concept, no drastic reform is likely in Washington for the next five years or so. But Arpaia's idea of a superagency would at least work well with the already developing concept of the superforwarder.

If this new system worked right, the superforwarder company would become the true common carrier. It would be able to offer shippers and passengers unlimited transportation packages consisting of one or more forms of carriage over unlimited routes. It would negotiate and contract with the specialist carriers for their services at rates the traffic would bear and that the volume would make attractive—with rates and schedules controlled by the single superagency. The system should not be any more costly or unwieldly than the one used by wholesalers and retailers in merchandising. In fact, the public should get better transportation at less cost, advocates believe.

The key to the success of this system is specialization, and that is happening now. In trucking, for example, the industry already is divided into two types of carriers: those that perform line haul and those that pick up and deliver. Carriers that do only one thing—and do it very well—are on the rise. As United Parcel Service has demonstrated, with enough volume, respectable profits are perfectly possible in handling small shipments [BW—July 18].

With so much specialization, someone will be needed to tie the pieces together. That is where the superforwarder comes in. There are those who believe that sliding a whole new layer of management between the buyer and the provider of transportation will actually boost costs and inefficiency. Furthermore, many transportation men, particularly railroaders, would not want anything to do with it. "This would separate them from their customers," says A. Scheffer Lang, former Federal Railroad Administrator and now a professor at MIT. "They don't want that. They don't want to be made just a flunkie, just a contractor to run their choo-choo trains up and down the railroad. You know, they're captains of industry."

Nevertheless, the superforwarder system would solve the cross-subsidization problem for the roads and other carriers. There would be some fallout of weaker transportation companies, but most economists agree this is badly needed anyway and it would be much more orderly than deregulation.

One way or another, the cross-subsidy system will have to be replaced eventually. "It is like asking a steel company to provide steel for poverty housing because it makes a profit out of office buildings," says Dr. Dudley F. Pegrum, economics professor emeritus at UCLA. "It's a social problem and is properly put on society, not on the steel company."

In all this, one thing is clear for the transportation industry, its regulators, and the public. As General Doyle puts it: "We cannot afford to do nothing. We cannot afford to drift. In drifting, we compromise not only our internal economy but our ability to compete in the world economy."

POLITICAL BROADCASTING

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

Mr. SYMINGTON. Mr. Speaker, we fancy ours is a government of laws and not of men. We stress the distinction on ceremonial occasions, commencements, editorials, and after-dinner speeches. We want our young people particularly to believe it to be so; first, in order to have their confidence in our system of government; second, to encourage their participation in it. What is the status of their confidence today in the system itself and their own ability to keep it responsive to the tidal changes of history? Among many it is low. Among others we prefer to misread resigned indifference as loyal acceptance. Why is this? It is because the Nation which has electrified the world with the success of its money market has at the same time depressed its own youth with evidence that their political leadership has been subordinated to that market. They suspect with good cause that political power has become a commodity which can be bought and sold on the rialto. They suspect we have added to a familiar axiom this dismal corollary: "To the high bidder belongs the victory."

Certainly one man's high bid of intelligence, past performance, and integrity, can be obscured, distorted, and rejected for another man's higher bid of one thing money can buy, the glorification of mediocrity. Moreover, unlike a bottle of beer or a cigarette a man sold over television cannot be discarded if he fails to satisfy—at least not until his term is up. The oversold candidate is the true nonreturnable in the ecology of American politics. On the other hand what talents, what perceptions, what energies wait for recognition in young America? Everything, you might say—all our true resources lie there. Then how are they to be plumbed, mined, surfaced, and placed at the disposal of a society eager to realize them? There is no precise formula, certainly, to draw the best out of every citizen, much less stamp him with a graded seal of public approval. But one changeless element in an otherwise changing formula would be, and would have to be, that citizen's own sure knowledge that whatever he has to offer his community, nation, or world in the realm of public service has a fair chance of recognition by his peers in the market of public opinion.

What was involved yesterday, then, before the Senate, was whether it should take one major step toward a government of men best fitted to preserve a government of laws.

The Senate did not take that step. The country is marking time until a new Congress convenes. It is up to the 92d Congress then to open the public service to the public. I hope we will seize the earliest opportunity to do just that.

IRS RULING UNFAIR TO FLORIDA STATE

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

Mr. FUQUA. Mr. Speaker, I wish to bring to the attention of the Congress a ruling by the Internal Revenue Service which in my judgment results in deplorable discrimination between like situated taxpayers.

The Florida State University, Tallahassee, Fla., an institution within the State University System of Florida, and James E. Joanos, as an individual, jointly requested a ruling by the IRS as to whether certain donations to the university's athletic scholarship funds would be classified as tax exempt.

The university established for the year 1970, an athletic scholarship fund for the purpose of providing scholarships for student athletes. The fund was established as an account within the university and consists solely of contributions used exclusively for the purpose of granting said scholarships.

As an encouragement to prospective donors to contribute to the fund, the university established a preferential seating plan providing that donors contributing at least $40 and $20 would be entitled to a preference in the purchase of seats in certain locations in the stadium for football games. The minimum donation did not entitle the donor to football tickets, and he must pay in addition the normal price for a ticket in that section.

Thousands of season tickets are purchased through the university for football games, and of necessity, the university must have some allocative mechanism to assign seats.

The university designed its plan in accordance with example 2 of Revenue Ruling 67-246, which appears to be substantially identical to the plan proposed by the Florida State University. How-

ever, the Internal Revenue Service ruled that contributions to the scholarship fund are in consideration for a benefit to the donor if he subsequently purchases football tickets, therefore, it is not deductible under section 170 of the Internal Revenue Code of 1954.

While the ruling raises a serious question as to the reliance that may be placed upon a published revenue ruling, a more serious question arises with respect to unequal treatment between taxpayers. Many universities have received favorable rulings with respect to substantially identical plans. While most universities are reluctant to disclose their ruling letter to another university, the Florida State University was able to determine that Texas Tech, Clemson, and the University of South Carolina, for example, have received private rulings that donations to their substantially identical plans are tax deductible.

To grant some universities rulings of tax deductibility while denying the same to the Florida State University is the most gross form of discrimination. The keystone of our tax system is the voluntary payment by our citizen-taxpayers. This voluntariness of payment is predicated upon the assumption that the Internal Revenue Service will stay neutral with respect to taxpayers and enforce the tax laws in an even-handed manner. To the extent that the Internal Revenue Service has ruled unfavorable with respect to the Florida State University's request while other universities with similar plans have received favorable rulings, the IRS has, in effect, taken sides and is no longer in a neutral position.

Athletics is a competitive sport and it is indeed unfortunate that when the athletes-scholars of other universities take the field of athletic endeavor against the Florida State University so often the Internal Revenue Service has chosen to side with them by virtue of their unequal treatment and rulings.

Mr. Speaker, I wish to point out to you this gross discrimination and the implications of it to our voluntary system of tax payment.

MARIHUANA USAGE

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

Mr. COHELAN. Mr. Speaker, the pros and cons of marihuana usage have been endlessly debated within and without the scientific community.

The recurrent theme of this debate is lack of conclusive evidence supporting either position. I emphasize the word "conclusive" for the preponderance of evidence now seems to indicate that marihuana is, indeed, harmful—especially in large doses consumed over a long period of time.

As a member of the Subcommittee on Treasury and Post Office of the Appropriations Committee, I am well aware of the high incidence of smuggling of marihuana; although I am pleased to note a general decrease in importation of this drug due to the continuing diligence of Treasury and Post Office officials and the excellent support provided by the Honorable TOM STEED, subcommittee chairman.

Although there are still unanswered questions about the detailed effect of marihuana on the nervous system the best competent evidence shows definite harmful effects. Dr. D. Harvey Powelson, M.D., chief of the Department of Psychiatry at the University of California, has had extensive exposure to marihuana usage by students.

Dr. Powelson has written a short paper which I strongly commend to my colleagues. This paper entitled "Clinical Notes on the Use of Marihuana" deals with case studies indicating the dangers inherent in this drug.

These observations merit serious consideration. I include the full text of Dr. Powelson's paper for the benefit of my colleagues.

CLINICAL NOTES ON THE USE OF MARIHUANA

(By D. Harvey Powelson, M.D.)

Five years ago, at a time when there was a great deal of discussion about LSD and related hallucinogens, I was asked by a *Daily Californian* reporter for my views on marihuana. At the time my experience was limited to a few students I had talked to, who had used it irregularly and infrequently. In addition to my personal knowledge, there was the medical literature which seemed sparse indeed, but in general seemed to be saying that there was no proof of long term harmful effects from marihuana. I summarized this lack of knowledge to that date for the *Daily Californian* reporter. I said there was no proof of harm and that it should probably be legalized and controlled. In general this view met with approval from most of the students and most of my professional colleagues. Since that time the use of marihuana on this campus, in this community, and nationally has increased at an explosive rate. My guess is that more than 50% of the campus uses marihuana at least occasionally, but that only a small percentage—probably less than 1%—use it daily or frequently enough to be called "heads".

In my job as chief psychiatrist at the University of California, I have had an unusual opportunity to observe the effects of the drug on a number of people in a number of contexts; in addition, I have had the task of thinking about my findings and correlating them with whatever scientific data is available. Recently, another reporter from the *Daily Californian* interviewed me to see if my opinions had changed in the interim. In the course of that interview, I realized in a concrete and explicit way that they had. The headline read, "Psychiatrist says pot smokers can't smoke straight". This time the response of the community and colleagues was not so approving. It is an interesting fact that questioning the claims of marihuana users leads to much more anger, vilification, and character assassination than does the opposite stance. The following statement is a summary of the observations and the thinking which led me to the consequent change in my views.

The most important source of information is my daily work as director of the psychiatric clinic doing administration, supervision, and direct work with students. The psychiatric clinic at U.C. Berkeley sees a very large segment of the student population. We interview between 10 and 15 percent of the students each year, that is, we see roughly 3,000 new students per year, mostly as out-patients but roughly 200 of them as hospitalized patients. We have made a number of studies attempting to compare our patient population with the general population on all sorts of variables—social, psychological, psychiatric, and so on. We have never found a significant difference between our patients and the student body as a whole. Our patients are seen for many reasons, but the majority of them are not in any way significantly different from the general student population.[1]

All these patients are seen by a large staff of psychiatrists, social workers, and psychologists. I personally interview about 100/year, some of them many times; and because of the fact that I directly and indirectly supervise the staff, I hear about hundreds more in the course of a year.

My first important shift in thinking occurred as a result of observations made during psychotherapy with a young man, S., who was bright enough to be getting his law degree and Ph.D. simultaneously and competent enough to be learning to fly and deal in real estate at the same time. As we proceeded in our work together, I came to know S.'s way of thinking, i.e. how he thought. Most of us do this without thinking about it; all of us come to know to some degree the way our friends and colleagues think. In therapy, the opportunity to hear someone think out loud about a problem important to him maximizes the opportunity to come to know how he uses or misuses logic, remembers clearly or not at all, does or does not exercise good judgment about his own thinking, and whether or not he is able to know his own feelings. We had made enough headway so that S. had begun to be able to observe and understand his own thinking. Periodically, then, we had hours (I was seeing him twice weekly) when his thinking became mushy. If I tried to follow him, my head began to spin. When I protested that he'd become impossible to listen to, he'd argue that his own experience was that he was thinking more clearly, more insightfully, than ever. On one such occasion, he mentioned that he'd been to a party two nights before where he'd had particularly good "grass". In Berkeley, 1968, that was not a particularly memorable remark, but we thought there might be some connection with his thinking. This same series of events recurred often enough that I finally was able at times to post dict that S. had had some "mind-expanding drug," usually marihuana.

S., because he was a good observer, helped show me another aspect of the thinking disorder I'm describing. Central to his difficulties was a paranoid stance toward the world. By this, I mean a style of thinking characterized by a constant suspicion that one is being controlled: e.g. by the establishment, the system, etc.; and simultaneously a constant unwitting search for people and situations which will do just that; e.g. drugs, demagogues. If this manner of thinking is carried further, it blends into the condition usually called paranoia. Here the subject is controlled by voices, God, or whatever, and at the same time, he is very often "against his will" being controlled by a state hospital or jail. S. was forever talking about his search for something or someone he could trust. He very frequently clutched to himself people who were totally untrustworthy and hurt and rejected others who manifestedly admired and liked him.

[1] Katz, Joseph Ph.D., *Growth and Constraint in College Students*, Institute for the the Study of Human Problems, Stanford University, Stanford, California 1967, pp. 510–568.

When he had used marihuana, his thinking became more paranoid, i.e. he became more mistrustful of me, for instance, and at the same time, he became more wily so that he talked glibly, using clichés, theories, and "insights," all to avoid noticing concretely and immediately whatever he was really doing and feeling in his relationship with me as well as his relationships outside. In short, the pathological part of his thinking was exaggerated in two ways: (1) he was more suspicious, etc. and (2) he was more adept at fooling himself about what he was up to, while simultaneously maintaining how "aware," "in touch," and "loving" he was.

S. continued in therapy but also continued to use marihuana and hashish. (Hashish is merely another more concentrated source of the active principals contained in marihuana. Toward the end of his therapy, I had decided that so long as he muddied his thinking in this way, there was no use continuing. He, however, suffered a fatal accident (as a result of an error in judgment) before his therapy actually terminated.

As I was becoming familiar with these effects of marihuana on S., I gradually learned to pick up signs when they were more subtle. I came to observe the same changes in others, i.e., that marihuana exacerbated the pathological aspects of their thinking. In the practice of medicine, these steps in clinical verification are part of the daily practice.

In the last year another drug effect has become increasingly visible. Students who had "dropped out" and were into the drug scene are attempting to return and finding it difficult if not impossible. The usual story is that the young person has become aware that the life he's been leading is unsatisfactory and unproductive. He then stops drugs for six months or so and then tries to return. When he returns to school, however, he finds that he can't think clearly and that in ways he finds difficult to describe, his thinking has changed. Such people also seem to be aware that they've lost their will someplace, that to do something, to do anything requires a gigantic effort—in short, they have become will-less—anomic. The irony here is that they have now achieved the freedom they sought. They need an external director. They are ripe for a demagogue.

If one listens to such people think, there is a different quality from the one described with S. It is more like wandering in a swamp which has islands of solidity and sudden holes with no surface markings for either the island or the bog. One hears patches of lucidity and just when he begins to follow, he falls into a hole of confusion. The patient's subjective experience is somewhat similar. I've heard comments like "I know I can think sometimes like I used to. I can write papers for example, but all of a sudden I'm lost." Or during the first hour, "I just can't seem to get my feet on the ground." From these people I've come to suspect that there are lasting damages from cannabis.

In summary it is now my judgment based on five years of extensive clinical experience that (1) the use of marihuana leads acutely, and for several hours to days thereafter to a disorder of thinking characterized by a general lack of coherence and an exacerbation of pathological thinking processes, (2) that the effects of marihuana are cumulative, (3) that after a period of prolonged use (say six months to a year) of marijuana in frequent dosages (on the order of one time daily) that chronic changes occur which are similar to those seen in organic brain disease—islands of lucidity intermixed with areas of loss of function.

(NOTE.—Since I'm not conducting laboratory experiments, I only know roughly what drugs are being used and in what quantity. I've tried to focus my attention on marihuana, but obviously almost all subjects have experimented with other drugs. In my judgment, the uses of other drugs in this population has now become minor, at least for the past 3–4 years.)

LEGAL SERVICES OPERATION IN OFFICE OF ECONOMIC OPPORTUNITY STRENGTHENED BY RUMSFELD

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

Mr. MICHEL. Mr. Speaker, there have been a series of recent news stories charging that the Director of the Office of Economic Opportunity is sabotaging the legal services program.

Without fear of contradiction, I can state unequivocally that our former colleague, Don Rumsfeld, has done more to strengthen the legal services operation and make it a more effective program in the 18 months he has served as Director of OEO than any previous Director.

Briefly, I would cite the following facts as ample proof that Mr. Rumsfeld has made legal services a strong tool of the Office of Economic Opportunity in serving the poor effectively.

First, the Office of Legal Services was raised to the status of an independent office with an Associate Director reporting directly to the Director of OEO.

The size of legal services staff at headquarters, as well as in the region, has doubled and Regional Legal Services has, for the first time, been put under the management control of Headquarters Legal Services.

In addition, the budget for the Office of Legal Services has increased 33 percent from $46 million in fiscal year 1969 to $61 million request in fiscal year 1971.

Last year when the Murphy amendment would have given Governors an absolute veto over legal services programs, Don came to the House and persuasively argued against this amendment, going from Member to Member, urging he be given an opportunity to revitalize the legal services program. The House agreed to strike the Murphy amendment. Primarily, I am sure, because of the effective job Don Rumsfeld did in pleading the legal services case.

In summary I would point out the Nixon administration, and Director Rumsfeld, recognizing that OEO was not accomplishing to the extent possible, the important goals set for it, brought forth a new innovation with an emphasis on better management and control of the agency's program, including legal services.

There is little question that the effectiveness of legal services as an agency to help the poor has increased. The number of legal services lawyers has increased from 1,800 in fiscal year 1969 to nearly 2,000 today and while the case load has doubled, yet the average cost per case has declined from $75 in fiscal year 1969 to $51 in fiscal year 1971.

In closing, Mr. Speaker, I cannot stress too strongly how phony are the charges that Don Rumsfeld wants to "do in" legal services. Nothing could be further from the truth and I am pleased to commend him for his untiring energy in seeking to strengthen OEO and its many programs, rather than sabotage them.

TRIBUTE TO THE UNIVERSITY OF TOLEDO'S UNBEATEN FOOTBALL TEAM

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

Mr. ASHLEY. Mr. Speaker, last Saturday afternoon the eyes of the Nation focused on Columbus, Ohio, and the titanic struggle which saw Ohio State reestablish its supremacy over the University of Michigan and conclude its season with nine consecutive victories.

Because the country is still in the process of reordering its priorities, insufficient note was taken of the contest of truly intrinsic importance which also took place in Ohio last Saturday. This found the University of Toledo trouncing a fine Colorado State team to finish an unbeaten season with 11 wins, and extending its victory skein to 22 games, second longest in the Nation.

Just as political polls are frought with vagaries, so are the rankings of the country's top football teams. Completely impartial observers such as myself who have seen both Ohio State and Toledo play this season are of one mind that these two teams certainly rank 1-to-2 in the Nation. These same impartial observers also agree that the University of Toledo must be given a slight but decisive edge for the No. 1 spot.

I am sure that all Members of the House join me in extending congratulations to Coach Lauteber, his staff and the Rocket team, and confidence in their upcoming victory in the Tangerine Bowl on December 28.

ADVENTURISM IN VIETNAM

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

Mr. RYAN. Mr. Speaker, recent actions in Southeast Asia demonstrate again the administration's reliance on military power rather than diplomacy. The renewed bombing of North Vietnam and the commando raid on a presumed prisoner of war camp are not likely to further negotiations. In fact, these episodes of military adventurism are evidence that the administration really has no consistent plan—secret or otherwise—for ending the war.

The bombings reveal that the administration still seeks an illusory military victory—a goal marked by death and de-

struction for 6 years now. In fact, this exercise in November 1970, virtually replicates the bombings which President Johnson halted 2 years ago. The bombing of North Vietnam did not succeed then in bringing North Vietnam to its knees. How can it be expected to now? How many more men must die before the administration recognizes that this war is not subject to a military solution?

Initially, Secretary of Defense Laird euphemistically characterized the renewed bombings as "protective reaction strikes" aimed at "missile and antiaircraft gun sites and related facilities" in response to "attacks on our unarmed reconnaisance planes." Pentagon spokesmen now add the factors of North Vietnam's recent shelling of Saigon and Hue, and concern "that the other side has not chosen to negotiate in any substantive or productive way at Paris." By virtue of these factors, the credibility of the "protective reaction strike" rationale collapses

Without in any way questioning the courage of the American soldiers who attempted to rescue our prisoners of war, I certainly question the wisdom and judgment of those who authorized the mission. This venture was a desperate gamble, and the stakes were American lives. If the prisoners had been at the camp at Son Tay, their lives would have been endangered. In fact, our intelligence was completely wrong, and the prisoners were not there. The gamble was lost. The President's warning to the leaders of North Vietnam that he will hold them personally responsible should reprisals be taken seems to me to be whistling in the wind. How does he intend to hold them responsible? What does he think he can do to implement his warning? Let us hope that there will be no reprisals. But the possibility exists, and American prisoners of war have already suffered enough without being placed in greater jeopardy by imprudent decisions.

