

Hilton Craig, Jr.
Oscar E. Creech, Jr.
Frederic M. Cunningham
Charles A. Dankmyer, Jr.
Douglas J. Danley
Kenneth V. Davis
Louis D. Dearman
Armand H. Desjardin
Herman W. Dial
Thomas C. Dickey
Dennis T. Dinota
Howard G. Dood
Steven J. Draper
Samuel E. Driggers
James E. Dunning
Sidney B. Edwards
Robert D. Embesl
Robert R. Epps
James L. Eure
Jack H. Evans
Donnie L. Fauver
Michael D. Fazio
Bobby L. Ferguson
Harold D. Ferguson
Charles L. Ferko
Roy A. Ferrell
Nelson R. Fincher
Clyde L. Fisher
Joseph R. Fitzgerald
Joe M. Floyd
Ronald R. Fraizer
George M. Francis
Edgar Franklin Jr.
Eugene T. Franklin
Donald L. Galvin
William C. George
Craig D. Gibbons
Robert L. Goller
Ellwood D. Gordon
Joseph A. Gorzynski
Philip A. Grzanich
Pedro Gutierrez
Stephen H. Hagan
Arnold S. Hageman
Edwin A. Hamlin
Martin H. Handelsman
Gerald E. Hanscom
Richard C. Hansen
Donald L. Hanson
David L. Harris
John A. Harris
John T. Hart

James E. Haskins
Joseph B. Hatfield
Emerson W. Hawkins
Harold L. Henry
Donald L. Herpy
Herbert O. Hicks, Jr.
Francis A. Higginson
William A. Higgs Jr.
Paul R. Hoffman
Julius B. Hopkins
Ernie W. Howe
Jacob W. Hughes, Jr.
Edward W. Humphrey
Holland C. Hutchinson
Barton E. Immings
Lowell B. Jackson
Donald W. James
James R. Jennings
Arthur L. Johnson
Ernest E. Johnson
Weldon W. Johnson
Richard C. Jonely
Gene C. Kamplain
Jacob Kappel, Jr.
Harold A. Keith
Joseph E. Kelly
Carl E. King
Thomas F. King, Jr.
Ray E. Kittilstved
Joseph Kochuba
Leroy A. Kramvik
George D. Krebs
Raymond L. Kunkle
William A. Kuykendall
Donald R. Ladinier
Michael S. Lainhart
Donald A. Lane
Juan M. Lem
Babre Lewis
Regenald F. Lightsey
Thomas C. Lish
Redmon J. Loftus, Jr.
Donald C. Long
Gary L. Losey
Patrick J. Lynch
Jose Magallan
William S. Maire
Paul L. Malone
Tommy E. Manry
John R. Marcucci
Daniel Marland, Jr.
William T. Maroney,
III
Bobby O. Martin

Harold T. Martin
Kenneth W. Martin
Jerry L. Massey
John L. Matticks
Aove E. Mattox
Roger L. Mauldin
Jimmy E. McCall
Joseph McGann
Bryan M. McGill
Robert N. McIntyre
Thomas J. McIntyre
James F. McLean
James R. McRae, Jr.
William D. Meadors
III
George A. Miller
Robert M. Miller
James R. Milner
William F. Milton, Jr.
Frank G. Misemer
Kenneth L. Mitchell
Eugene E. Montgomery
Jimmy B. Morgan
Allan R. Morris
Earl F. Morris, Jr.
Thomas W. Morris
Louis Myers
Ronald C. Newman
William G. Nickels
John A. Nowicki
Sam G. Ochoco
Jerry W. Odell
Juan S. Oquendo
Joseph N. Parisi
Arthur R. Peter, Jr.
Roger B. Peterson
Ronald J. Peterson
Francis L. Pfrimmer
Lloyd G. Phillips
Eugene L. Polderdyke
Jesse P. Pullin
Francis B. Quallen
James S. Rayburn
Merle W. Reese
Gordon A. Rice
Carl S. Richardson
Robert L.
Richard R. Roberts
Dorsey Robinson, Jr.
Neil H. Robinson
James J. Roche
Charles R. Roden
William P. Rohleder
Ramon Roman Jr.