The way to bring home American prisoners of war is to negotiate seriously at Paris for their release and a prompt conclusion of this deadend war. Unfortunately, it appears that the Vietnamization policy contemplates a military solution to the war in Vietnam. Troops have been withdrawn—and this is all to the good—but it appears ominously clear that American air power will continue to be employed to maintain a modus vivendi based on military might.

And the military adventurism of the last few days demonstrates anew that the administration intends to act on its own, without regard for the Congress, in pursuing whatever will-of-the-wisp idea of the moment attracts it into using military power.

The administration should learn from past failures: Bombing North Vietnam failed; massive deployments of American troops failed; and now a commando rescue force failed. Meanwhile, the stakes remain the same—human lives.

The gambling must stop. This war must be ended. The administration must recognize that there is no way to end it so long as it relies on guns and bombs as the answer.

A DARING AND COMMENDABLE RAID TO SAVE OUR POW'S

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

Mr. WATSON. Mr. Speaker, as a result of the unfortunate political rhetoric that has clouded the whole issue of the Vietnam war, the American people have not received enough information about the heroic efforts of our fighting men in Southeast Asia. This trend was dramatically broken over the weekend when a group of volunteers—and I want to stress volunteers—launched an operation to rescue our POW's.

This was a daring raid; it was well executed and reminiscent of the allied commando raids in North Africa during World War II. It proved beyond a shadow of a doubt that American fighting men are just as tough and just as heroic as they ever were, and the raid is a tribute to American courage, bravery, and perseverance on the battlefield.

Of course, the raid had its critics. There are certainly misguided individuals in this country who are not interested in the lives of our fighting men and the inhuman conditions to which American POW's are subjected, as long as they can demagog about U.S. involvement in Southeast Asia. I believe that the overwhelming majority of the American people and of the Congress will take heart in this latest military operation. The operation was designed to save lives—American lives—and as Americans we should be willing to go to the end of the earth to rescue our men—come what may.

Now, Mr. Speaker, the question begs. What happened to our intelligence reports, insofar as the POW's being evacuated from the prison camp? We may never know, but we have a right to know. It is obvious to me that there was a security leak somewhere along the line, and someone should pay for this breach of security, whether intentional or unintentional. It is more than ironic that the North Vietnam and Vietcong captors had evacuated the prisoner of war camp and furthermore, that the Communists had SAM–2 missiles manned and in the area. We all know that a military operation of this type takes tremendous planning and it is absolutely essential that security be maintained. No one can convince me that the Communists suddenly decided to move the POW's for their health. Somebody tipped them off. In my judgment the Pentagon should leave no stone unturned in finding out just what happened, and if they fail to do so, I respectfully suggest that the Congress step in and conduct an investigation. I know that my very able distinguished friend, the gentleman from South Carolina (Mr. RIVERS), can get to the bottom of this business.

The critics of this raid will say, in addition to hamstringing peace negotiations, that it resulted in nothing. This is a very callous and indeed shortsighted view. If those who take such a view would like to travel to North Vietnam with their paper work solutions to free the POW's, I will gladly help contribute to their one-way trip. We all know that peace negotiations have not freed one American POW. When the Pentagon received reports that some of our POW's were dying under concentration camp conditions, they justifiably ordered the raid. The issue is not success or failure, but whether we were willing to try to rescue the men. We were willing to try and I applaud such a decision. Above all, I applaud and commend the brave men who were willing to risk their lives to save their comrades-in-arms. This is in the finest tradition of our military heritage, and is a source of great pride for me.

PRESIDENT NIXON'S 22-MONTH ECONOMIC DISASTER—NEED FOR WAGE-PRICE CONTROLS NOW

The SPEAKER pro tempore (Mr. DORN). Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, on October 23, 1968, candidate Richard Nixon issued a press release in which he discussed how he would control inflation. He said:

> I do not believe the American people should be forced to choose between unemployment and un-American controls. There is a further choice: the American way of responsible fiscal policy that allows the American people to be both affluent and free. If I am elected, I pledge that I will adopt this approach of redressing the present imbalance without increasing unemployment or controls.

Two years have passed, and his administration is nearly halfway through its perhaps one and only term. He has had 22 months in which to practice, explore, and develop his "further choice." Now it is time to ask whether the President's economic policies have served the country well, or whether they have not.

I suggest they have not. I say that, while we are free of wage-price controls, we are sustaining almost every other economic illness imaginable. Simultaneously, we have unemployment, recession, and excessive inflation. Almost every indicator of how well the economy is serving the American people indicates that it is serving them poorly. Finaly, I suggest that things are not going to get better unless we adopt new and vigorous measures: wage-price guidelines and possibly controls if voluntary action produces no results in a 60-day period.

HOW SICK IS THE NIXON ECONOMY?

UNEMPLOYMENT

During the 8 years of the Kennedy-Johnson administration, unemployment steadily dropped from 6.6 percent in January 1961 to 3.3 percent in December 1968, seasonally adjusted. I include the table entitled "Status of the Labor Force" in the RECORD at this point. This table, and others I shall subsequently insert, are taken from the November edition of Economic Indicators, prepared by the Council of Economic Advisers.

The table follows:

STATUS OF THE LABOR FORCE

Period	Total labor force (including Armed Forces)	Civilian employment		Unemployment	Total labor force (including Armed Forces)	Civilian labor force	Civilian employment			Unemployment	Unemployment rate (percent of civilian labor force)		Labor force participation rate, unadjusted [1]
		Total	Nonagricultural				Total	Agricultural	Nonagricultural		Unadjusted	Seasonally adjusted	
	Thousands of persons 16 years of age and over										Percent		
1965	77,178	71,088	66,726	3,366	77,178	74,455	71,088	4,361	66,726	3,366	4.5		59.7
1966	78,893	72,895	68,915	2,875	78,893	75,770	72,895	3,979	68,915	2,875	3.8		60.1
1967	80,793	74,372	70,527	2,975	80,793	77,347	74,372	3,844	70,527	2,975	3.8		60.6
1968	82,272	75,920	72,103	2,817	82,272	78,737	75,920	3,817	72,103	2,817	3.6		60.7
1969	84,239	77,902	74,296	2,831	84,239	80,733	77,902	3,606	74,296	2,831	3.5		61.1
	Unadjusted				Seasonally adjusted								
1969:													
September	84,527	78,026	74,397	2,958	84,868	81,325	78,194	3,498	74,696	3,131	3.7	3.8	61.1
October	85,038	78,671	75,110	2,839	85,051	81,523	78,445	3,446	74,999	3,078	3.5	3.8	61.4
November	84,920	78,716	75,395	2,710	84,872	81,379	78,528	3,434	75,094	2,851	3.3	3.5	61.2
December	84,856	78,788	75,805	2,628	85,023	81,583	78,737	3,435	75,302	2,846	3.2	3.5	61.1
1970:													
January	84,105	77,313	74,398	3,406	85,599	82,213	79,041	3,426	75,615	3,172	4.2	3.9	60.5
February	84,625	77,489	74,495	3,794	85,590	82,249	78,822	3,499	75,323	3,427	4.7	4.2	60.8
March	85,008	77,957	74,786	3,733	86,087	82,769	79,112	3,550	75,562	3,657	4.6	4.4	60.9
April	85,231	78,408	74,877	3,552	86,143	82,872	78,924	3,586	75,338	3,948	4.3	4.8	61.0
May	84,968	78,357	74,632	3,384	85,783	82,555	78,449	3,613	74,836	4,106	4.1	5.0	60.7
June	87,230	79,382	75,174	4,669	85,304	82,125	78,225	3,554	74,671	3,900	5.6	4.7	62.3
July	87,955	80,291	76,173	4,510	85,967	82,813	78,638	3,519	75,119	4,175	5.3	5.0	62.7
August	87,248	79,894	76,112	4,220	85,810	82,676	78,445	3,420	75,025	4,231	5.0	5.1	62.1
September	85,656	78,256	74,730	4,292	86,140	83,031	78,424	3,399	75,025	4,607	5.2	5.5	60.9
October	86,255	78,916	75,522	4,259	86,432	83,353	78,686	3,288	75,398	4,667	5.1	5.6	61.2

[1] Total labor force as percent of noninstitutional population.

Note: Beginning 1960, data include Alaska and Hawaii.

Source: Department of Labor.

As I look at this table, I am reminded of the truism that 10 seconds of thoughtlessness can destroy a friendship it took 10 years to build. It took the Johnson administration 4 years to reduce unemployment 1 percent, from 4.5 percent in 1965 to 3.5 percent in 1969. Yet it took the present policies only a year and a quarter to let it creep up again to 4.5 percent in early spring of this year. And the second percent has come even quicker: in 6 months—from March to September—we have gone from 4.4 to 5.5 percent.

In the unemployment insurance figures, we find the same pattern repeated. Under the policies of the present administration, claims have doubled in 2 years. Seasonally adjusted unemployment as a percent of covered employment during the month of October was 4.4 percent: double the figure for the last year of the Johnson administration. Since August, it has increased at an average rate of three-tenths of a percent per month. During the course of the Nixon administration, it has increased at an average rate of more than 1 percent per year, and the rate of increase has been increasing. I would like to have the table, entitled "Unemployment Insurance Program," inserted in the RECORD at this point:

UNEMPLOYMENT INSURANCE PROGRAM

Period	All programs			State programs						
	Thousands			Weekly average, thousands			Insured unemployment as percent of covered employment (percent)		Benefits paid	
	Covered employment	Insured unemployment (weekly average)	Total benefits paid (millions of dollars)	Insured unemployment	Initial claims	Exhaustions	Unadjusted	Seasonally adjusted	Total (millions of dollars)	Average weekly check (dollars)
1966	[1] 54,739	1,129	1,890.9	[1] 1,061	203	15	2.3		1,771.3	39.75
1967	[1] 56,342	1,270	2,220.0	1,205	226	17	2.5		2,101.0	41.25
1968	[1] 57,969	1,187	2,191.3	1,111	201	16	2.2		2,031.9	43.43
1969	[1] 60,013	1,175	2,265.0	1,098	197	15	2.2		2,099.5	46.10
1969:										
September	[1] 61,083	903	148.3	840	146	13	1.6	2.2	136.2	45.70
October	[1] 60,737	930	153.8	864	167	13	1.6	2.2	139.5	46.25
November	[1] 60,548	1,106	147.7	1,030	213	12	2.0	2.3	136.6	46.47
December	[1] 61,123	1,465	208.5	1,375	289	13	2.7	2.3	214.3	47.42
1970:										
January		1,958	250.7	1,847	355	18	3.6	2.5	299.4	48.49
February		1,987	328.7	1,874	290	17	3.6	2.6	310.8	49.11
March		1,917	355.5	1,798	245	20	3.5	2.7	331.1	48.93
April		1,885	344.2	1,770	298	22	3.4	3.2	320.2	49.00
May		1,778	314.6	1,667	246	25	3.2	3.6	292.9	49.30
June		1,696	314.6	1,583	248	25	3.0	3.7	291.7	49.51
July		1,896	340.7	1,761	333	26	3.3	3.6	314.2	49.57
August		1,855	336.2	1,711	248	25	3.3	3.8	310.5	49.73
September		1,659	285.8	1,602	244	25	3.0	4.1	305.5	50.72
October		1,886	315.7	1,721	278	25	3.2	4.4	293.6	52.99
Week ended:										
1970:										
October 10		1,811		1,671	288		3.1			
October 17		1,888		1,723	259		3.2			
October 24		1,937		1,758	280		3.2			
October 31 [1]		1,955		1,769	284		3.3			
November 7 [1]					333					

[1] Preliminary.

Source: Department of Labor.

Note: For definitions and coverage, see the 1967 Supplement to Economic Indicators. Data for Alasks and Hawaii included and for Puerto Rico since 1963.

It is interesting to note that labor's recent wage gains have been entirely wiped out by the combination of inflation and unemployment. Average weekly earnings in 1957–59 dollars is now $99.14, roughly equal to that which prevailed in 1966. These figures further deteriorated today by 33 cents. I include the table, entitled "Average Hourly and Weekly Earnings," in the RECORD at this point:

AVERAGE HOURLY AND WEEKLY EARNINGS

[For production workers or nonsupervisory employees]

Period	Average hourly earnings—current prices				Average weekly earnings—current prices				Manufacturing industries	
	Total nonagricultural private [1]	Manufacturing	Contract construction	Retail trade [2]	Total nonagricultural private [1]	Manufacturing	Contract construction	Retail trade [2]	Adjusted hourly earnings, 1957–59=100 [3]	Average weekly earnings, 1957–59 prices [4]
1960	$2.09	$2.26	$3.08	$1.52	$80.67	$89.72	$113.04	$57.76	106.8	$87.02
1961	2.14	2.32	3.20	1.56	82.60	92.34	118.08	58.66	109.9	88.62
1962	2.22	2.39	3.31	1.63	85.91	96.56	122.47	60.96	112.7	91.61
1963	2.28	2.46	3.41	1.68	88.46	99.63	127.19	62.66	115.5	93.37
1964	2.36	2.53	3.55	1.75	91.33	102.97	132.06	64.75	118.4	95.25
1965	2.45	2.61	3.70	1.82	95.06	107.53	138.38	66.61	121.5	97.84
1966	2.56	2.72	3.89	1.91	98.82	112.34	146.26	68.57	125.6	99.33
1967	2.68	2.83	4.11	2.01	101.84	114.90	154.95	70.95	131.5	98.80
1968	2.85	3.01	4.41	2.16	107.73	122.51	164.93	74.95	139.5	101.08
1969	3.04	3.19	4.78	2.30	114.61	129.51	181.16	78.66	147.7	101.42
1969:										
September	3.11	3.24	4.92	2.33	117.87	132.84	193.36	79.69	149.5	102.74
October	3.12	3.25	4.96	2.35	117.31	132.28	189.97	79.20	150.2	101.91
November	3.13	3.26	4.97	2.36	117.38	132.36	184.39	79.30	151.0	101.43
December	3.12	3.29	5.03	2.35	117.62	134.89	189.13	80.14	152.0	102.73
1970:										
January	3.13	3.29	5.07	2.38	116.12	131.93	181.00	79.49	152.9	100.10
February	3.15	3.29	5.06	2.40	116.55	130.94	186.21	79.92	153.4	98.82
March	3.17	3.31	5.06	2.41	117.92	132.40	188.23	80.49	154.4	99.40
April	3.18	3.32	5.09	2.41	117.34	131.80	192.91	80.25	155.1	98.36
May	3.20	3.34	5.10	2.43	118.40	132.93	194.31	81.41	156.0	98.76
June	3.21	3.36	5.13	2.43	120.05	134.40	196.99	82.86	156.6	99.41
July	3.23	3.37	5.20	2.44	121.45	134.46	200.20	85.16	157.4	99.09
August	3.25	3.37	5.30	2.44	122.20	134.13	204.05	85.40	158.2	98.63
September [5]	3.28	3.42	5.35	2.48	121.36	135.43	193.14	83.82	159.8	99.14
October [5]	3.28	3.38	5.40	2.48	121.03	133.85	201.96	82.83		

[1] Also includes other private industry groups shown on p. 13.
[2] Includes eating and drinking places.
[3] Earnings in current prices, adjusted to exclude the effects of overtime and interindustry shifts.
[4] Earnings in current prices divided by the consumer price index.
[5] Preliminary.

Note: Data for Alaska and Hawaii included beginning 1959.

Source: Department of Labor.

To speak of unemployment as 5 or 6 percent is only telling part of the story. For some groups of people, unemployment is over 30 percent, and, of course, to an unemployed individual, unemployment is 100 percent. Unemployment runs higher among the young, among members of minority groups, and among women than it does in the work force as a whole. But as I studied the unemployment situation, I came across some less obvious aspects that seem very disturbing.

First. Unemployment among black-youths has gone through the ceiling. It is now 36.7 percent. And we wonder why the crime rate is rising. When society tells these young men it has no use for them, there is no place for them, they cannot earn an honest living, how do we expect them to react? Do we think they are going to quietly sit on their front steps and turn into vegetating welfare cases? I am going to read a passage from the Gallagher President's Report for November 12. Keep in mind this is not "New Left Notes" or Ramparts magazine; it is a conservative business newsletter aimed primarily at corporation presidents:

CIVIL WAR THREAT MOUNTS

Guerrilla warfare dangerous misnomer. Misrepresents true situation. 22 million blacks in U.S. Comprise 11% of U.S. population. Unemployment rate now 5.6%. Estimated 18% are blacks. Black youths have highest unemployment rate (36.7%) among all groups. Black membership in unions estimated 1% of total 19 million union members. Blacks sense atmosphere of hopelessness, despair in efforts to achieve economic equality. Upset by Nixon administration's preoccupation with foreign affairs. Failure to press for creation of Black Bill of Rights. Similar to successful G.I. Bill of Rights. Blacks lack national leadership. Estimated 120,000 black Vietnam veterans need job training. Vulnerable to terrorist philosophies of militant groups like Black Panthers, Republic of New Africa. Puerto Ricans' Young Lords organization additional threat. Government by repression not answer. Unlikely FBI, national guard, local law enforcement agencies able to contain violence created by mere 5% (10 Million) of U.S. population. Urgent for company presidents to take active interest. Make sincere effort to upgrade minority employment programs.

Mr. Gallagher's urging his influential readers to upgrade minority employment programs is most commendable, and I join him wholeheartedly.

But he is wasting his typewriter. An employer who is forced by general economic conditions to reduce his payroll, to lay off experienced employees, is in no position to take on new untrained people of any color. Moreover, any efforts in this direction would create bitter resentment among the white employees fired and their still-employed coworkers, thus making local race relations even worse. Speaking realistically, we are not going to be able to mount a meaningful attack on minority unemployment until we get general unemployment under control.

Second. Unemployment is very high for Vietnam veterans. By this past summer it had reached 8.7 percent, and I see no reason to doubt it has continued to climb. This rate is considerably higher than the 6.55 percent unemployment sustained by all veterans aged 20 to 29 during the same period.

I think it is particularly ironic that a young man should return from an involuntary year in Southeast Asia to find the same war which nearly got him killed has now damaged the domestic economy and is thus preventing him from earning a living.

Third. The new unemployment is geographically concentrated. Of the 150 major job markets the Labor Department surveys regularly, five were classified as areas of "serious joblessness"—that is, more than 6 percent unemployed—a year ago. Today, the figure is 38.

Fourth. While young and untrained people are hit the hardest, there is also shocking unemployment among our most highly skilled and valuable workers. The spectacle of math, science, and engineering Ph. D.'s driving taxicabs, or unable to find any work at all, is commonplace in my own State of California, as well as around the great aerospace and research and development centers of New England and the Southeast. Robert J. Kuntz, president of the California chapter of the American Society of Professional Engineers, estimates there are 50,000 unemployed engineers on the west coast—about half of them in California. Boeing has gone from a peak of 102,500 employees in 1968 to 49,600 today and they are going lower. And Boeing, which produces a highly successful series of commercial airliners, is in better position than most other aerospace firms, which are more dependent, or entirely dependent, on Government contracts.

If I may digress slightly for a moment, I think we need to reject the notion that defense-industry unemployment is an inevitable consequence of cutbacks in the research, development, and procurement of unneeded weapons systems. Similarly, I think we should reject the notion that a cutback in the manned space program necessarily means throwing thousands of highly skilled people onto the relief rolls.

The fact is we have a crying need for brainpower to help us improve the quality of our life here at home. Our housing construction methods are antiquated; our mass transit technology is a disgrace; our consumer electronics firms are unable to compete on the international market. What we need is a substantial Government program to aid individuals and, where possible, to convert entire plants to meet the Nation's peacetime

needs. A number of us have introduced a National Economic Conversion Act which would help accomplish this. But about a month ago we had a conference on economic conversion, and the position of the administration representatives was one of no interest; they said a bill was not needed.

So we have Ph. D.'s driving taxicabs—if they are lucky.

Layoffs of skilled people have not been limited to defense and space industries. Unemployment among operating engineers in California is now 37 percent. These are the highly skilled and highly paid men who run heavy construction machinery.

Imagine what any other country in the world would give to have these men. Are our overcrowded schools and hospitals so sufficient to meet our needs that we can afford to let them and their equipment sit idle? Hardly.

In September of last year, the administration announced it was cutting back on school, hospital, and highway construction for the sake of the economy.

I insert the Labor Department table, entitled "Profile of 4.3 Million Jobless Americans," in the RECORD at this point.

Profile of 4,300,000 jobless Americans

AGE AND SEX	
Men, age 20 and above	1,636,000
Teenage boys	602,000
Women, age 20 and above	1,491,000
Teenage girls	530,000
RACE	
White	3,506,000
Negro and other races	753,000
MARITAL STATUS	
Married men	978,000
Single men, widowers	1,260,000
Women	2,021,000
OCCUPATION	
White-collar workers	1,213,000
Professional and technical	208,000
Clerical	669,000
Managers, proprietors	125,000
Sales	210,000
Blue-collar workers	1,874,000
Craftsmen, foremen	365,000
Production workers	1,122,000
Laborers	387,000
Farm workers	79,000
Service workers	580,000
Others, with no previous work experience	513,000
INDUSTRY*	
Construction	324,000
Manufacturing	1,320,000
Transportation, utilities	133,000
Merchandising	769,000
Finance, services	741,000
Government	293,000
Farming	87,000

*Includes only wage and salary earners with previous job experience. Excludes the self-employed.

Source: U.S. Dept. of Labor.

As we look at the breakdown of those still employed we see there are 1 million fewer employees in durable goods manufacturing than there were last February. I include the table entitled "Nonagricultural Employment" in the RECORD at this point:

NONAGRICULTURAL EMPLOYMENT

[Thousands of wage and salary workers;[1] seasonally adjusted]

Period	Total	Manufacturing (private)			Nonmanufacturing (private)						Government	
		Total	Durable goods	Nondurable goods	Total	Mining	Contract construction	Transportation and public utilities	Wholesale and retail trade	Finance, insurance, and real estate	Services	Federal	State and local
1964	58,331	17,274	9,816	7,458	31,461	634	3,050	3,951	12,160	2,957	8,709	2,348	7,248
1965	60,815	18,062	10,406	7,656	32,679	632	3,186	4,036	12,716	3,023	9,087	2,378	7,696
1966	63,955	19,214	11,284	7,930	33,950	627	3,275	4,151	13,245	3,100	9,551	2,564	8,227
1967	65,857	19,447	11,439	8,008	35,012	613	3,208	4,261	13,606	3,225	10,099	2,719	8,679
1968	67,915	19,781	11,626	8,155	36,288	606	3,285	4,310	14,084	3,382	10,623	2,737	9,109
1969	70,274	20,169	11,893	8,277	37,902	619	3,437	4,431	14,645	3,557	11,211	2,758	9,446
1969:													
September	70,567	20,252	11,968	8,284	38,130	623	3,436	4,459	14,739	3,584	11,289	2,747	9,438
October	70,836	20,233	11,965	8,268	38,311	622	3,445	4,463	14,824	3,596	11,361	2,739	9,553
November	70,808	20,082	11,782	8,300	38,403	624	3,473	4,464	14,848	3,611	11,383	2,730	9,593
December	70,842	20,082	11,773	8,309	38,399	627	3,496	4,469	14,750	3,626	11,431	2,721	9,640
1970:													
January	70,992	20,018	11,679	8,339	38,584	625	3,394	4,507	14,938	3,648	11,472	2,717	9,673
February	71,135	19,937	11,625	8,312	38,757	626	3,466	4,496	14,987	3,652	11,530	2,718	9,723
March	71,242	19,944	11,648	8,296	38,795	626	3,481	4,502	14,984	3,665	11,537	2,766	9,737
April	71,149	19,795	11,529	8,266	38,744	622	3,426	4,468	14,991	3,673	11,564	2,838	9,772
May	70,839	19,572	11,386	8,186	38,660	620	3,351	4,478	14,968	3,677	11,572	2,768	9,833
June	70,629	19,477	11,286	8,191	38,593	620	3,324	4,511	14,927	3,679	11,532	2,689	9,870
July	70,587	19,402	11,217	8,185	38,594	618	3,314	4,539	14,933	3,776	11,514	2,668	9,923
August	70,414	19,271	11,134	8,137	38,547	619	3,305	4,520	14,912	3,670	11,521	2,659	9,937
September[2]	70,610	19,298	11,146	8,152	38,665	621	3,253	4,512	14,972	3,681	11,626	2,649	9,998
October[2]	70,129	18,689	10,621	8,068	38,774	621	3,246	4,506	15,018	3,695	11,688	2,653	10,013

[1] Includes all full- and part-time wage and salary workers in nonagricultural establishments who worked during or received pay for any part of the pay period which includes the 12th of the month. Excludes proprietors, self-employed persons, domestic servants, and personnel of the Armed Forces. Total derived from this table not comparable with estimates of nonagricultural employment of the civilian labor force, shown on p. 10, which include proprietors, self-employed persons, and domestic servants; which count persons as employed when they are not at work because of industrial disputes; and which are based on an enumeration of population, whereas the estimates in this table are based on reports from employing establishments.

[2] Preliminary.

Note.—Beginning 1959, data include Alaska and Hawaii.

Source: Department of Labor.

The November 15 issue of U.S. News & World Report carried an excellent subjective picture of unemployment throughout the country. I insert it in the RECORD at this point:

WHO ARE THE UNEMPLOYED? GRASSROOTS SURVEY

Caught in the high tide of unemployment are an unusually large number of white-collar and highly skilled people, including an expanding number of managers and executives.

In some areas of the country, where specialized industries have been hard hit, people with the highest skills and biggest salaries are being fired almost as fast as the least-skilled workers.

Even department heads and owners of defunct businesses are showing up in jobless-pay offices in increasing numbers, as the economic slowdown spreads.

Latest official statistics show this about the people who have lost jobs since the unemployment upsurge began in 1969:

Total unemployment held in October at 4.3 million, as announced November 6—the same as September, but 1.4 million higher than a year earlier.

Blue-collar workers seeking jobs increased to 72 per cent above a year ago.

Business owners and managers thrown out of work also increased, to 64 per cent above the 1969 level.

Professional and technical workers out of jobs are up 27 per cent.

Scientists and stockbrokers

Scientists, in some places, are lining up beside tool and die makers and other skilled workers to collect benefits.

Corporate officers, stockbrokers, office managers, personnel specialists, clerks, typists, secretaries and many others are swelling the ranks of the unemployed in various parts of the country.

Some individuals making $15,000 to $30,000 or more a year with 20 years of experience in their jobs are looking for work. Employment agencies indicate some older, higher-paid people will find it hard adjusting to a new job—if one shows up at all.

An estimated 20,000 to 30,000 engineers are out of work in California.

Recent college graduates, in some areas, complain that they have been let go after a few months on the job. A Western university was picketed by about a dozen unemployed engineers when recruiters from the company they formerly worked for showed up seeking younger, lower-salaried engineers.

Many companies, while not firing anyone, are not filling vacancies when they occur. This means fewer job openings.

Larger numbers of hourly employes are taking home smaller paychecks as plants trim production, reduce shifts and eliminate overtime.

Some cities and towns are especially hard hit when companies that dominate the local economy either shut down entirely or lay off workers.

Changing pattern

Reports from correspondents of "U.S. News & World Report" provide highlights of the

present changing pattern of unemployment at the grass roots. What they found out by talking to businessmen, employers, employment agencies, State unemployment officials, other job specialists—

ATLANTA

The aerospace and textile industries in the Southeast are rapidly laying off white-collar personnel, including supervisors and managers. This follows widespread layoffs of blue-collar workers.

As Government contractors at Cape Kennedy, Fla., see business dwindle, they are firing engineers, data processors, clerks, secretaries, guards and janitors. Some top-level engineers have found jobs, others have not. Three engineers hit by the cutbacks now run a service station in the Cape Kennedy area.

Some 1,800 engineering and administrative employes at General Electric's Daytona Beach, Fla., plant were laid off when the company cut back its work force on the Apollo moon program. Many of those fired found other jobs, however.

Nearly 25,000 textile workers are idle in Georgia and the Carolinas, according to both the American Textile Manufacturers Institute and State employment data. Most are blue-collar production workers and many are black.

From $27,000 to—

Another victim of the business recession is the former manager of a closed textile mill in Augusta, Ga. He was earning $27,000 a year; now the best offer he has found pays $10,000.

Young stockbrokers in Atlanta have been quitting. Many have gone into other fields. Old-timers, hoping to survive the bear market, stay on, even with earnings as low as $300 a month.

Young secretaries and receptionists are having trouble finding jobs, said a Georgia Department of Labor official. Noted an Atlanta employment-agency manager:

"People without experience—beginners—are having the most difficulty. Because of austerity programs, companies aren't hiring trainees. Business-school graduates with good grades can't find jobs as secretaries and receptionists."

CHICAGO

Blue-collar workers, especially the unskilled or semiskilled, are bearing the brunt of layoffs in Midwestern industry. Relatively few white-collar employes are being fired. Those who were let go held mostly lower-level jobs such as clerk or typist.

A steel-company official said this about layoffs of some low-skilled workers:

"The union has more to say about who is laid off than we do. They have a very intricate system of seniority which allows a more experienced worker to bump somebody below him and take his job—even if it pays less."

A farm-equipment manufacturer has been reducing employment by "attrition," making most cutbacks among salaried personnel.

"We have to keep production people, because we don't dare let our output get too low," explained a spokesman. "But when it comes to office personnel, when somebody leaves we just try to reorganize things and get by without anybody new in that job."

White Farm Equipment Company is suspending production indefinitely at its Charles City, Ia., plant. It once employed 1,000 workers but had been cut back to 300 to 400 in the past year. It was the town's largest single employer.

One especially hard-hit group is publicists. The Publicity Club of Chicago reported its employment committee has 100 writers and editors looking for public-relations jobs and only 35 openings. Last January there were 83 openings and 85 on the club's waiting list.

DETROIT

The true level of unemployment has been muddied by the General Motors strike. Experts point out that, once GM is back in production, joblessness is expected to decline sharply.

However, the auto companies were slashing payrolls substantially before the strike, and virtually all the cuts involved salaried, white-collar workers.

Earlier this year, General Motors trimmed about 6,000 from its salaried ranks of 141,000 people. These cuts were across the board, a company spokesman said. Secretaries up through middle management were fired, but there were no signs of executive dismissals.

Ford Motor Company pared its salaried staff by 3,400 to a total of 61,800 as of September 1.

Both GM and Ford reduced personnel in part by attrition, allowing vacated jobs to go unfilled. Chrysler Corporation a year ago made a reduction in salaried staff, and another in February of this year. Total cutback, never officially disclosed, amounted to between 3,000 and 4,000 employes, or 10 per cent of the firm's staff.

LOS ANGELES

Unemployed in southern California runs across occupational lines. There are office workers, tool and die makers, janitors and corporate officials out of work. Scientists with worldwide reputations have been laid off.

The employment situation in the aerospace industry, hit by sharp reductions in federal spending, is so critical that Lockheed Aircraft Corporation has published a book: "Job Hunting: Seven Steps to Success." The company gives it to top employes it must let go.

Engineers and scientists represent a special situation on the labor market, said Lockheed executive Everett A. Hayes. He adds: "They need more than a good-luck handshake when they leave a company in search of a new job."

Lockheed has printed, 8,000 of the books for its own use. But requests from the American Institute of Aeronautics and Astronautics, which runs workshops for jobless professionals, and others forced to fire high-grade employes has run the printing to 25,000 copies.

Autonetics Division of North American Rockwell Corporation, an aerospace firm, pared its payroll 25 per cent to 15,000 employes. The number of vice presidents was cut from 17 to 8, and hundreds of middle-management personnel were let go, according to insiders.

"We are making a great attempt to hold on to people who represent our technical strength," said a spokesman for TRW Systems Group of Redondo Beach, Calif. However, the firm has had to release machinists, technicians, technical-manual writers and other white-collar and blue-collar workers as Government contracts are slashed.

SAN FRANCISCO

An insurance executive said he recently fired a dozen college graduates he had been training for management jobs. He was particularly unhappy because he had helped select them for advancement.

A brokerage-house executive, who survived big cutbacks in his firm's personnel earlier this year when the stock market was declining, said there were no plans to rehire clerical people dismissed in an economy drive. He fears there could be more branch-offices closings, putting managers and salesmen out of work as well as clerical staff.

Many new college graduates are believed to be still searching for jobs in their specialties. Some take menial positions to tide them over.

One small electronic firm advertised for a single opening recently and received 2,000 job resumes in reply.

More scientists and engineers may be out of work than is estimated. Experts point out that often little publicity is given to professionals being fired. And they are often reluctant to talk about being let go. For example, some 100 scientists with Ph.D.'s quietly were laid off by Lawrence Radiation Laboratory in Livermore, Calif., last February.

Robert J. Kuntz, president of the California chapter of the American Society of Professional Engineers, estimated 50,000 engineers on the West Coast are unemployed—20,000 to 30,000 of them in California. Mr. Kuntz said some engineers are getting by in other lines of work waiting for an upsurge in demand for their skills.

In the Seattle, Wash., area, Boeing Company has dropped its work force this year from 80,000 to 49,600. Half of its remaining employes could be out of work by the end of 1971, according to one forecast. The company, hard hit by cutbacks in defense and space spending, had a peak employment in 1968 of 102,500. The impact of the Boeing layoffs has affected the entire region.

"Every Boeing employe laid off affects two other jobs in the area," explained Ralph Dunbar, regional administrator of public assistance for King and Snohomish counties, in the Seattle area.

This month several thousand jobless will use up their unemployment compensation and go on welfare. Those getting unemployment compensation are eligible for food stamps. In the year ended in June, 1970, the number of people using these stamps in King County alone rose 580 per cent.

HOUSTON

Unemployment in the Southwest is spotty. The Dallas-Fort Worth area and New Orleans are suffering the most. But generally, the region lags behind the national average in joblessness.

Some major firms that have announced large cutbacks: General Dynamics in Fort Worth, about 15,000 workers; Texas Instrument in Dallas, 1,200 and Bell Helicopter, Fort Worth, 1,000.

The National Aeronautics and Space Administration's Manned Spacecraft Center in Houston has released 175 employes and plans to eliminate 750 more in the next two years. Experts claim that practically every firm that does business with the Government has let some white-collar and blue-collar workers go.

In addition to aerospace jobs, blue-collar workers have been hardest hit in industries such as building construction, steel and petrochemicals.

Firms laying off white-collar workers have started with secretaries, draftsmen, laboratory technicians and the like, and proceeded upward to engineers, scientists, personnel officers and, occasionally, a few junior executives. It seems few senior executives have been fired.

NEW YORK

The trend of claims for unemployment compensation in New York City shows a rapid increase in all types of workers getting aid. Professional and managerial people seeking benefits increased to 10,317 in September, 1970, from 6,038 in the same month a year ago. Clerical workers' claims nearly doubled to 22,508 in the same period.

A State labor official commented that "the year-to-year retrenchment of the labor market has fallen on the high-skilled, better-educated worker."

The stockbrokerage business lost 12,000 jobs over the year; air transportation, 2,700; and water and rail transportation, 5,700 jobs, he disclosed.

Unemployment on Long Island grew by nearly a third in the 12 months ending August of this year. Most of the employes applying for benefits were professionals, technicians and managers from defense and aerospace firms. The average age was 40.

Another group that has come on hard times because people's tastes have changed: About 1,000 union barbers out of 4,500 on

Long Island are out of work, the result of the trend toward longer hair among males of all ages.

WASHINGTON, D.C.

Even in the shadow of the Government buildings, where many of the decisions that vitally affect employment are made, job cutbacks have been more severe than in years.

Electronic firms in Montgomery County, Md.—next door to Washington and one of the wealthiest suburban counties in the country—are dismissing many five-figured salaried employees such as engineers, scientists and sales managers.

One measure of the trend: Of some 800 persons filing for jobless benefits in any recent week in Montgomery County, about 300 to 350 are in the professional or managerial group, according to William J. Kurtz, superintendent of unemployment insurance, Maryland Department of Employment and Social Services.

"Companies started at the top and worked down" in paring their staffs, Mr. Kurtz said.

The highest-paid professionals filing for unemployment benefits, in the county was earning $22,000. But, said Mr. Kurtz, the majority of other professional and technicians seeking benefits were making $16,000 or more.

Miss E. Catherine Phelps, manager of the U.S. Department of Labor's Professional Career Information Center in Washington, reported that as many as 4,500 individuals with professional skills have come to the Center in recent months seeking work—double last year's average. Most are former federal workers, victims of Government-spending cutbacks, and returning veterans and retired military personnel.

Miss Phelps said the job situation in the Washington area "looks a little better now." But she added that, while job openings are on the rise, it is becoming harder to match people to jobs because skills are often specialized.

In summary, we now have 5.6 percent seasonally adjusted unemployment, and it is only a matter of time before it reaches the 6-percent peak of the 1953–54 recession. According to U.S. News & World Report, of the 754,000 men who were added to the labor force in 1970, only 24,000 were able to find jobs. The outlook for 1971 is not good. California unemployment is now in excess of 7 percent.

Not only do we have massive unemployment in our aerospace industry nationally, but the administration in the name of economy has also extended the squeeze to defense establishments.

Reductions in naval shipyards effected over the past year of Nixonomic defense management is representative of the entire Department of Defense. Navy shipyard employment is down today nationwide by 15,000 now since the Kennedy-Johnson years, and the administration is planning another 10,000-man cut in the name of economy. Navy job figures which I released 2 weeks ago are as follows:

NAVY JOB FIGURES

This table of figures on naval shipyard employment was released yesterday by Rep. Robert L. Leggett, (D-Vallejo). It shows employment as of June, 1969, current employment and projected employment for June 30, 1971.

	June 1969	Current	June 30, 1971
Portsmouth	8,012	6,800	6,000.
Boston	7,400	6,200	6,000.
Philadelphia	12,314	9,500	Below 8,700
Norfolk	10,700	9,700	No change.
Charleston	7,800	7,100	Do.
Long Beach	7,500	7,200	To go lower.
Hunters Point	[1] 7,343	6,800	No change.
Pugent Sound	9,800	9,100	9,000.
Pearl Harbor	5,800	5,200	No change.
Mare Island	[1] 11,795	10,000	8,500.

[1] Merged as San Francisco Bay Naval Shipyard. Reestablished as separate shipyard Jan. 31, 1970.

INFLATION

Now let us consider inflation. President Nixon said in October of 1968:

We cannot possibly stabilize the country if we do not stabilize prices . . . Prices are now rising at over 4 percent a year and the problem is worsening; 1968 will be the most inflationary year since 1951. (Statement, *New Republic*, October, 1968.)

From the last year of the Eisenhower administration to the last year of the Johnson administration, annual inflation of consumer prices averaged about 2.2 percent. It ran about 1.2 percent before the Vietnam escalation began, and steadily increased thereafter; the consumer price index rose 4.2 percent between 1967 and 1968. There is no question that the war has been an economic disaster for the country, and that it marred the otherwise brilliant record of the Johnson administration.

I insert the table, entitled, "Consumer Prices," in the RECORD at this point:

CONSUMER PRICES

[1957–59=100]

Period	All items	Commodities: All commodities	Commodities: Food	Commodities less food: All	Commodities less food: Durable	Commodities less food: Nondurable	Services: All services	Services: Rent	Services: Services less rent
1960	103.1	101.7	101.4	101.7	100.9	102.6	106.6	103.1	107.4
1961	104.2	102.3	102.6	102.0	100.8	103.2	108.8	104.4	110.0
1962	105.4	103.2	103.6	102.8	101.8	103.8	110.9	105.7	112.1
1963	106.7	104.1	105.1	103.5	102.1	104.8	113.0	106.8	114.5
1964	108.1	105.2	106.4	104.4	103.0	105.7	115.2	107.8	117.0
1965	109.9	106.4	108.8	105.1	102.6	107.2	117.8	108.9	120.0
1966	113.1	109.2	114.2	106.5	102.7	109.7	122.3	110.4	125.0
1967	116.3	111.2	115.2	109.2	104.3	113.1	127.7	112.4	131.1
1968	121.2	115.3	119.3	113.2	107.5	117.7	134.3	115.1	138.6
1969	127.7	120.5	125.5	118.0	111.6	123.0	143.7	118.8	149.2
1969:									
August	128.7	121.4	127.4	118.2	111.9	123.3	145.0	119.3	150.7
September	129.3	121.7	127.5	118.7	111.6	124.4	146.0	119.7	151.7
October	129.8	122.4	127.2	119.8	113.2	125.1	146.5	120.1	152.3
November	130.5	122.9	128.1	120.2	113.5	125.5	147.2	120.5	153.1
December	131.3	123.6	129.9	120.3	113.6	125.7	148.3	121.0	154.3
1970:									
January	131.8	123.7	130.7	120.1	113.7	125.2	149.6	121.3	155.8
February	132.5	124.2	131.5	120.4	113.7	125.8	150.7	121.8	157.1
March	133.2	124.5	131.6	120.8	114.1	126.1	152.3	122.3	158.9
April	134.0	125.2	132.0	121.6	114.8	127.0	153.4	122.6	160.1
May	134.6	125.8	132.4	122.3	115.9	127.5	154.1	123.0	161.0
June	135.2	126.2	132.7	122.8	116.7	127.7	155.0	123.4	161.9
July	135.7	126.5	133.4	122.9	116.9	127.8	155.8	123.8	162.8
August	136.0	126.6	133.5	123.0	117.0	127.8	156.7	124.2	163.8
September	136.6	127.0	133.3	123.8	117.3	129.1	157.7	124.6	164.9

Source: Department of Labor.

Since the Department of Labor table does not include percentage inflation figures, I have made calculations and insert them in the RECORD at this point:

Percent inflation of Consumer Price Index

Year:	
1961	1.1
1962	1.2
1963	1.3
1964	1.3
1965	1.6
1966	2.9
1967	2.8
1968	3.4
1969	5.4

Percent inflation of Consumer Price Index

Month:	[Annual Rate]
1969:	
August	4.7
September	4.7
October	5.0
November	6.5
December	7.4
1970:	
January	4.5
February	6.4
March	6.4
April	7.0
May	5.4
June	5.4
July	4.5
August	2.8
September	5.3

Are things now under control? On the ticker tape just outside the Chamber the news for last month was just printed: .6 percent inflation in 1 month—October. This equals 7.2 percent per year.

Mr. President, are you listening?

It is clear that, although the war is winding down, inflation is still excessive, running at an annual rate of 4.9 percent so far this year, and the rate for October, the last month for which we have figures, as I stated, was 7.2 percent.

The wholesale price index showed a 6-percent annual increase rate during September, destroying whatever confidence may have been created by the 5-percent annual decrease rate during August. I insert the table, entitled "Wholesale Prices," in the RECORD at this point:

WHOLESALE PRICES

[1957–59=100]

Period	All commodities	Farm products	Processed foods and feeds	Industrial commodities: All industrials[1]	Crude materials	Intermediate materials[2]	Producer finished goods	Consumer finished goods excluding food: Durable	Consumer finished goods excluding food: Nondurable
1960	100.7	96.9	100.0	101.3	98.3	101.4	102.3	100.9	101.5
1961	100.3	96.0	101.6	100.8	97.2	100.1	102.5	100.5	101.5
1962	100.6	97.7	102.7	100.8	95.6	99.9	102.9	100.0	101.6
1963	100.3	95.7	103.3	100.7	94.3	99.6	103.1	99.5	101.9
1964	100.5	94.3	103.1	101.2	97.1	100.2	104.1	99.9	101.6
1965	102.5	98.4	106.7	102.5	100.9	101.5	105.4	99.6	102.8
1966	105.9	105.6	113.0	104.7	104.5	103.6	108.0	100.2	104.8
1967	106.1	99.7	111.7	106.3	100.0	104.8	111.6	101.7	107.2
1968	108.8	102.2	114.2	109.0	101.8	107.5	115.5	103.9	109.6
1969	113.0	108.5	119.8	112.7	110.5	111.3	119.3	105.8	112.3
1969:									
September	113.6	108.4	121.3	113.2	113.9	111.8	119.9	105.3	113.3
October	114.0	107.9	121.6	113.8	113.7	112.2	120.8	106.9	113.6
November	114.7	111.1	121.8	114.2	114.1	112.6	121.5	107.1	113.8
December	115.1	111.7	122.6	114.6	114.5	112.9	122.3	107.2	114.1
1970:									
January	116.0	112.5	125.1	115.1	116.0	113.5	122.9	107.4	114.2
February	116.4	113.7	125.2	115.5	118.5	113.9	123.1	107.6	114.6
March	116.6	114.3	124.9	115.8	118.5	114.2	123.5	107.8	114.7
April	116.6	111.3	124.9	116.2	120.3	114.7	123.7	107.8	114.9
May	116.8	111.0	124.1	116.6	120.0	115.2	124.0	108.0	115.6
June	117.0	111.3	124.8	116.7	119.5	115.4	124.2	108.1	115.9
July	117.7	113.1	126.6	116.9	118.0	115.6	124.6	108.3	116.0
August	117.2	108.2	126.1	117.1	117.2	115.8	124.9	108.3	116.4
September	117.8	111.8	126.2	117.4	118.7	116.0	125.3	108.4	116.8
October	117.8	107.5	124.9	118.3	120.6	116.3	127.0	111.6	117.1

[1] Coverage of the subgroups does not correspond exactly to coverage of this index.
[2] Excludes intermediate materials for food manufacturing and manufactured animal feeds; includes, in part, grain products for further processing.

Note.—Beginning 1967, the indexes incorporate a revised weighting structure reflecting 1963 values of shipments. The classification structure also changed.

Source: Department of Labor.

Finally, the gross national product price deflator shows a 6-percent increase for the first quarter of 1970, 4.3 percent for the second quarter, and 4.6 percent for the third.

So while it might be argued whether the rate of inflation is increasing or decreasing, it is clear that it is intolerably high and likely to remain so.

I see no reason to expect the inflation rate to fall in the foreseeable future. The General Motors workers have just achieved a contract providing 9 percent annual increases for each of 3 years, which is clearly inflationary when viewed in light of 3 to 4 percent expected productivity increases. The railroad workers have gone even further, recently rejecting a contract offer that would have given them an increase of 37 percent.

I have here a table showing recent wage increases in the construction trades running from 14.4 to 66.9 percent annually. In 3 years, it appears unlikely that the base pay of any skilled construction worker in the country will be under $10 per hour. The table follows:

SETTLEMENTS OF VARIOUS BUILDING TRADES

City and State	Occupation	Days on strike	Current rate	Increase	Final rate	Annual percent increase
Los Angeles, Calif	Sheet metalworkers	17	$7.06	$5.00/3 years	$12.06	23.7
Northern Illinois	Operating engineers (heavy-highway)	75	6.03	4.75/38 months	11.05	25.1
Las Vegas, Nev	Operating engineers	9	7.07	3.96/4 years	11.03	14.0
Norwich, Conn	Bricklayers	28	6.07	4.03/3 years	10.10	22.0
New Britain, Conn	Plumbers, steamfitters	------	6.31	4.06/2 years	10.37	32.7
Connecticut, statewide	Carpenters		5.69	4.69/39 months	10.35	25.2
Waterbury, Conn	Electricians		5.95	6.00/3 years	11.95	33.6
Miami, Fla	Pipefitters	55	6.76	3.50/27 months	10.26	22.8
Do	Plumbers	50	------	5.00/30 months		
Hartford, Conn	Electricians	28	6.75	5.75/3 years	12.50	28.2
Chicago, Ill	Operating engineers	------	6.55	4.50/4 months	11.05	28.8
Wichita, Kans	do	48	5.40	5.10/3 years	10.50	31.4
Baltimore, Md	Bricklayers	47	6.2	4.36/3 years	10.57	23.3
Do	Plumbers	47	5.68	4.38/3 years	10.06	25.7
Missouri areas W-1	Laborers (heavy-highway)	10	3.925	2.85/13 months	6.775	66.9
Columbus, Ohio	Plumbers	------	8.205	3.565/3 years	11.77	14.4
Providence, R.I	do	------	------	4.10/3 years		
South Bend, Ind	Carpenters	------	6.605	3.85/3 years	10.455	19.4
Detroit, Mich	Sprinkler fitters	------	7.80	3.20/3 years	11.00	14.9
New York, Albany-Troy-Schnectady	Sheet metalworkers	91	5.85	4.43/3 years	10.28	25.3
Louisville, Ky	Ironworkers	10	7.29	3.15/3 years	10.44	14.4
Niagara Falls, N.Y	Plumbers	------	8.55	2.85/2 years	11.40	16.6
Kansas City, Mo	Bricklayers		------	4.50/4 years		
Memphis, Tenn	Ironworkers		------	4.00/4 years		
New Jersey, statewide	Operating engineers (heavy-highway)		------	5.10/3 years		

ADVENT CHRISTIAN HOME OUTSTANDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker. Few institutions can match the record of service or the standard of excellence which denotes the Advent Christian Home near Live Oak, Fla.

Located on the banks of the famed Suwannee River, the cluster of buildings there have been a horizon of hope for hundreds of young men and women who have needed a foster home—and a life filled with activity for the elderly.

The Advent Christian Home is located on a tract of more than 600 acres of land 18 miles west of Live Oak at Dowling Park.

The home came into being when the late Dr. Burr A. L. Bixler, long-time minister of the Advent Christian Church in Live Oak, received a letter from a dying mother who wrote a pathetic letter asking "Have we an Advent Christian orphanage?" She wanted her five children to be cared for in a Christian atmosphere and with loving care. The father was a heavy drinker and did little to support his family.

Touched by this plea, Dr. Bixler set out to establish a home and in 1913 these five children came there to open the home in a frame building. About this same time the needs of elderly retired ministers was realized and provision was made to offer care to these men and their families.

The original land came from Thomas Dowling who had previously given the tract for a campground meeting place.

Dr. Bixler labored long and hard for this home and met many heartbreaking setbacks over the years. He was the guiding spirit of the home until his death.

When Dr. Bixler passed away in 1950, the Rev. Fim Murra had charge of the institution for a short time. The Rev. Gordon Reed and the Rev. Hugh Sheppard then acted as superintendents.

During this period the superintendents also edited the church publication "Present Truth Messenger" and the two jobs were too much for one man. The home was some $9,000 in debt and the board of trustees was searching for some method to put the home on a sound financial basis.

They found their answer in Mr. and Mrs. M. A. Carter. A devout and devoted couple, the Carters decided they would like to dedicate themselves to some form of Christian work when their three children had grown up.

Carter agreed to take the job on a 90 days trial basis with a firm desire to pay off the debts of the home and put it on a sound basis. He later noted that it was prayer that made it possible. Sincere prayers for divine assistance came in the form of a $5,000 donation from a Jacksonville couple which helped put the home on its feet. Pieces of property in Gilchrist County and in Green Cove Springs were sold to bring in another $4,000 and a piece of property on the Suwannee brought another $6,000. With these funds it was possible to pay off all of the old debts and since that time the home has operated on a current basis in spite of a continuing building program which has added tremendously to the facilities of the home.

Monthly board is paid by the elderly residents, except the retired ministers and their families and the denomination takes up a fifth Sunday offering for support of the institution. In addition, individual donations help to carry on the work.

Mrs. Carter passed away in 1960 after rendering devoted service with her husband to the home. The hours were long and the problems difficult and the Carters gave unselfishly of their time and efforts to carry out this calling.

Carter was succeeded as superintendent by his son, Pomeroy, who is considered to be one of the finest administrators in the Nation.

Direction of the home is under the board of trustees of nine, but most of the decisions must be made by the superintendent since members live all over the Southeast.

Residency is not relegated to the Advent Christian religion and there are many denominations represented. Acceptance for admission is made on the basis of available space.

Great emphasis has been placed on facilities for the retired. Again the emphasis is to provide a home instead of an institution. There is no question but that this goal has been attained.

The orphan children are given as near a home life as is possible. They go to school at Clayland and Live Oak and do chores on the farm or in the kitchen.

The children attend church in town, brought by the home's bus.

Particularly do the youngsters enjoy the operation of the dairy where the milk and dairy products consumed are produced.

A visit will convince anyone this is a happy place. A pleasant smile or friendly greeting meets the visitor as the sound of some construction program wafts across the area.

The Advent Christian Home has been richly blessed by providence through those who have contributed to building up this outstanding institution. The future is unlimited in potential for service to the elderly and the orphaned.

Perhaps a quote attributed to Matthew Carter best describes my feeling about the Advent Christian Home. He said, "The Lord has richly blessed this work, that all that has been done has been done with His care, protection and blessing."

CONGRESS MUST SAVE SMALL BUSINESSES, HOMEOWNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 10 minutes.

Mr. ANNUNZIO. Mr. Speaker, one of the most critical problems facing small businesses and homeowners across the country is the inability to obtain insurance, particularly insurance to cover losses arising from fire or criminal acts.

While this problem is most prevalent in our major cities, it should by no means be considered as only an urban problem since the cancellation practices of the insurance industry and the unwillingness to write new coverage are also being felt in suburban areas as well as rural areas.

Hardly a day goes by that a newspaper does not carry a story discussing insurance problems of homeowners and small businesses. In some cities, it is so difficult for businessmen to obtain insurance that they simply close their doors. Homeowners do not have the same out, for under the terms of their mortgages, they must be covered by fire insurance, even if that fire insurance costs almost as much as the monthly house payment.

The insurance problem has also struck our school systems, from elementary schools through colleges. These institutions are finding it increasingly difficult to obtain insurance.

Very shortly, this body will take up the Housing Act of 1970, a portion of which contains the so-called "Annunzio bill" to allow the Government to write crime and fire insurance in those areas where private industry refuses to write such insurance at reasonable rates. The legislation would allow the Government to write this insurance whenever the premium rate charged by private insurance firms exceeds 150 percent of the normal rate. The insurance industry is opposed to my bill on the grounds that it puts the Government in competition with private industry.

I believe as strongly in the free enterprise system as any Member of this body, and because of this, I have waited for more than 3 years for the insurance industry to take some action to solve this problem. Time and time again I have been assured that the insurance industry was working on a plan and it would only be a matter of weeks before the plan would go into effect. During that 3-year period, not one of these plans has ever been presented to me nor has the insurance industry even agreed upon the need for such action.

Mr. Speaker, the insurance industry does not intend to take any action to help small businessmen or homeowners. That point has now been made clear. Originally, the industry supported a plan that would have given it 1 year to come up with alternative solutions or face federally written insurance. Now, however, the industry says it wants no legislation even with a year delay. It has suggested that the way to solve the problem is for the insurance industry to write the policies, with any losses being guaranteed 100 percent by the Federal Government. In short, the industry wants to sell winning tickets on a lottery, but such sales will be limited to itself.

It has also been said that by providing small businessmen with crime insurance the basic problem of crime will not be solved. I agree with that statement. I do not know who is to blame for the crime rise in America—perhaps it is the Congress for not passing stronger laws; perhaps it is the court system for not taking firm action against criminals; perhaps it is the police who do not have enough men to combat crime; or perhaps it is simply a breakdown in respect for the laws of our land. I do not know who is to blame, but I do know one thing—it is not the fault of the small businessman. He is not responsible for crime, but he is the one that is being punished. The insurance industry merely says crime is a problem and, therefore, small businessman, you must pay for it. It is a sad commentary on the state of our Nation when we allow small businessmen across the country to be held captive in such a political power play.

Mr. Speaker, the New York Times Magazine of November 8 carries an in-depth article discussing the problems of obtaining insurance. I am including the article and, although I realize that every Member is overburdened with volumes of printed words that he must read daily, I sincerely ask that before voting on the Annunzio bill that they read this article. Of particular interest to me in the article is a statement by Prof. Herbert Denenburg of the Worton School, who comments:

> But property insurance is an area in which the private sector has not shown it has the imagination to cope with the problems it is beset with. In any case, government is ideally suited to function as a risk-spreading mechanism, which is all that insurance is. Look how well Social Security has worked out. I don't know why government can't handle other coverages as well. It may have to, because the environment is likely to get worse before it gets better and industry is not handling the job now.

This same article also points out that the insurance industry, which has complained about losing money, is actually making record profits. For instance, the article states:

> At the moment, despite the decline in the paper value of stock investments, the insurance industry is sitting on a record pile of surplus reserves—cash left over after making provision for maximum projected claims payout. For all property and casualty companies this surplus now stands at $142 billion.

The article adds that:

> Continental Insurance, for example, passed along a $465 million special dividend

last year to its parent, Continental Corporation. Four other insurance companies in New York also handed over special dividends to their holding companies last year, amounting to $600 million. Like Continental none of them are showing much desire to use their surpluses to back up new underwriting for crime coverage and other lines in which the demand is not being met, though many are expanding lines in which there is currently good profit. In the last five years, Continental has picked up 190 percent more workmen's compensation business while its fire business has risen by only 30 percent.

Mr. Speaker, the small businessmen are asking only for an opportunity to stay in business and the homeowners ask only for an opportunity to keep their homes. The insurance industry has refused these requests, and only Congress can solve the problem.

"YOUR POLICY IS HEREBY CANCELLED"

(By Peter Hellman)

One day last fall, in a peaceable, leafy and well-off section of Larchmont in New York's Westchester County, the home of a vice president of a billion-dollar insurance company was burglarized. He entered a claim for his losses, which were covered by a home-owner's comprehensive policy he held with another company. Soon after he had received the covering check, he was notified that his policy would not be renewed.

The vice president then set about doing what a growing number of residents of cities and their farthest-flung suburbs all around the nation are finding themselves doing: getting on the phone to plead for insurance. Because the executive had "friends" at the top of the company concerned, as he is sheepish to admit, he got his coverage back.

Other citizens who need insurance for their homes, autos or businesses are not so fortunate. Often they are not able to get the coverage they want in the first place. If they do get it, they are reluctant to make all but the most major claims for fear their insurers will drop their policies.

Many policyholders are finding that insurance companies' uninterest in keeping their patronage sometimes leads to less than sympathetic and even highhanded treatment; for example:

A Bronx man has carried insurance on his home in a solid part of the borough for 16 years with the same company. Last summer a racing bike was stolen from the basement. He put in a claim—his first—for $40. "Believe me, it's not worth $40 to have the claim on your record," his agent told him. "They're liable to cancel you and I won't be able to help. Do yourself a favor and pay for the bike on your own." The man took his agent's advice though it did not seem right. "Have I been paying premiums for 16 years so that I have to be afraid now to make a $40 claim?" he asks.

A woman calls a major insurance company to get coverage on her new car. The conversation is brief:

"I'd like to get insurance on a VW I've just bought."

"Where do you live?"

"Brooklyn Heights."

"Are you married."

"No; I'm divorced."

"I'm sorry. We don't offer insurance to women who live in Brooklyn Heights unless they're married."

A man who lives in the Normandy, a well-attended building on Riverside Drive at 86th Street, has for many years carried theit insurance on his wife's jewelry and mink coat. "Five years ago I paid $120 for $10,000 in coverage," he says. "But now my wife has given most of the jewelry to the children and the mink is 15 years old. This year I took only $1,800 worth of coverage but the premium is $185. When I called up to complain, they told me I should consider myself lucky that my wife is home all day; otherwise they would have canceled the policy altogether."

(An executive with the company that insures the man says, "He is lucky; we've had to refuse to renew some customers in urban areas who have been with us 20 years or more because of bad loss experience. You might say that after that long we have a *moral* obligation to continue insuring the guy. But as much as we'd like to, we can't do business that way. You start being softhearted in this business and you'll end up with so many claims you'll go under—and then you'll have failed all your customers.")

A woman's car is hit from behind while she waits at a red light on Third Avenue. Her own collision policy (which costs $305 a year, exclusive of the first $100 of damage) covers the accident and specifies that she may rent a car while hers is being fixed at the company's expense. Told by her doctor that signs of whiplash or other injury might take a while to appear, she refuses to sign a release from all further claims when she goes to the company office to pick up a rental-car voucher. The company, one of the five largest in the nation, says it will not give her the voucher until she signs the release. She tells them they can have their voucher, and walks out. It is only when her lawyer prepares to bring suit that the company agrees to honor its contract.

GETTING—AND KEEPING—INSURANCE IS BECOMING HARDER AND HARDER AS THE DEMAND FOR IT MOUNTS IN SUBURB AND GHETTO ALIKE

Variations on these stories are being heard more and more today. At the root of nearly everybody's insurance troubles is an often overlooked characteristic of the insurance business itself: insurance, unlike the product of most other enterprises, is made available in reverse proportion to demand. The hour at which the public clamors most for flood insurance, for example, is the same hour at which the insurers are least likely to offer it—when the river is rising. In New York today the demand, intense and unmet, is mainly for auto, fire and crime insurance—the very coverages which the companies sought eagerly to sell only a few years ago.

Drivers need auto liability insurance in large amounts to protect them from financial ruin in case they are at fault in a major accident. But the auto insurance market is at the point today where as many as half of newly insured drivers in some areas of the city are "assigned risks" getting liability coverage in dangerously minimal amounts because they are unable to get any company voluntarily to sell them a full policy. Property owners need fire insurance to protect their investment, to start or improve a business and as a requirement for getting bank financing. No community of homes and stores can thrive without fire insurance. But coverage has become so scarce since 1965 that the Federal Government had to set up its own corporation two years ago to reinsure the companies against riot loss in order to get them to issue fire coverage again in huge areas of the cities.

Tenants, homeowners and businessmen need crime insurance to protect against theft, burglary and holdups. But asking for these coverages in most neighborhoods "is like asking for a miracle," according to Seymour Terry of the Insurance Brokers Council of New York. In fact, the 500 companies licensed to do business in New York are in such a fright over writing crime insurance for certain businesses—notably jewelry stores—that they have largely yielded to foreign insurers like the Lloyds syndicate which believe they can take the risk and turn a profit.

Why can't the industry meet the demands for its product? Out of a large body of answers offered by its critics and defenders, the overshadowing one is that this industry more than any other has been traumatized by the environmental upheavals of the last decade. The basis for writing insurance has always been the actuarial statistics which indicate how much longer a man of a certain age may live, how often a fire can be expected in a city, how likely a driver is to crash on Staten Island, what chances are for a robbery in a store or home. Until recently, things went pretty much as the actuarial tables predicted.

But nobody on the property side of the industry predicted the riots in Watts, Newark, Detroit and dozens of other cities in the sixties. Until then, riot protection was an ignored clause tucked into the "extended coverage" endorsement of standard fire policies. Says a company president, "Until Watts I don't recall paying a claim for damage due to riot in 40 years in the business. All of a sudden we had to pay off $3-million in one year."

As for the increase in crime, who could have guessed that the F.B.I. would announce a 223 per cent rise in over all crime since 1960? Or that home burglaries would go up 209 per cent in one year?

Then there is everybody's bogy of inflation. The insurance industry is even more fearful of it than other industries because, unlike them, it is selling only a promise to pick up the bill for a claim at some moment in the future—at a cost which may have gone up faster than projected. Auto insurers, for example, say they woefully undershot the present costs of repairs when they filed current rates a year ago; most of them lost money on auto claims in 1969 in amounts ranging to $82-million in the case of State Farm Mutual.

Odd as it may seem, at the same time that so many people are having trouble getting insured, the insurance companies are competing with each other as hotly as they ever did by mail and media ads. But the competition today is for a particular customer—the man deemed least likely to have a collision, fire or robbery. By keeping out the real risks, the companies can then offer lower prices and better service to him and people like him. Over the years, in pursuit of that ideal clientele, the companies have gradually shunted off groups which they feel—sometimes because of statistical reasons, sometimes because of a gut reaction—are more likely to make claims than other groups. These have included teen-age boys, who in fact do have more than their share of accidents, and drivers over 65, who do not.

Just how picky the companies have become is specified in the "Underwriters' Manual" issued to agents of a major insurer. It is loose-leaf style, small, with a dark brown cover. Neither on the front nor anywhere inside is the name of the company given. Agents are instructed to keep the manual from the eyes of the public. In it a member of the New York Philharmonic who could not get auto-liability coverage despite a clean record would find out why: In a section thumb-tagged "Liability," under the heading "Not To Be Solicited" is a list of 18 "ineligible risks" which includes actors and actresses, garbage haulers, taxi drivers, dance-hall operators, professional athletes, truckmen—and concert musicians.

Another list of 26 "questionable risks includes beauty-parlor operators and employes, detective agencies; fruit, vegetable and poultry dealers; drivers over 65, tavern operators and physically impaired persons.

In the section thumb-tagged "Robbery," businesses not to be solicited include army and navy stores, furriers, jewelry stores, pawnbrokers, perfumeries, finance companies, lunch rooms, supermarkets and all enterprises which stay open 24 hours a day. Persons proscribed in this section include residents of trailer camps and professional entertainers.

The trouble with an industry obsessed with exclusion lists based only on profession or age is that the original and still workable concept of insurance—spreading the risk among many—is lost. Those who manage to get coverage even though they are barred from normal access to it may find themselves practically self-insured, like the ghetto storekeeper who pays $250 for a $500 holdup policy. It was the exclusion factor, in fact, which got the mutual insurance companies started in the thirties when certain trades were banned from the first workmen's compensation plans offered by the stock companies. Lumbermen, meatpackers, firemen and others in trades considered too dangerous by ordinary insurers then formed their own companies for their mutual benefit; many of these have since grown fat and now practice their own forms of exclusion.

Even the life and casualty companies, whose coverages have not been much affected by riots and other problems of the sixties, can exercise their own methods of exclusion at the same time they eagerly seek the business they want. Though company underwriting manuals no longer specifically forbid sales to persons of the "Negro races" as many of them once did, a number of agents report that a ghetto address is sufficient reason for the home office to become unwilling to write a policy which a customer wants. "It's not just ghetto blacks who are turned down," says a life agent. "I have an associate who has tried to develop a clientele in a Japanese-American community. But he finds it awfully difficult to get his company to write policies even on doctors and other professionals in that community. There's no reason for the rejections except that the company gets uncomfortable with non-Caucasians.

"Now you could ask, 'Don't blacks have a higher death rate than whites?' They do; their life expectancy is seven years less, to be exact. Then you might deduce that the industry has a point when it hesitates to insure such a group at standard rates. But the truth is that ghetto blacks, who are the poorest risks on a pure mortality basis, are not generally the ones on whom expensive life policies are being written. It's the middle- and upper-class blacks who want this coverage and they live as long as their white counterparts; a black doctor has as long a life expectancy as a white doctor."

The life and casualty companies are often accused of using the forbidding blocks of small print in their policies to delay or cut down a claims payment which seems otherwise legitimate. A 23-year-old woman holding a casualty policy with a major insurer ripped up her leg while weekend skiing on a remote slope in Vermont last winter. She was treated at the scene by a doctor and hobbled around her lodge until she could catch a ride home on Sunday night. On Monday morning she went to a hospital for treatment, which cost her $450. When she submitted her claim to her insurer she was told that since she had not gone to a hospital within 12 hours of the accident she was not covered; it was all in the fine print. "I asked them how I was supposed to get to a hospital in 12 hours when there wasn't one in 100 miles and the snow was coming down like wild," she says. "They said they were very sorry but they had to abide by the contract. I ended up getting a check for $10; the rest I paid."

Insurance company presidents to a man claim they can maintain long-term solvency and continue to offer good service only by sticking to their own strict standards of who will be chosen for coverage. "If we ever lost our underwriting control we'd be dead," says Clay Johnson of Royal Globe. A leading consumer magazine did indeed find in a recent survey of 230,800 drivers that United Services, one of the two insurance companies it rated tops in quality of service, had a built-in severe restriction on policy-holders—it sells only to military and foreign-service officers, who are presumed to be a careful lot. It happens that the other company rated tops by the magazine, State Farm, is the largest of all auto insurers. Advocates of a tighter standard for underwriting are quick to point out that while United Services made money last year, State Farm was being thrown for its record $82-million loss. The State Farm jingles which could be heard on many radio stations last year are gone.

New York State, which has compulsory auto insurance, puts bad-risk drivers into a pool. Insurance companies which operate in the state must then divide up these bad risks and insure them. A person who must turn to the assigned-risk plan—nearly everybody in some parts of New York City—pays the same rate as a regular policy holder for the so-called "10–20–5" liability package—$10,000 for any single individual, $20,000 for all individuals, $5,000 for property damage—the minimum a driver must carry. (The industry estimates that each voluntarily insured New York driver includes a subsidy of $10 in his own premium to help insure those drivers who must go to the assigned-risk plan.) Since September, 1969, assigned-risk drivers have been able, for higher rates, to get as much as 50–100–10 coverage. But in litigation over major accidents, even these amounts can seem like little more than pocket change.

Furthermore, many of these bad-risk policyholders find that the companies, though forced to insure them, have ways of getting rid of them. In the crowded office of insurance broker Irving Shaid at 3147 Broadway, for example, a woman came in tearfully one afternoon to say that she had got a notice of cancellation of her policy for nonpayment of premium—though she claimed to have sent in her check a week before the notice came. Shaid, who ministers to a steady stream of mostly ghetto residents with similar problems, got on the phone and found out that even though the company had received her payment the day it sent out the cancellation notice, it refused to reinstate the policy.

"I sit here every day and see how the companies treat people they want compared to people they don't want," says Shaid; "it can be two different worlds. Not that regular policyholders always come off so well; a couple of months ago I had a customer with a clean record on whom I wrote coverage which the company accepted. Two weeks after the guy got his policy in the mail he got another notice saying he was canceled. When I investigated it turned out that he was being canceled because the company had discovered he had a 15-year-old son who would be getting a learner's permit in two years. They just didn't want to have to insure the kid when the time came."

Auto liability coverage is no longer the only kind of insurance which New York requires the industry to furnish to responsible citizens who cannot find it on the open market. In 1969 the right to coverage was extended to fire insurance after the companies suffered what George Bernstein, Federal Insurance Administrator, called a "collapse of will" in the wake of the riots. Not that it had been easy to get fire insurance in ghetto areas before the riots. The industry had a well-established practice called "redlining"—underwriters would simply mark off the perimeters of certain areas on the urban map and write no policies inside them (though some of the buildings might be superior in construction and maintenance to ones they would not hesitate to insure in posher areas).

Even when there was no specific redlining, there was often a problem with inspections—the critical first step in getting coverage for a property. The predominantly white corps of insurance-company inspectors has always been reluctant to poke around in black areas. "The only way I got companies to consider the better buildings," says a trim and bright-eyed broker named Ernesta Procope, who has built up a major insurance brokerage firm over the past 15 years in Bedford-Stuyvesant, "was to take their managers by the hand and walk them from block to block. They would say, 'Gee, we didn't know you had such fine properties out here.' Then they might write a policy." In 1967 a broker in Harlem, Ernie Johnson, tried to meet the need for ghetto inspections by forming a service manned by black inspectors. The project had to be dropped for lack of qualified personnel.

After the riots, companies stopped writing policies even in neighborhoods which had experienced no violence and did not seem likely to have any. The fact that these neighborhoods are part of much larger territories set up for pricing fire risks had in itself become a barrier to getting insurance in them. Unlike auto rates, fire rates are based on full metropolitan areas, not sections thereof. Dwellings of similar construction in Forest Hills and Brownsville, for example, are both figured at about $16.80 a year per $10,000 of fire and extended coverage. But companies which are glad to insure the Forest Hills property would normally be loath to look at the one in Brownsville.

Aware that they could not ignore the public howl for fire insurance in the late sixties, the companies first sponsored two plans to provide compulsory inspection of ghetto properties which had been rejected summarily. It was felt that if the properties did turn out to be worth insuring the coverage would then be made available. With no good reason for them to succeed, both plans failed. Meanwhile, the President's Commission on Insurance in Riot-Affected Areas concluded its study of the problem with a recommendation that, in states where the need was felt, insurance commissioners set up pools to take in all reasonable risks for fire insurance including riot protection under the extended-coverage endorsement.

In return for agreeing to take in all who knocked at the door for fire insurance on properly maintained buildings, the companies would get Federal reinsurance through the Department of Housing and Urban Development to protect them if large-scale riots broke out again. In New York the official name of the pool, or FAIR (Fair Access to Insurance Requirements) plan, as it is sometimes called, is the New York Property Insurance Underwriting Association.

Getting Federal backup for any kind of underwriting required a major ideological headstand by the companies. By tradition they have been regulated exclusively by state commissioners with no interference from Washington. The last time the industry had been threatened by the Federal touch was in 1944 when the Supreme Court ruled that insurance was "interstate commerce" and thus subject to the antitrust laws. After six months of thrashing between legislators and the powerful insurance lobby, Congress passed what has become known as the Mc-

Carran Act, which excludes the industry from antitrust and all other Federal regulation; to be more precise, it says that the Government would regulate the industry only to the extent that the states did not wish to.

Just how pent-up was the need for fire insurance in New York became clear when the FAIR plan went into effect in late 1968. By the time it was a year old, it had grown to be the largest property insurer in the state. As of last Aug. 31, it had taken in $62-million of premiums in coverage on more than 222,000 properties. In this way, FAIR has been a huge success. In other ways, it has problems. For its first 22 months of operation, it claimed a loss of $39-million—a figure which does not include total underwriting and loss-adjustment expenses of $25-million or the investment income on the plus side, which the pool earns but figures separately just like any other insurance company. But with the full benefit of a 17 per cent rate increase effective last January (the industry has already asked for another), and with administrative machinery working more smoothly, next year's operations should give a better picture of how the pool is faring. And since the rate structure of the pool is to be based eventually on the experience of its own clients (whom one company man calls "pure schlock"), it will probably be several more years before enough statistics can be compiled to make the rates exact.

Brokers don't like the FAIR plan because under it their commission on policies is 10 per cent instead of the standard 20 per cent. Customers who want fast coverage don't like like it because there is a frequent 17-day waiting period from the time of application until coverage is effective (though the process is being speeded up); in some cases applications for coverage are not processed for months owing to the paperwork jam caused by the rush for coverage. "On open-market business I can pick up the phone and get a binder on the spot for a customer," says a broker. "I doubt it will ever be that way with the plan."

For one- to four-family dwellings, maximum coverage is $250,000, plus $25,000 on household and personal property. For large insurers a drawback of the pool is that maximum coverage is limited to $1.5-million, which cannot be mixed with private coverage. A major Long Island department store which lost its fire coverage earlier in the year after the insurer decided that bomb threats had become intolerable, has not so far been able to put together the multi-million dollar coverage it needs in the open market.

None of the crime or associated coverages are easy to get in the city. Working girls with apartments on the best East Side blocks can't expect much luck in buying a tenant's policy to protect their personal property—because they are gone all day. If a policy can be found, it may not be worth its price; a girl who just moved into an East 67th Street studio, for example, was offered as a "favor" a $500 fire-and-theft policy excluding the first $250 on jewelry—the only items of real value she owned—for $180 a year. Owners of $300,000 brownstones on the same street are unwanted business because access to the homes is usually easy through lower floor rear windows or by roof hopping.

But the hardest places of all to get crime insurance are invariably black or racially mixed areas of the city, even when they are bustling and healthy. Along a three-block stretch of 125th Street on a recent Monday morning, for example, a superette manager complained that his theft insurance had been cut from $1,000 to $500 this year but the $250 premium stayed the same; the owner of a record shop with speakers booming onto the street reported that he could get no theft coverage at all; a druggist said that his plate-glass insurance for $425 worth of panes had gone up from $40 to $230 in three years; a wholesale liquor salesman having an early drink in Frank's Restaurant was unhappy because retailers in the neighborhood who used to buy in lots of 25 cases to get a volume discount are now forced to take a few cases at a time for lack of insurance on the open stock.

The feeling that a lack of innovative management has been a major factor in the industry's inability to meet the demand for insurance is widespread among its observers. "Let's face it," says a member of the New York insurance commissioner's staff, "this is a hothouse industry just like the railroads. Nearly every time it wants to make a move it has got to get approval from us. This is not the sort of atmosphere which bright young men thrive in." According to an agent for one highly esteemed company, his management is on guard against the wrong kind of prospective employe: "When you take a written general-ability test during your interview day, you're out if you score too low *or* too high. I asked my boss once why it should be that way. He said, 'Well, it's better to have people who don't think *too* much, because in this business you can't think and work at the same time.' I still don't know if he was joking."

In the case of crime coverage, the industry does not deny that it could be more innovative in helping all kinds of customers—from jewelers to bachelor-apartment tenants—in the installation of intelligently designed security systems which in the end would save money on both sides—just as it does not deny it should have been in front of the push for less damageable cars.

But according to one security expert, Harry Haacke of the brokerage firm of Marsh & McLennan, the public must take a portion of the blame for crime losses. "People think, what the hell, my two televisions are insured; so they don't bother to lock up or take any of the precautions they should when they leave the house. The industry can't be expected to make up for people's losses which are the result of carelessness, but if the public isn't interested in security, it shouldn't expect the companies to subsidize its own lack of concern."

The industry may soon be taking a harder look at how to protect people with crime insurance rather than walking away from it. Federal Insurance Administrator George Bernstein has just recommended to the President that crime coverage be added to state insurance pools with any losses that accrue to be subsidized by surcharging all other policyholders of property insurance in the state. Bernstein computes this charge to be as little as one-half of 1 percent in New York and as high as 2.2 percent in Washington. If legislatures in states where the problem is greatest do not act when they next convene, Bernstein proposes that the Federal Government step in and write crime insurance for people who cannot buy it commercially. The Senate has already passed a bill providing for this move, and similar ones are pending in the House.

The industry is predictably pained at the thought of being mandated to write crime insurance. "Crime is a problem for the police to handle; not our industry," says Clay Johnson of Royal Globe. At Continental, where the feeling is so strong against governmental partnership in underwriting that the company has so far refused Federal reinsurance even as it picks up its share of the fire pool, Joe Murphy, general counsel of Continental, says, "I know of no other industry which is being asked to handle the Government's problem of curing social ills. We have neither the mechanism nor the funds to do the job. We don't ask the Government to do our job and they shouldn't ask us to do theirs."

Whether the industry is in fact doing its job is a question getting an ever harder look from the states, because without crime insurance small businesses don't get started in the ghetto, homeowners and landlords there are discouraged from making improvements, and the neighborhood stands little chance of revitalizing itself. Governnor Cahill of New Jersey has gone on record as favoring the expansion of pool coverage in his state to crime insurance and also to higher auto liability limits, and the New York State Insurance Department has been holding hearings on the subject.

The prospect of a crime insurance pool is both more and less frightening than the riot insurance pool to the industry. The specter of sudden massive destruction for which it must foot the bill is not a problem with crime insurance; but the steady inflow of small claims it would bring is not economical to handle—especially for ghetto areas. The Small Business Administration, for example, reports that burglary is 10 times as prevalent in the ghetto as in the suburbs and four times as high as in the rest of the central city. The industry is glumly resigned to the fact that people in the city will soon have a right to crime coverage; most of them would prefer that the Government subsidize their losses rather than see a surcharge—even if it is as small as the one-half of 1 percent Bernstein projects for New York—placed on their other customers to cover the bill.

To a degree, companies in New York will have themselves to blame if crime insurance does now become part of the pool; they have shown little interest in using a new state law that gives them more rate flexibility to help meet the demand for all types of insurance. Under this 1969 law a company can put into effect at once any rate it thinks will be profitable. Only if the figures seem out of line in either direction will the insurance commissioner suspend the rate pending a hearing. But the companies seem to be in no hurry to write the business at any price. "They are just slow and noninnovative," says a broker named Arnold Flegenheimer.

Much of the industry's resistance to using its new freedom to set rates seems to stem from the requirement that premiums must be similar for all customers of an underwriting class. "We would get slaughtered by public opinion if we pinpointed certain customers for special rates just because their block is lousy," says a company actuary. Thus a furniture store on Third Avenue at 80th Street might be considered a much better risk than a similar store 20 blocks north. But if a company raises rates for all furniture stores in the city area to make the uptown risk acceptable, it may well lose the downtown customer to a company that did not raise rates. Since the company is probably not anxious for the uptown business in any case, it does not change its rate at all. It is often not understood by the public that there is a rate in the company's manual for *every* would-be customer—a rate which may seem modest. But the company does not have to write a policy just because the rate is there; what people most often complain about is not that the manual rate is too high but that they never have a chance to pay it at all.

A growing number of brokers believe that the insurance companies are not meeting the demand for individual coverage because they are no longer really interested in that side of the business. The feeling is that—like stock brokerages which don't want to handle the 50-share and 75-share odd-lot orders of small customers any more—insurance com-

panies are less interested in handling individualized policies for small consumers than the bigger business in workmen's compensation, large-scale commercial coverage and the incipient group plans which provide coverage for all members of a company or other organization under a single policy. "You hear it said more and more in this business," says Flegenheimer, "that the companies have become investment trusts."

The people of New York City and its suburbs who have problems getting satisfactory insurance cannot reasonably hope that the situation will soon get better. Crime coverage may indeed be added to the pool—but the outlook for the quality of that service is dim as long as the industry feels it is being forced to do business it does not want.

Some observers believe that the writing of property insurance may soon be taken over wholly by the Government if the industry does not bring coverage to all responsible citizens who want it. "We like to believe that whatever the Government can do private enterprise can do better," says Herbert Denenburg, who helped write a new Puerto Rican law which is the first in the Americas to put government in the business of compensating auto-crash victims. "But property insurance is an area in which the private sector has not shown it has the imagination to cope with the problems it is beset with. In any case, government is ideally suited to function as a risk-spreading mechanism, which is all that insurance is. Look how well Social Security has worked out. I don't know why government can't handle other coverages as well. It may have to, because the environment is likely to get worse before it gets better and industry is not handling the job now."

The whole dreary situation recently came to a moment of particular disgust for a midtown broker when he got a call from a customer for whom he handles a profitable commercial policy as well as personal coverage. The man had been hit from behind at a toll booth by an uninsured out-of-state driver. Now he wanted to make a claim for $65 of the $165 bill on his $100-deductible collision policy.

"I started to tell him that the company would cancel his policy when it came up for renewal if he made the claims; he'd already had that happen to him with his homeowner's policy anyhow. Then I could hear him say, 'It wasn't my fault that the guy ran into my car. Why should they drop me?' But you can't explain the logic of why any accident is held against you whether it's your fault or not.

"So I decided, what the hell; instead of explaining the problem and having him get mad, I'll just tell him not to worry; his check will be coming right along. After I hung up, I sat down and wrote him out a $65 check on my personal account. For me to do that, this business has got to have become pretty sticky."

THE OTHER POCKET

While insurance companies are often quick to bemoan their losses in a given line of coverage, they rarely draw attention to areas of their business in which they are at the same time making money. No major American insurer lost more on its unprofitable coverages last year than it brought in on healthy lines like workmen's compensation and through investment return on its financial reserves.

State Farm's Vice President Tom Morrill—one of the few industry leaders to berate the auto industry for building such an easily crunchable product—points out that even as his company lost $82 million on auto property claims in 1969, it did well enough on the "investment and people side" of the business to finish the year comfortably in the black. At times the investment income of the big companies dwarfs their underwriting profit or loss. In 1969, for example, Continental Insurance suffered a net underwriting loss of $4 million—but its nearly $2 billion in stocks and bonds brought in a return of $88 million for a net profit of $84 million.

In 1968, all New York companies came close to breaking even on underwriting while they reaped nearly $3 billion in investment income. For the first six months of 1970, California companies reported a $265 million underwriting loss while registering a $944 million yield on investments.

The fact that a company claims a loss on underwriting does not mean that it is paying out more in claims than premiums are bringing in. Few companies pay more than 60 percent of premiums back to policyholders in claims. But most of them figure their expenses of doing business at about 40 percent, bringing about a net loss whenever they pay more than the 60 percent back in claims—a loss which many critics of the industry believe could be turned into profit through better management of expenses.

The life- and health-insurance companies, whose fortunes are tied not to gyrating crime-and-auto-crash rates but to the remarkably reliable tables of mortality which predict how many Americans per thousand will die at a given age each year, have been more profitable than the property and liability companies because they continue to make money on both investments and underwriting. In the last few years, an average of 80 percent of their income has come from premiums and only 20 percent from investments.

At the moment, despite the decline in the paper value of stock investments, the insurance industry is sitting on a record pile of surplus reserves—cash left over after making provision for maximum projected claims payout. For all property and casualty companies this surplus now stands at $142-billion. The money has been accumulated thanks mainly to the more serene times when people made fewer claims than now against the premiums they paid in. Investment income on these reserves is neither counted as profit nor fully taxed, on the theory that if a calamity ever comes the surplus can be brought forward as normal reserves are drained. But the companies are under no obligation to maintain their surpluses. So, like the banks, many of them are setting up holding companies to get out from under governmental restrictions on how they can spend this money.

Continental Insurance, for example, passed along a $465-million special dividend last year to its parent Continental Corporation. Four other insurance companies in New York also handed over special dividends to their holding companies last year, amounting to $600-million. Like Continental, none of them are showing much desire to use their surpluses to back up new underwriting for crime coverage and other lines in which the demand is not being met, though many are expanding lines in which there is currently good profit. In the last five years, Continental has picked up 190 per cent more workmen's compensation business while its fire business has risen by only 30 per cent.

Companies which do not go the holding-company route on their own run the risk of being swallowed anyway. Not long ago a 7-year-old computer outfit called Leasco, which has $90-million in assets, took control of Reliance Insurance Companies, which was 150 years old and had $580-million in assets. The drawback to such takeovers is that—since the surviving company wants the wad of cash the insurance company has built up, but probably does not want to be in the insurance business—it becomes harder than ever for the consumer to get a policy from the gobbled-up company.—P.H.

ASSESSMENT OF THE 1970 ELECTIONS—THE ADMINISTRATION STRATEGY—AGNEW—THE FUTURE OF THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RIEGLE) is recognized for 15 minutes.

Mr. RIEGLE. Mr. Speaker, many observers have offered interpretations of the 1970 congressional elections and their impact on the Republican Party. The list includes several spokesmen for the Nixon administration, none of whom directly faced any electorate in 1970. Few Republicans who sought and won election in 1970 have yet been heard from—Senator-elect Taft being the only one who has spoken out that I am aware of.

Therefore today, as a Republican who has faced the electorate and has waged and won two elections in 1970, I am compelled to speak out about the recent elections—particularly the role and impact of the Nixon administration in the 1970 congressional campaign and the meaning of this election to the future of the Republican Party.

In recent months the image of the GOP, at the national level, has been increasingly portrayed by various administration spokesmen as a party which seeks to capitalize on division—of loud strident voices and name calling—of narrow ideological arrogance—and a party willing to use appeals to hate, fear, and anger in order to win elections. This approach sought to lay the entire blame for our Nation's problems on the opposition party—deliberately tried to link opposition candidates to the breakdown of law and order in the United States—openly undertook to purge officially nominated Republican candidates—and used the politics of division in an effort to win elections with an angry majority.

This dark and negative approach is contrary to the origin and long history of moderation of the Republican Party. It violates the traditions of compassion, openness, and high-road tactics expressed by Lincoln, Theodore Roosevelt, Eisenhower, many current Republican Members of the House and Senate, and countless others. In its essence, it is anti-Republican. No doubt this is one reason why the Republican National Committee and the Republican Congressional Campaign Committee, and their respective chairmen, to their credit, did not follow the lead of the political operatives of the White House.

Those Republicans who used, or encouraged, loud voices, name-calling and the "politics of division" did not—and do not—speak for me. I embrace the Republican heritage of Lincoln, Roosevelt, Eisenhower, and many of my congressional colleagues—and I must equally reject the anti-Republicanism coming from the administration in 1970. And, further,

I do not believe these negative voices speak for millions of other Republicans across the country who strongly feel it is time for all partisans to lower voices, offer constructive alternatives, respect those with whom we might disagree and work to bring the country together.

I speak today as one of those Republicans who wishes to see our party become a majority party—but clearly we have a long way to go, as evidenced by the latest Gallup poll data which shows only 29 percent of the American people identifying themselves as Republicans. Clearly we must broaden our appeal—and reach out to all Americans. It is vital, then, that we understand certain important lessons from the 1970 campaign.

Several significant conclusions are apparent to me:

First. With impressive individual exceptions, the Republican Party suffered a serious defeat nationally—with the full prestige, presence, financial assistance, and strategy of the administration failing to help elect a much better-than-average set of Republican candidates. At no time in political history has an incumbent administration invested effort more massively—and produced more meager returns. The "divide and conquer" approach was a political failure.

Second. The "politics of division" approach, if continued, will almost certainly guarantee that the Republican Party will remain a minority party in perpetuity. The party of Lincoln, Eisenhower, and others deserves a better fate, and so do the American people. The 1972 elections will almost certainly become a political replay of the Republican disaster of 1964, if this mistaken course is continued.

Third. Most political observers have concluded that the Vice President was acting out a script designed by the White House and the political advisers found there. Indeed, the White House itself has since confirmed this to be so.

In light of this, the President and his advisers have a big job to do if they are to now convice the American people that they seriously desire to unify the country—and have the skill and sense of mission to get the job done.

While it is hopeful to hear that the administration is contemplating certain near-term personnel changes—we must wait to see if the administration uses this as a major opportunity to demonstrate a new sense of direction with a serious commitment to lowering voices and bringing the country together.

But far more important than the face of the administration—is the substance—its sense of direction, its commitment to unifying a fragmented country. The country is still waiting to have the Vietnam war concluded, our national priorities revised, equal justice assured for all, and our people unified.

Producing that sense of national purpose and enlisting broad citizen support in this troubled time is much more difficult and vital than selecting new Cabinet members.

Fourth. The Vice President has become the single most polarizing political figure in the United States, with his repeated name calling and use of the tactics of division. To many Americans he has become, by his own deliberate words and actions, the most frightening public figure in America. While this approach may sometimes work insofar as winning a specific election here and there, it is equally clear that such tactics render impossible the national sense of unity needed to govern after election day.

Fifth. And most important of all, Americans now—and will even more so in 1972—seek two things: To have voices lowered and the Nation brought together. It is ironic and tragic that this desperate national longing is the lost theme of the 1969 inaugural address.

If the Republican Party is to grow and thrive it must be on the basis of reaching out equally to all the people of the country, respecting rather than condemning those who might disagree philosophically.

The increasing frequency and dominance of ticket-splitting as a national voting behavior indicates that narrow hard-bitten partnership just is not relevant to the electorate of the 1970's. Neither party has a monopoly on all the good men or all the good ideas, and excessive partisanship and ideological arrogance is contrary to the American tradition, the interests of the country as a whole, and even contrary to the intelligent self-interest of individual political parties.

In the 1970 elections prove one thing above all others it is that the American people want a President—and all his surrogate Presidents—to take the high road, to appeal to the higher instincts in man, to work to lower voices and bring the country together. That is the kind of President America is certain to elect in 1972.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. This year Dr. Norman E. Borlaug, an American agricultural expert, was awarded the Nobel Peace Prize. The award was for leadership in the development of new cereal strains whose introduction into developing countries has enormously increased crop yields and reduced the threat of famine.

INFLATION RUSHES ON UNDER THE NIXON ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from (Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, this morning the Consumer Price Index was released and once again we have evidence of the onrushing Nixon inflation.

Today's figures indicate that the country is suffering inflation at the rate of 6 percent per year. This is much too high and something must be done to put a stop to these tremendous increases in the cost of living.

Two weeks ago, the administration announced that unemployment now stands at 5.6 percent. So in the month of November, we have evidence of a continuing creases in the cost of living. In short, Mr. Speaker, we have the twin evils of inflation and recession with us as a result of the economic policies of the Nixon administration.

It is time for the Nixon administration to forget its unworkable "game plans" and come up with solutions which will halt inflation and put the jobless back to work. The Congress stands ready to cooperate with the Nixon administration. But to date, we have had nothing but a series of vague and meaningless statements from the President and his advisers.

The President must break his administration out of this lethargy about the economy. The business community as well as the consumers want to see some definite action.

ITALIAN-AMERICAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I recently had the opportunity to read a most interesting article entitled: "The Status of Italian-American Politics, 1969, or the Decline of an Ethnic Image." The article was written by Dr. Salvatore La Gumina, professor of history at Nassau Community College, and I place the article in the RECORD at this point for the information of my colleagues:

THE STATUS OF ITALIAN-AMERICAN POLITICS, 1969, OR THE DECLINE OF AN ETHNIC IMAGE

The following remarks are frankly fragmentary and designed to suggest new lines of inquiry rather than to treat the subject in an exhaustive fashion.

Revelations of unsavory relations between criminals or alleged underworld figures and politicians in New Jersey ought to be a source of indignation for Americans. To students of Italian-American life it is a bitter disappointment because the majority of names implicated although far from convicted, are Italian *ie.*, Addonizio, Delmauro, DeVita, Juliano, among the politicians and Boiardi, DeCavalcante, etc. identified with underworld elements. Nor, unfortunately is this an isolated incident since other prominent Italian-American political names are also tarnished by allegations and insinuations of criminality or conflict of interest. One need call to mind the serious intimations of collusion between popular San Francisco mayor Joseph Alioto and Mafia figures in *Look* magazine in September 1969. Seriously considered as a Democratic vice-presidential candidate in 1968 and until January 12, 1970 in a race to gain the Democratic nomination for 1970 California gubernatorial race, Alioto has angrily denied the charges and has undertaken a vigorous public relations drive to disprove the magazine article insinuations. He has also brought a multi-million dollar suit against the publishers

of *Look*. Still intensive investigation into his background continued and questions were raised recently about the propriety of sharing some legal fees with a public official. Again Alioto maintained no wrong-doing. When Alioto withdrew from the race for the Democratic nomination he cited the energies he would need to expend against the charges as among the major reasons for his withdrawal. One cannot but conclude that the allegations as yet unproved, have been extremely harmful to his political career.

New York state Senator Republican Edward Speno, another popular Italian-American politician has also seen his reputation besmirched by a series of "expose" articles in the Long Island daily, Newsday. Specifically Newsday accused him of association with criminals causing a conflict of interest, and use of improper influence of his political position in private business, thus accounting for his financial success of recent years. Speno not only unhesitatingly denied the allegations but charged that they were politically motivated by Democrat editor Bill Moyers, formerly a leading Johnson intimate. While the Newsday allegations seemingly lost Speno no grounds with Nassau Republicans, it is conjectural whether the identification with disreputable ways has hurt him politically. The Newsday articles came at a time when Speno was beginning to launch a campaign to gain the Republican nomination for U.S. Senator, thus replacing Senator Goodell as the standardbearer. Occuring simultaneously with widespread disaffection with Goodell among Republican leaders this was of some significance. As it is developing, however, Speno's chances of gaining the nomination are slim, since Governor Rockefeller has given Goodell strong endorsement, and his lead appears to be followed by most Republican county leaders. There has not been nor is there likely to be any public admittance that Speno's chances for the nomination were retarded because of the unfavorable Newsday articles. Indeed, Rockefeller's endorsement of Goodell stressed the incumbents strong points, nevertheless, once again one cannot help but wonder at the probable damage to an Italian-American's political career because of unproven criminal association.

Another example is that of Representative Robert Giaimo Democrat of Connecticut. Recently Washington syndicated columnist Jack Anderson devoted two articles to corrupt-like actions of Giaimo in which it was alleged that he consorted with and aided Mafia underworld figures. A Republican leader in Giaimo's district picked up the cue and has called for an investigation into charges that Giaimo used his influence to keep two underworld figures out of the draft, and that sinister associations have enriched the Congressman.

Still another case is the municipal scandal that has been placed at the door of Democrat Dominick Assaro, Mayor of Utica, New York. This is a city in which Italians constitute half the population and Irish and Poles make up most of the rest. The indictment of an individual close to the mayor has raised charges of Mafia influence, and counterclaims of ethnic-hatred, i.e., Assaro is the city's first chief executive of Italian ancestry. Assaro was forced to deny alleged connections with the Mafia brought by his opponent in the mayoralty election in 1967, maintaining that the only evidence his opponent had was "the fact that I am an Italian to have it (Mafia connection) believed.

Thus in the course of the past year several Italian-American officeholders have been charged with corruption and placed on the defensive. This does not take into account the case of Carmine DeSapio, former leader to Tammany Hall and one of the most powerful Italian-American political figures in American History. Although DeSapio's official political role was behind him by a few years, his recent conviction on bribery charges is a serious blow to the Italian-American political image.

There are of course many who will reject the proposition that the decline and fall of some Italian-American politicians and the scandal attending others will presage an anti-Italian-American movement, let alone have any meaningful effect on the political careers of other Italian-Americans. Still others would decry probings such as this because they tend to be too defensive, too apologetic and too negative. Of a certainty a very strong case could and should be made of the many Italian-American individuals both in and out of politics firmly on the positive side of scandals and corruption. For years one of the nation's most respected experts on the Mafia, Ralph Salerno, has worked to bring about the demise of the underworld organization. One could also refer to a Alfred Scotti, chief assistant District Attorney for New York County, who has earned an enviable record for his efforts in bringing criminals to justice. In the recent New Jersey disclosures one could point to the fact that Italian-American political figures helped gain the evidence that led to corruption charges *i.e.*, Michael R. Imbriani, Somerset County prosecutor brought charges of attempted bribery against Judge DeVita. Moreover, Joseph P. Lordi, Essex County prosecutor has cooperated to the fullest with United States Attorney Frederick B. Lacey who is directing the investigation into corruption in Essex County. One would hope that such revelations would sober the Italian-American politicians as to the conduct required of them. In addition, they should lend vigorous support to investigations of criminal organizations irrespective of ethnic feelings and political considerations.

As important as is the knowledge that Italian-Americans have played a significant role in bringing to light the collusion between criminals and politicians, this unfortunately, is not the main point. The fact of the matter is that those individuals who have been implicated are far more influential and well-known both within and without Italian-American circles and it is the relationship between these men and the Italian-American community that is of concern. Admittedly the term "Italian American Community" may be too imprecise, too inclusive, and too presumptuous, but even at its weakest it does encompass a significant number of people who are aware of their ethnic identity. What is the result of these allegations and scandal up on Italian American aspirants for political office? What is the possible reaction to Italian names running for political office? At first glance a typical answer would be that an Italian-American political aspirant should not be deterred in any way by the incidents described above. Furthermore such an individual would probably say he is running as an American not as a hyphenated American. This is all very well for it comports with the stated American idealism tnat an individual ought to be judged on his own merits, not on the basis of his ethnic, racial or religious background. But how realistic is the proposition? Can the matter be left right there? Can anyone aware of political realities extant in some counties, cities, and states really deny or even minimize the importance of ethnic identification? Can they truly say that ethnic background is not important (whether it ought to be important is another question)? Is it not a fact of political life that ethnic identification looms large in the nomination of individuals for public office? If this is true then allegations and or indictments against many Italian-American politicians can matter a great deal. To be sure such exposures will not commend Italian-Americans to the body politic and at their worst they can leave too close an identification in the public mind between corruption and Italians in politics. This author is not necessarily predicting such an outcome although he is compelled to confess his fears of such potentially damaging results. The main issue is the need to raise questions about the possible harm to the Italian ethnic group. If such be the case and a derogatory stereotype of the Italian-Americans results then that group will have paid a heavy price. Surely this aspect of the problem is important and yet it is almost completely ignored in the public coverage of alleged corruption in politics.

It is quite easy to be misunderstood about the questions raised in this article. For purposes of clarification let it be stated there is no dispute with the need to cleanse the body politic of corruption. The author holds no brief for any of the individuals included in the unearthing of corrupt practices between criminals and politicians. It is not the future of these individuals that is of concern, but, rather, the collective image of an ethnic group whose political leaders in many instances, have had their reputations impugned almost as a group. After all one would have to be rather naive to fail to associate terms such as "Cosa Nostra" or the dreaded "Mafia" with the Italian ethnic group.

It is not enough to say that many Italian-Americans do not regard themselves as an ethnic group. The significant point is that if ethnic group identification is so important in determining public questions including the selection of candidates, the Italian-American ethnic group is bound to suffer the most from these revelations of corruption. Equally important is the possible loss of confidence about the viability of the political process by the Italian-American community. Because it is only in very recent years that this group seems to be on the verge of attaining significant political importance, after having enjoyed only limited success nationally, the scandals will likely impede the political blossoming of Italian-Americans on the national level at least in the immediate future. In the history of this country only one Italian-American has served in the U.S. Senate (the Rhode Island incumbent John Pastore). None has served in the U.S. Supreme Court. Only two have held cabinet level positions (Anthony Celebrezze in the Kennedy cabinet, and the current Secretary of Transportation, John Volpe). States with such large Italian-American populations as New York and New Jersey have never elected Italian-American governors. The number of Italian-Americans serving in Congress has never been large. Today out of a total Italian-American population of at least several million (estimates of 20 or 40 million are widely exaggerated) there are sixteen Congressmen of Italian ancestry, although in many instances the surnames have undergone such modification over the years so that they are not recognizably Italian, *ie.*, Fascell, Minish, Daniels, Dent, Leggett, Miller. Indeed this recitation of names causes one to ponder aloud whether, except in large Italian-American areas, having an Italian name is considered a liability. That is, outside of the strongly Italian-American neighborhoods Italian names may have a negative effect. If this attitude had some substance before the recent scandals, is it unreasonable to expect that it will not only persist but even increase?

There is still another aspect of the situation that deserves an airing—that is the question of civil rights. During the hey day of McCarthyism numerous civil libertarians raised their voices to protest guilt by association and character assassination that was

the lot of many left-wingers accused of association with Communists. They rightfully defended many innocent people whose criminal culpability was often little more than imprudence. In the same spirit one would wish that some of these same civil libertarians would take a similar interest in some of these politicians who have been associated with alledgedly criminal activities. Unless, of course, mere allegation of association with criminals is enough to consider these individuals guilty. If this be the attitude then it is a further comment on the image conveyed by implicating Italian-Americans with underworld characters.

Only recently outgoing New Jersey governor, Richard Hughes in denouncing indiscriminate release of tapes which implicated many prominent individuals on rather flimsy evidence, said such allegations in transcripts were:

"... foreign to American fair play, we must think most carefully about our personal liberties and cherish them most dearly against the threat of innuendo slander and character assassination. . . ."

NASHVILLE STUDENTS CITED

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

Mr. FULTON of Tennessee. Mr. Speaker, recently, the Nashville Optimist Club, in observance of National Youth Appreciation Week, cited 30 Metropolitan Nashville students for their scholastic and academic achievement and leadership potential.

The 30 students represented 23 public and seven private and parochial schools. They were cited as outstanding representatives of their schools and were urged, by the Optimists, to continue to meet the challenges that leadership offers.

Mr. Speaker, the activities of the Optimist Club in Nashville in connection with Youth Appreciation Week are more important today than ever before. Possibly because of the notoriety which the misconduct of a tiny minority of America's youth receive today, a large number of the vast majority of American youth may feel their elders are distrustful and suspicious of all young people today. And, unfortunately, there is too much reason for this concern by our youth.

Thus, the work done by the Optimists or any organization in accentuating the positive achievements and attitudes of these junior citizens does much to clear the air of doubt and concern in the minds of our over-30 generations.

Mr. Speaker, I would like to take this opportunity to commend the Nashville Optimists for this understanding work and to congratulate those students who were honored. They are representative of the vast majority of America's youth today and I insert a list of their names in the RECORD at this point:

Joanne Taube, Antioch; Ricky Jacobs, Bellevue; Donald Johnson, Cameron; Arthur Hyde, Central; Allan Smith, Cohn; Roy Dorris, Cumberland; Larry Foster, David Lipscomb; Melanie Krise, Donelson; John Coulter, Dupont; Linda Overton, East; Tommy Green, Father Ryan; William Proctor, Glencliff; Vickie Hood, Goodlettsville; Beth Lewis, Harpeth Hall; Wills Oglesby, Hillsboro; John Jackson, Hillwood; Glen Creson, Hume-Fogg.

Billy Denny, Joelton; Barbara Crane, Litton; Mitchell Garriott, Montgomery Bell Academy; Phillip Worsham, Madison; Milton Knox, Maplewood; Larry Carr, North; Richard Regen, Overton; Wendy Ashcraft, Peabody Demonstration; Kenneth Robinson, Pearl; Delaine Roper, Stratford; Margie Nelson, St. Cecilia; Susie Holzapfel, St. Bernard, and William Bazell, Two Rivers.

ESCALATION OF THE WAR

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

Mr. VANIK. Mr. Speaker, the combination of last Friday's 200-plane assault on North Vietnam and the futile U.S. commando rescue attempt indicates an intensification and escalation of the Indochina war. The disclosure of the commando raid on the North Vietnamese prison camp seems designed to divert attention from the main issue—the resumption of the bombing of North Vietnam.

It is incredible that our military intelligence should have risked the lives of brave men in raiding a prison camp which was unused for several weeks. This vain action jeopardizes the life of every prisoner of war who still survives in North Vietnam. It also threatens the Paris peace talks.

The clearing of deserted sanctuaries in Cambodia and the attack on abandoned prison camps in North Vietnam, 30 miles from Hanoi, become adventures without purpose, except aggravation which may result in more violent extensions of the conflict and more American dead before the war is ended.

REASONS FOR THANKSGIVING: WHAT IS RIGHT WITH AMERICA?

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

Mr. SAYLOR. Mr. Speaker, in a recent edition of the Tribune Democrat, the Reverend Don Sease, minister of Trinity United Methodist Church in Johnstown, Pa., outlined some of the reasons we should be celebrating Thanksgiving with thanksgiving. America, the land of the blessed, has a great deal to be thankful for in spite of the impression the dissenters and professional detractors would have you believe.

There is no disgrace in being proud of this Nation. In his article, Rev. Sease waves the flag proudly but humbly, remembering, respecting, and acknowledging God—the source of the bounty which is America. Rev. Sease's article, particularly appropriate for the season follows:

WHAT'S RIGHT WITH AMERICA

It seems to me we have been listening long enough to the prophets of doom, to the proclaimers of dissension, to the pronouncements of despair, to the promoters of destruction throughout our beloved land. We no longer identify ourselves as Americans but as hawks or doves, conservatives or liberals, hard hats or students or militants. We seem to be passing through one of those periods when we are critical of the nation, community, churches and every institution. This week we mark the 350th anniversary of the landing of the Pilgrims; so I thought it would be a good time to speak about what's right with America.

Here we stand on the threshold of the Seventies—the strongest, freest, most-compassionate and humane nation on earth, yet we hear so many assaults on our way of life, our cherished values, our inspired traditions, and our national character. During the last 10 years it has become fashionable to be a dissenter and almost honorable to be a traitor. Gen. Eisenhower said we must never confuse honest dissent with disloyal subversion. The downgraders of America have tried to persuade us that everything we believe in, everything we have done in the past, everything we plan to do in the future is wrong. The downgraders are willing to shout out against everything that is wrong with America, but they are unwilling or unable to see anything that is right with America.

To love our country does not mean we will not face our blemishes and our problems. If we object to the law, let us amend it; but while it is the law, let us obey it. In 1837 we were warned by Abraham Lincoln never to violate the laws of the country and never to tolerate their violence by others.

I am happy to be a flag waver and to say some good things about America, for more people have experienced life, liberty and the pursuit of happiness in America than anywhere else on earth. Three cheers for the red, white and blue! Don't jeer me, join me; and let the world know you are proud to be an American. Those who love America must throw off their apathy and speak louder and clearer than the philosophers of despair who seek to tear down and destroy.

I believe America is right because of her founders, her foundations and her freedoms. America was founded as a Christian nation. This 350th anniversary gives us a good opportunity to remind both Europe and America that our heritage is rooted deep in the gospel of Jesus Christ. Pericles built a civilization upon culture, and it failed. Caesar built a civilization upon power, and it failed. Our forefathers founded our nation upon the Christian religion, and America will live so long as the Lord is our God.

When the Pilgrims left Europe to seek freedom in a new land, they saw themselves as making a holy pilgrimage. Anchored in Cape Cod Bay, their first harbor in the new land, one of their first acts was to draw up the Mayflower Compact. In this document the following words occur:

"We do solemnly and mutually in the presence of God, and one another, covenant and combine ourselves together."

Our forefathers knew they were building on a firm foundation when they built upon God. Just above the name of John Hancock is written the founding spirit of this Republic:

"We mutually pledge each other our lives, our fortunes and our sacred honor."

Let us remind ourselves that in the Declaration of Independence, there was also a declaration of dependence:

"United we stand, divided we fall."

A South American president was right when he said: "South America was settled by men who were seeking gold, but North America was settled by men who were seeking God." Do you recall the picture of Washington at Valley Forge? His little army was almost starving and freezing to death. Everything that they held dear was at stake. They were fighting against seemingly unsurmount-

able odds, but out in the snow George Washington was down upon his knees praying. That is the spirit that built America.

I love America and think she is right because of her founding fathers and her firm foundation and also because it is the land of the free. There are no concentration camps here and no secret police. We have a free democracy where every man has a vote and a voice. However, we must not let our freedom become a license to do as we please.

Freedom is more than a precious possession to be cherished; it is a workable way of life to be practiced; a priceless heritage to be preserved; a powerful philosophy to be taught. Let us have faith in the principles of our government, hope in the future of our country, charity toward all and malice toward none.

It seems to me each citizen must rededicate himself to the spirit of understanding, patience, self-discipline, compassion, cooperation as with a united concern we face our tasks and our problems whether it be in our nation, at city hall, at our institutions of learning, in our churches or in any community endeavor. Let us approach one another and work with one another with appreciation and with a positive attitude to build. We have had enough ranting, ripping and roaring that tears us apart. Let's have fewer politicians and more statesmen. Let's practice in our daily relationships with each other that expression you have often seen in print—do not fold, mutilate or spindle.

Rather than approach our present-day situation in our country, city and churches with criticism, may we approach it with appreciation; rather than always saying what's wrong, let's begin to think of what's right; rather than always distributing bad news, let's begin to spread good news; rather than possessing a negative attitude, let's begin to think constructively of ways we can improve and brighten our own little corner. Let us remember "it is better to light a candle than to curse the darkness." Very popular in some circles are the four-letter words of obscenity and vulgarity. Let's recapture better and more useful four-letter words such as hope, love, work, good, lift, kind, holy, help and if need be—soap.

As we pause to thank God for our founders, our foundation, our freedom, let us be glad we're Americans and not be ashamed to show it. Let each of us express our faith in God and be committed to His love and law for living. "America! America! God shed His grace on thee, And crown thy good with brotherhood from sea to shining sea!"

THE STATUS OF THANKSGIVING

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

Mr. SAYLOR. Mr. Speaker, what has happened to the day of thanks to God which was proclaimed by President Lincoln? The day, I mean, which was celebrated by our forefathers at Plymouth Rock; the one memorialized by our ancestors at Jamestown; the one, in short, which commemorates our unbounded subservience to, and gratefulness to, a bountiful God?

What has happened is that Thanksgiving, instead of being an intensely religious day, a day of prayer, contemplation, and gratitude, has become little more than a signal. A signal for the beginning of the selling season, a day of "thanks" for a day off, a day to forget a diet, and an excuse to watch football in the middle of the week in addition to watching it on the Lord's Day.

The status of Thanksgiving as a national, family, and individual institution, is in a lamentable state of repair. The cause of the decline in observing the true meaning of Thanksgiving in our rush-about, crassly materialistic society is all too obvious. One example of literally millions should suffice: In my hometown, the "traditional" Thanksgiving Day parade to mark the "beginning" of the commercial season, was held the first weekend in November and that was after the seasonal decorations were already in the stores.

Compare what the annual day of thanks to the Lord meant to the pilgrim and what it means to too many Americans today and you will discover a chasm of difference in mood, style, and meaning as great as the difference in the *Mayflower* and the Apollo spacecraft as modes of transportation. Something has been lost in the 350-plus years since this land was bestowed on our forefathers by a generous God.

The loss is not measured in terms of dollars and cents; nor is it measureable by other means. Our loss is spiritual—nationally and individually.

I want to lay the blame for the disregard of the true meaning of Thanksgiving on someone's doorstep, but there is no one doorstep. There is only the vague knowledge that the blame lies somewhere in the hearts of millions of individuals. Small comfort. What we are witnessing, have been witnessing, is an individual and collective hardening of the heart against our Creator.

Today there is a logical, scientific, statistically sound, and computer-fast reason for everything. Everything? We are the masters of our destinies. We challenge the stars, we try the impossible, and dream the unimaginable. We think, we act, therefore, we are—the end. And all the while, we suppress that small, mocking voice which reminds us of our incompetence, our frailties, our stupidities, our incredible follies, and most of all, reminds us of our mortality. Our superspace age has changed the face of man and hardened his heart. It has not changed, however much some wish it, our total dependence on the bounty of God and His grace.

For Americans to have so much of God's bounty without the spirit of Thanksgiving in their hearts can be likened to adding an eighth deadly sin to the original seven. The spirit of Thanksgiving must be reinstilled in our national conscience.

Our Founding Fathers wrote:

We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

That was standard doctrine taught in the schools for decades. It taught the child that he has a Creator, that people have rights, but that God is the source of all human rights. It taught that some rights are what the founders called "unalienable"—rights that no man, no government, no dictator, no majority, nor minority, can take away. Such teaching is very different from much of what we see being produced today, wherein a belief in any ultimate value has been discouraged.

I do not wish to repeat my criticisms of the institutions in our society which have helped to motivate our children, and many of our contemporaries, to disregard and ignore the teachings and principles which founded the Nation. Decades of materialism compounded by skepticism and nurtured by permissiveness is all too evident throughout the country. The citizen who believes in God, the truths of the Ten Commandments, and repairs to prayer, is not likely to belittle God's gifts.

The blessings of this land of ours, the blessings of liberty, the blessings of opportunity, however imperfect we see them from one or another vantage point, are blessings of a love which man does not possess. For these blessings we give thanks on Thanksgiving Day.

Mr. Speaker, once we begin to give thanks for these blessings, the spirit of Thanksgiving will reenter our hearts and the status of our national day dedicated to God's grace will regain its true and proper place in our society.

THE PEOPLE'S LOBBY

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

Mr. SIKES. Mr. Speaker, I attach hereto for reprinting in the body of the CONGRESSIONAL RECORD an interview conducted by True magazine with Col. Curtis B. Dall, chairman, Liberty Lobby Board, and Warren S. Richardson, general counsel of the board. I am sure my colleagues will find this interesting and informative. The interview follows:

[From True magazine, November 1970]

THE PEOPLE'S LOBBY

(NOTE.—This interview is the first in a series with various sorts of pressure groups operating in the country today. Its business is not to make value judgments but to permit the reader to draw his own conclusions. We begin with Liberty Lobby, which claims a subscriber strength of more than 250,000 people. The interview took place at the Lobby's national headquarters at 300 Independence Avenue in Washington, D.C., an austere Victorian three-story brick and stone building two blocks from the House Office Building. Interviewed were Liberty Lobby board chairman Col. Curtis B. Dall and general counsel Warren S. Richardson. Dall is 73, tall, bald, disarmingly friendly and bluntly outspoken. He was born in New York City, attended Princeton University, was commissioned an ensign in naval aviation during W.W. I and retired a colonel after serving in the Army Air Force during W.W. II. In 1926 he married Anna Roosevelt, only daughter of Franklin Delano Roosevelt; they were divorced in 1933. He is the author of the book "FDR: My Exploited Father-in-law." Richardson, 46, received his law degree in 1954 from Catholic University in Washington, D.C. He was born in Rochester, New York, was discharged a lieutenant junior grade after three years as a naval aviator during

W.W. II and is chairman of the Boy Scout Troop Committee in Derwood, Maryland.)

TRUE. Every lobby wants something. What does Liberty Lobby want?

DALL. Liberty Lobby was envisioned around 1955 by Willis A. Carto, a great American patriot who is our able Liberty Lobby treasurer. He felt the American people needed a lobby to compete with all the special-interest lobbies. We lobby for bills that we feel are good for the American people as a whole; we lobby against bills we feel are not good for the American people as a whole. We are the people's lobby! There's no other organization like ours on Capitol Hill, and some of the most antagonistic opposition has described us as being the most effective lobby in Washington. I refer, in particular to the late Walter Reuther. I regard that as a great compliment.

TRUE. It takes a lot of money to lobby in Washington. Where do you get it?

DALL. Liberty Lobby is supported entirely by voluntary contributions from modestly situated Americans all across the country. We have no large financial angels whatsoever, in spite of some contrary insinuations by others. We're a nonpartisan group doing a productive and constructive service for the American people. We oppose the efforts of others who seek to downgrade this country, especially those who prefer a foreign type of government to our own.

TRUE. What are the wrongs in the country today that you feel you have to correct?

DALL. You have the cart before the horse. We don't originate causes. When a specific bill is considered in Congress, we look over that specific bill; we consult with counsel about it; and we decide whether or not we can add or subtract worthwhile changes in the structure of the bill. There are many things wrong with the American people today, but there are a great many things that are right! We have people in this country who want to change our form of government, who want to raise our taxes, who want to continue our expensive monetary system. When we find the reflection of those ideas in a specific bill, we try to change it or stop it.

TRUE. What is your organization's view on income taxes?

RICHARDSON. We have developed a program we call our Tax Equity plan. Briefly, it would place a tax burden on all income-producing, tax-exempt organizations—foundations, churches and the like—and it would plug up the loopholes for those multimillionaires who pay practically no taxes. There were many articles in the news last year reporting how large income-earners pay merely nominal taxes. If our plan of Tax Equity were enacted by Congress, the individual exemption could be raised to $8000 per person, and up to $15,000 per family. The worker would get the benefit.

DALL. We've published a book and a tabloid called *The Great Tax Fraud,* which details this. It was written for us by the distinguished expert on tax matters, Dr. Martin A. Larson.

TRUE. What has been Congress' reaction?

DALL. For the first time in many years, 1969 saw Congress pass a tax reform bill. However inadequate and faulty that bill is, it reflects in part our principles of Tax Equity. We will continue to press Congress for full implementation of Tax Equity.

TRUE. What is your stand on the move to impeach Justice William Douglas?

DALL. We feel that Justice Douglas, in several areas, does not measure up the standards of a justice of the Supreme Court. Mr. Douglas has behaved in a manner that should cause him to be impeached, and a more capable, more patriotic and more representative American should take his place on the bench.

TRUE. What was your position on the nominations of Haynsworth and Carswell?

RICHARDSON. I'll answer that. Liberty Lobby had no official position on those nominations. We supported both men, unofficially, but we did not have a vote of our policy board members on the matter.

TRUE. Why do you think they were defeated?

RICHARDSON. Just two days ago I was in the offices of the Senate Judiciary Committee, talking with a member of the staff. We asked him point-blank what had happened on those two nominations. He said, "It was nothing but politics. Haynsworth and Carswell had nothing in their records." This man has been a member of that committee's staff for 20 years. He has access to both the secret and public files.

TRUE. Colonel Dall, as a recent visitor to Rhodesia you've been critical of President Nixon's decision to close the U.S. consul there and to institute trade barriers in protest to the racial situation. You've said that this is "an embargo against the policies of Rhodesia."

DALL. Yes, and the American people are aware of it. The alleged reason the United States and Great Britain stupidly put sanctions on Rhodesia, at the behest of the United Nations, are reasons not too difficult for a knowledgeable person to follow. The racial situation had very little to do with the problems in Rhodesia. Actually, the communist nations who have been playing up to the black man have come up with a lot of misstatements about Rhodesia. The black man is being very fairly treated in Rhodesia. They have about 250,000 white people in Rhodesia and about four million blacks. There is law and order there. Very much more law and order there than in Washington, D.C. The real reason for the sanctions, in my opinion, is not racial at all. It's money. Control of Rhodesia's money.

TRUE. Do you feel that support for Vice-President Agnew and the recent defeat of the Labor Party in England indicates a worldwide trend toward conservatism?

DALL. There's a very definite trend toward what might be loosely termed conservatism in government around the world. I think the people of Great Britain had a craw full of Harold Wilson and his socialist-communist government there. I think the British businessman, small and large, and the British housewife have had it up to their chins and have said: "We don't want anymore of this Labor government. We want a government with a little common sense."

TRUE. Many people believe socialistic trends started in the United States when Franklin Roosevelt was elected to office in 1932. We find your intimate association with Roosevelt, as his former son-in-law, rather interesting. Did you agree with him?

DALL. I certainly did not agree with his political views, but I was very fond of him as an individual and he was fond of me. I would say that many of his policies, uh—he didn't dream up himself. It was as if he were the gun and the "ammunition" was supplied by an international socialist group. The American people are paying through the nose for many of those policies today.

TRUE. What is Liberty Lobby's stand on replacing the Electoral College with the direct vote?

RICHARDSON. Our policy board, having some 20,000 to 25,000 members, has voted on that issue. We are opposed to the direct vote. And we are opposed to the elimination of the Electoral College. We favor a change in the system, but we favor the Mundt plan. It provides for the election of the electors from the existing congressional districts. Electors are now elected by the entire state and the Presidential candidate getting the majority of the vote in each state gets all of that state's electoral votes. Until such time as the proponents of change come up with a better solution than the founders of the Constitution had, we feel constrained to go along with Thomas Jefferson and George Washington and Benjamin Franklin and the other creators of our entire system.

TRUE. How far to the right is Liberty Lobby?

DALL. Most of us are what you might call conservative, but I use that word cautiously; it's a hackneyed term. I would rather describe Liberty Lobby and myself as *confrontists.* We face the situations as they are. I don't like the temporizing that makes our national debt seem less dangerous than it is. I don't like euphemisms which compare our debt favorably with a year ago, or some other opportunistic comparison. I'd like to see our debt reduced. I'd like to confront those in authority in order to improve our monetary situation. I'd like to confront the people who are selling us this bill of goods on so-called racial "equality." That comes from those who advocate one-world government. There are two branches of the one-world ideology. There's the Fabian socialist philosophy that comes down from the top, and the communist philosophy that comes up from the bottom, which really isn't a proletarian movement at all, though the communists try to sell communism as coming from the bottom. Both are financed by the same one-world large-monied group.

TRUE. What do you mean by "one-world large-monied groups"?

DALL. Who do you suppose financed the United Nations?

TRUE. The United States?

DALL. You're talking about something which happened after the formation of the United Nations. Who put up the promotion money to organize the United Nations?

TRUE. We give up.

DALL. Who put up the money to finance communism in 1917? Or before that, who put up the money to get Karl Marx writing his little book? It came from the same source—call it a one-world money trust. It's money that finances the one-world program. Both sides. The fascist and communist movements. This trust controls almost all the monies of Western civilizations today! That's why I'm a confrontist. I'd like to help improve that, but I must confront them to do so.

TRUE. Can you name this—?

DALL. Oh, certainly. It's the Rothschild complex and their associates.

TRUE. They're bankers. One thinks of bankers as being interested in making money.

DALL. There are bankers and there are bankers. Some are interested only in money. Others are interested in both power and money. Our Western financial program has been largely formulated since, oh, 1776, by a small group of people in Europe. About that time the Illuminati was set up by Adam Weishaupt with bankers' help. Perhaps originally it was merely an ideological organization, but it soon developed into the financing of wars and revolutions. It planned and financed the French Revolution, which became a format for the revolutionary techniques and problems that we face today. In 1884 the Fabian socialist organization made its appearance in England. In 1897 Theodor Herzl started what is called Zionism, dedicated to colonizing Jews in Palestine aiming for political and financial world domination. These two different philosophies converged on us, a new little country, but very rich in resources with a very productive people. Soon this powerful group of top-

level bankers began taking over our country. They have controlled England since 1694 when the Bank of England was formed—a privately owned and controlled bank. Just like our own Federal Reserve System is a privately owned or controlled system, no matter what you may read to the contrary. The central banks of France, Italy, Germany and other countries are privately owned. There are about 25 bankers on the top. The next lower level does the talking to the members of Parliament and our Cabinet officials here in Washington. There are several lower levels—the many fine citizens who run some of our local banks: the bank around the corner, the community bank. But the control comes from the top. Those very nice neighbors—friends of yours—that run a bank in Springfield or in Rockville, you name it, they must follow the power edicts from the top level, or they'll be out of a job in 30 days. When you control the economy of nations you must protect that control. The media of communications are controlled by them. Otherwise, if the truth got out as to how they are making the vast sums, on the various peoples of the world, the game would be up. When the United Nations was founded there was a big cost for promotion, for promoting the one-world idea. That big cost came from the top holders of very large monies. These world movements have to be financed. For example, I think it's well known that Jacob Schiff gave $17 million or more to start communism, and sent numerous commmunists over to Russia. I think his grandson made that public statement. That's pretty well known. The $17 million was a pretty good deal. It got the little movement off the ground, as it were. They succeeded.

TRUE. Why would a capitalist give $17 million to promote communism?

DALL. They—the international bankers—want *all* the main natural resources and markets of the world! They want *all* the money of the world, the gold, the silver. They want control of the world through a one-world government. When they begin to get that, at that time, the money boys and the ideological boys will be allegedly fighting it out. There won't be much of a world left. You see, they want it all. I raise my eyebrows when the Chase Bank wants to get more footsy-footsy with the Soviets. Some bankers, apparently, have got to do business irrespective of the best interests of the people. They want big business over in Soviet Russia, yet the communists are killing our boys in Viet Nam. Now we've got to cut out that kind of nonsense. We've either got a government here or we haven't.

TRUE. You're saying there's a conspiracy of international bankers?

DALL. That word "conspiracy" has been overused. Let's say there's a world plan to get control of all the world's governments and thus to control the world's currency and the world's raw material markets. There certainly is no doubt about this! The people who put up the money for the United Nations wanted concentrated control. So far as the United Nations standing for peace and this or that idealistic plan—all that is absolute nonsense. The United Nations is as phony as a three dollar bill. It is simply a device, a deceitful device. It is a device from a war-mongering group to entice us into a one-world government and then one-world banking control. The idea is a concealed operation so that you and others don't know what is going on until you are firmly trapped.

TRUE. This notion of yours doesn't take into account the vast power and interests of giant corporations like General Motors or Ford. The Ford Company, for example, puts great sums into the Ford Foundation, an organization that promotes good works and—

DALL. Who led you to believe the Ford Foundation is an implementer of good works?

TRUE. We—

DALL. What is your definition of good works? Good for whom? For the Soviets?

TRUE. Philanthropy, we suppose, and—

DALL. I now want to comment on the Ford Foundation you mentioned, because it is proof of the deceit involved in the opinion-making devices referred to previously. I can conceive of no large group that does a more unenviable and unpatriotic job on the American people than the Ford Foundation. A personal friend of mine was told by the head of the Ford Foundation in 1953, quote. The policy of the Ford Foundation is to so alter life in the United States that we can be comfortably merged with the Soviet Union, unquote. Their overall policy hasn't changed since then. Think of it! I would like to see Congress usher in a full-fledged investigation of the Ford Foundation.

TRUE. Do you favor a guaranteed annual wage?

DALL. We are opposed to a guaranteed annual income. We are against it in principle. We are against it because we cannot afford it. It is not sound economics.

TRUE. How do you regard George Wallace?

DALL. Is there a George Wallace bill coming through Congress?

TRUE. Do you automatically turn down liberal legislation, no matter what it is?

DALL. I don't think we are that mentally inflexible. It is true that our supporting efforts are preponderantly for conservative programs. However, we always keep our minds open.

TRUE. Liberty Lobby, you told us before this interview began, has opposed Viet Nam from the start. Why?

DALL. Our position on Viet Nam is basically that enunciated by George Washington. He said in effect, we really ought to mind our own business—stay aloof from entangling alliances!

TRUE. How would you resolve our involvement in Viet Nam right now?

DALL. We have proposed the formation of an All-Asian Anti-Communist Foreign Legion and are glad to see that this recommendation has been acted upon in part by the President.

TRUE. Do you support the House Internal Security Subcommittee?

DALL. The one-world plans of the international bankers are inimical to sound American interests. Anything we can do to protect our American interests ought to be maintained and safeguarded.

RICHARDSON. The challenge we face today is the threat of worldwide communism. Whether communism is a part of the international money order or not isn't too material to your specific question. The point is, we must protect ourselves against what is obviously the source of attack. When you know you have an adversary, the thing to do is protect yourself from this adversary. The House Internal Security Subcommittee exposes communist activities for the benefit of the American people.

TRUE. We're confused. Who's the enemy? The bankers or the communists? We detect an ambiguity.

DALL. There's no ambiguity. The enemy is the financial one-world plan to destroy us, regardless of the means. Downgrading our monetary system is their number one effort. Number two, all of our churches have been harmed and their spiritual message diluted by apostasy. Three, education has been made a shambles in this country. Art is being debauched. Music is worse. Campus unrest is just a facet of the penetration of the financial enemy's agents into the various colleges. It all comes from the same source.

RICHARDSON. It's a technique. The communists feed input into the colleges about ecology and future horrors which have built-in frustration because the solutions are unrealistic, impossible or uneconomic. Thus they're conceived to assure failure: confrontation with an Etablishment unable to react other than to refuse the impossible and impractical, thus resulting in violence.

TRUE. Do you believe a cause of campus rioting is the infiltration of student groups by troublemakers?

DALL. I know about only one college in particular. That's Princeton University. There are very few students who are really responsible for the so-called disorders. A minute percentage. There are professional troublemakers who are there to foment trouble and to cause dislocations, but they come from the outside and the question I always ask myself: "From what source do they get all this money?" My guess is that a lot of this money comes from the large foundations such as the Ford Foundation.

TRUE. What is your ideal of a federal government?

DALL. The least government is the best government. This is not a bill, but my personal feeling is that we have wandered far from our American ideal of government. We have too much concentration. And we have been duly led there by people who want to destroy our type of government.

RICHARDSON. That's the only way they can do it?

TRUE. Why is Liberty Lobby against busing schoolchildren to achieve racial balance?

DALL. I am told that busing is illegal, that Congress specifically prohibited busing for integration purposes in the public law facilitating integration.

RICHARDSON. It goes beyond that. Our Constitution—especially the first 10 amendments, the Bill of Rights—could be summarized in a succinct manner: Americans are against force or compulsion. Busing students requires compulsion, compelling some to move away, compelling those who stay, to accept. Liberty Lobby believes that the traditional American concept of freedom of choice must not be denied any group.

TRUE. A Liberty Lobby pamphlet says, "Forced integration has resulted in a sharp rise in interracial dating. The great majority of interracial dating involves black males dating white females." Do you see this as a real problem?

DALL. No, I don't see it as a problem. I think it is a part of a program of international one-world forces to downgrade our society as a whole. And I think most . . . most responsible colored people feel the same way. I think it's just a facet of the one-world plan, an attempt by the people who are trying to tear us down to mongrelize our society.

TRUE. Why do you oppose sex education in the schools?

RICHARDSON. Liberty Lobby does not oppose the concept of better education regarding sex. We do not object to the idea of the pure knowledge involved. Nobody objects to teaching the academic subject. Liberty Lobby does oppose the teaching of sex education in the schools, however, for several very valid reasons. First of all, the school is not the proper setting for learning about sex. Secondly, the schools are not permitted, at least at this time, to teach moral or religious principles in connection with sex. Third, much—not all—but much of the sex education in the public schools is not just secular and amoral; it is designed, openly and unashamedly, to destroy all of our classic mores and moral values.

TRUE. Liberty Lobby opposes labor unions, but it is said that it is the rank and file of the unions who comprise a strong segment of the politically conservative. Don't you find a conflict here?

RICHARDSON. There is a distinct difference between the labor union leader—the pro-

fessionals, including the business agents—and the members of the labor unions. The members do not agree with the philosophies of the professionals. But the aggressive tactics of the professionals in getting benefits for the members, who don't want to be involved in controversial issues, perpetuates professionals in their jobs.

DALL. Yes. Here's a case in point. You've got to remember that the labor unions were very weak for a long time. They had no assets, no income. They had difficulty getting members and collecting dues. Someone had to put up the money to establish them before they had any money of their own. All I can say is that the labor-union plan was a well-thought-out and clever device for controlling wages. Control of still another part of our society.

TRUE. Liberty Lobby is opposed to tax-supported housing. Who will underwrite low-cost housing if the government doesn't?

RICHARDSON. What's wrong with free enterprise? Why do we feel that the government has all the answers? We regulate, repress and smother dynamic free enterprise which has done so much for this country, but with proper treatment free enterprise will do it again. A $30,000 house could be built for $20,000 or less if the private builder had the same tax breaks as the government project.

TRUE. In your literature you say there are 750 security risks working in the State Department. Who are they?

RICHARDSON. That was some time ago, but it is likely there are more now, not less. The famous case of Otto Otepka revealed this. Mr. Otepka was the clearance officer for the State Department in 1961 during the Kennedy Administration. He was told that he had to pass certain individuals who were not eligible for clearance. He refused and was put in an obscure job as punishment. He was restored by President Nixon to the Subversive Activities Control Board. It was Otepka who said there are 750 security risks in the State Department as a result of the Administration passing individuals unacceptable during the time he was removed from the job.

TRUE. Your literature alludes to homosexuals being bad security risks. Can't a homosexual also be a loyal American?

RICHARDSON. Homosexuals have always been security risks because they are vulnerable and subject to blackmail. That has been confirmed time after time in recent history.

TRUE. The FBI is generally regarded as conservative, but in your literature you object to its methods of investigation. Why?

RICHARDSON. We do not approve of invasion of privacy by the FBI or any branch of government, including Social Security, Internal Revenue, the Census Bureau or any other agency.

TRUE. J. Edgar Hoover has been quoted as saying that wire tapping can be an important tool. Does Liberty Lobby oppose wire tapping?

RICHARDSON. Liberty Lobby opposes all wire tapping. Even though recent changes permit use of wire taps with court orders, we feel the risk of the invasion of privacy of the ordinary citizen, with or without court orders, is too great.

TRUE. Your policies indicate a nostalgia for the simpler days of the 1930's. Are you trying to roll back time to the days of isolationism and a safe, front-porch America?

RICHARDSON. We believe it is the liberal who wants to turn back the clock. We witness the parallel between the degenerate fall of Rome and the excesses of a permissive America. We note that the youth are far more demanding in avoidance of foreign entanglements, even when our security is involved, than the most outspoken isolationist of the Midwest in the 30's. We most importantly notice a trend—a rush—toward dependence upon the government by the citizens, reminiscent of the feudalism and monarchies of the past. We simply want to protect and maintain the true values in America and in our society. And, we believe, if we do not, we will wake up one morning and find our freedom gone, regardless of cause.

TRUE. Colonel Dall, what do you personally get out of Liberty Lobby?

DALL. My satisfaction is in awakening the American people to what is going on in the country. I am out front, as chairman of the board, and I hear about it when anything goes wrong. I believe in our heritage. I have always believed it to be the finest heritage a man or woman could have—America! I respect what we have inherited from our forebears. I dislike and rebel at seeing our culture being deliberately distorted and destroyed by a group of very powerful people. I do not see anything substituted for our culture which is remotely as good as what we have now. We have talked about many facets of that penetration of our society in this talk. It is important that Americans be kept informed. To sum up, we want to resist the decline of constitutional freedom and the escalation of anarchy, through the legislative process.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. TEAGUE of Texas (at the request of Mr. ALBERT), for today and remainder of week, on account of illness.

Mr. MAILLIARD, for next week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MORGAN, for 60 minutes, on December 9; to revise and extend his remarks and include extraneous matter.

Mr. FUQUA, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. ANNUNZIO, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. PRICE of Illinois, for 60 minutes, on Tuesday, December 1, 1970.

(The following Members (at the request of Mr. GUDE), and to include extraneous matter:)

Mr. RIEGLE, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. LEGGETT, for 1 hour, on November 25, 1970, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PREYER of North Carolina), to revise and extend their remarks and include extraneous matter:

Mr. PATMAN, today, for 10 minutes.

Mr. FARBSTEIN, today, for 30 minutes.

Mr. ADAMS, on December 1, for 60 minutes.

Mr. PRYOR of Arkansas, on December 7, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GUDE) and to include extraneous matter:)

Mr. RIEGLE.

Mr. KUYKENDALL in two instances.

Mr. GOODLING.

Mr. HOSMER in two instances.

Mr. QUIE.

Mr. LANDGREBE.

Mr. WYMAN in two instances.

Mr. ROBISON in two instances.

Mr. HARVEY in two instances.

Mr. LUJAN in two instances.

Mr. HORTON in two instances.

Mr. DEL CLAWSON.

Mr. SCHWENGEL in three instances.

Mr. WOLD.

Mr. CRANE in three instances.

Mr. MILLER of Ohio.

Mr. ROUSSELOT.

Mr. FRELINGHUYSEN.

Mr. FREY.

Mr. LANGEN.

Mr. STANTON in two instances.

Mr. MYERS.

Mr. MCCLOSKEY.

Mr. ZWACH.

Mr. SEBELIUS in two instances.

Mr. BYRNES of Wisconsin.

Mr. BRAY in three instances.

Mr. SCHMITZ in two instances.

Mr. DERWINSKI in three instances.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. GARMATZ.

Mr. HAYS in two instances.

Mr. SCHEUER.

Mr. LONG of Maryland in 10 instances.

Mr. DIGGS.

Mr. SYMINGTON.

Mr. BURKE of Massachusetts.

Mr. VANIK.

Mr. WOLFF in two instances.

Mr. HENDERSON in two instances.

Mr. ULLMAN in six instances.

Mr. BINGHAM in two instances.

Mr. MARSH in two instances.

Mr. DANIEL of Virginia in two instances.

Mr. RODINO.

Mr. EILBERG.

Mr. BENNETT in two instances.

Mrs. HANSEN of Washington.

Mr. MOLLOHAN in five instances.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI in three instances.

Mr. TEAGUE of Texas in six instances.

Mr. JOHNSON of California in two instances.

Mr. VAN DEERLIN in two instances.

Mr. BYRNE of Pennsylvania in two instances.

Mr. RARICK in two instances.

Mr. GRIFFIN in two instances.

Mrs. SULLIVAN in four instances.

Mr. HAGAN in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be

paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict; and

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 25, 1970 at 11 a.m.

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. CELLER: Committee on the Judiciary. Senate Joint Resolution 230. Joint resolution extending the duration of copyright protection in certain cases; (Rept. No. 91–1621). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16498. A bill to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes; with amendments (Rept. No. 91–1622). Referred to the Committee of the Whole House.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 18564. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives packed in certain airtight containers (Rept. No. 91–1623). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 8539. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; with an amendment (Rept. No. 91–1624). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee of conference. Conference report on H.R. 17970; with amendment (Rept. No. 91–1625). Ordered to be printed.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1271. A resolution providing for the consideration of H.R. 19436. A bill to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; with amendment (Rept. No. 91–1626). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1272. A resolution providing for the consideration of House Resolution 1147, a resolution relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes; with amendment (Rept. No. 91–1627). Referred to the House Calendar.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2566. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

2567. A letter from the Attorney General, transmitting a report on the administration of the Foreign Agents Registration Act for the calendar year 1969; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2568. A letter from the Comptroller General of the United States, transmitting a report of savings possible by buying automatic data processing equipment or by leasing it from commercial leasing firms, Government Printing Office; to the Committee on Government Operations.

2569. A letter from the Comptroller General of the United States, transmitting a report on the need for improved laboratory equipment management procedures, Department of Defense; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 19855. A bill to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake"; to the Committee on Public Works.

By Mr. GARMATZ:

H.R. 19856. A bill to amend Public Law 91–514; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY:

H.R. 19857. A bill to name certain Federal buildings; to the Committee on Public Works.

By Mr. MILLS:

H.R. 19858. A bill to provide rules for the application of sections 269 and 1551 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 19859. A bill to amend the Internal Revenue Code of 1954 to exclude from the interest equalization tax acquisitions by U.S. air carriers of stock of airline insurance companies; to the Committee on Ways and Means.

By Mr. ROGERS of Florida (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 19860. A bill to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health 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. ULLMAN:

H.R. 19861. A bill to amend the code enforcement grant provisions of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. BENNETT (for himself, Mr. FUQUA, and Mr. CHAPPELL):

H.R. 19862. A bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FALLON:

H.R. 19863. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to investigate and study the availability, quality, and use of waters within the Susquehanna River Basin; to the Committee on Public Works.

By Mr. REID of New York:

H.R. 19864. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. WOLFF:

H.R. 19865. A bill to establish the Long Island Sound National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H. Res. 1273. A resolution providing for the consideration of the bill (H.R. 17555) to further promote equal employment opportunities for American workers; to the Committee on Rules.

By Mr. McMILLAN (for himself and Mr. NELSEN):

H. Res. 1274. A resolution providing additional funds for the Committee on the District of Columbia; to the Committee on House Administration.

By Mr. PERKINS (for himself, Mr. AYRES, and Mr. ASHBROOK):

H. Res. 1275. A resolution to authorize additional investigative authority to the Committee on Education and Labor; to the Committee on Rules.

By Mr. WAGGONNER:

H. Res. 1276. A resolution relating to the stationery allowance for Members of the U.S. House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Georgia:

H.R. 19866. A bill for the relief of Emil Glaros; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 19867. A bill for the relief of Shirley C. Thorne; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

448. The SPEAKER presented a memorial of the Legislature of the State of California, relative to restricted dangerous drugs; to the Committee on Interstate and Foreign Commerce.

449. Also, a memorial of the Legislature of the State of California, relative to the proposed A. P. Giannini commemorative stamp; to the Committee on Post Office and Civil Service.