Robert A. Roquemore
Paul A. Rossano
James F. Ryan
Stephan C. Salamack
Efrain F. Sanchez
Stephen A. Sandwich
Dale F. Saunders
Peter B. Sawin
John L. Schell
Richard J. Schmidt
William F. Schrider
Ray H. Scott
Thomas R. Sellers
Jimmie R. Shafer
David F. Shewmake
William F. Shreve, Jr.
Edwin P. Simpson III
Theron, Simpson, Jr.
Robert M. Skidmore
Francis C. Slavin, Jr.
Robert R. Sloan
Paul E. Smith
Alan J. Southard
Donald R. Syring
Lloyd E. Stanton, Jr.
Ray B. St. Charles
John F. Stewart
Robert E. Stewart
Patrick L. Stevens
Richard C. Stricklin
Raymond R. Strohschein
Raymond P. Sturza
Robert R. Stutler
Francis H. Sullivan
Eugene Swidonovich
Bobby G. Taylor
Robert E. Taylor
Leonard J. Tevebaugh
Gary G. Thomas
Frank C. Towers
Louis G. Troutman
William T. Troutner
James A. Turner
Larry F. Vance
Michael D. Villarreal
Robert L. Vincent
Robert G. Volack
Kenneth E.
Weadbrock
Ronald E. Webb
Tony A. Weda
Herbert D. Wells
John Whitley, Jr.
Wayne D. Wildgrube

Clarence F. Williams
Francis O. Williams
Gene R. Williams, Sr.
George E. Williams
Leroy Williams
Gaines L. Willis
Joseph C. Wilson
Hershel E. Wisdom
Stanley G. Woinoski
James E. Woodruff, Jr.
Robert L. Woodward
Billy E. Wright
Barbara A. Wynnyk
James J. Yantorn
Jere W. Yost
Kenneth W. Young
Edward M. Zerbe
Kenneth P. Zrubek

DIPLOMATIC AND FOREIGN SERVICE

John A. McKesson 3d, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

CONFIRMATION

Executive nomination confirmed by the Senate December 3, 1970:

CALIFORNIA DEBRIS COMMISSION

Col. James C. Donovan, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661).

WITHDRAWALS

Executive nominations withdrawn from the Senate December 3, 1970:

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The following-named persons to be members of the Federal Metal and Nonmetallic Mine Safety Board of Review, which were sent to the Senate on September 15, 1970:

Robert N. Stewart, of Indiana, for the remainder of the term of 5 years expiring September 15, 1971.

Hugh C. Matlock, of Colorado, for the remainder of the term of 5 years expiring September 15, 1972.

Donald E. Pierce, of Idaho, for the remainder of the term of 5 years expiring September 15, 1973.

Kenneth C. Kellar, of South Dakota, for the remainder of the term of 5 years expiring September 15, 1974.

Howard L. Hartman, of California, for the term of 5 years expiring September 15, 1975.

HOUSE OF REPRESENTATIVES—Thursday, December 3, 1970

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O praise the Lord, all ye nations; praise Him all ye people. For His merciful kindness is great toward us and the truth of the Lord endureth forever.—Psalms 117.

Eternal God and Father of us all, everywhere present and everywhere available, we wait upon Thee in this, our morning prayer. We come with humble hearts and in deep need, crying aloud for insight to see the way we should take, for courage to walk in it, and for the strength to endure even when endurance seems impossible.

As we face the trying tasks of these hurried hours, our thoughts are with those in the service of our country, particularly our prisoners of war. Grant that the sacrifices they are making for freedom may never be in vain.

Guide our Nation, our leaders, and our people through these critical and crucial times. May we learn the wisdom of the

ages that only those who trust in Thee win the higher victories which will usher in the great day of justice and enduring peace.

In Thy holy name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108);

H.R. 19000. An act to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe; and

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States

of its share of the expenses of the Pan American Railways Congress Association.

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

H.R. 18679. An act to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes; and

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8298) entitled "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," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. HOLLINGS, Mr. PROUTY, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10634) entitled "An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. PROUTY, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3418) entitled "An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4418) entitled "An act to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. JORDAN of North Carolina, Mr. MONTOYA, Mr. SPONG, Mr. COOPER, Mr. BOGGS, and Mr. BAKER to be the conferees on the part of the Senate.

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

S. 4459. An act to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes; and

S. 4547. An act to provide for regulation of public exposure to sonic booms, and for other purposes.

SUPERSONIC TRANSPORT

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

Mr. ANDERSON of California. Mr. Speaker, yesterday the Senate passed S. 4547, an act which would prohibit the operation of civil aircraft at a speed greater than sound over the United

States, except by authorization of the FAA, which may permit certain flights only for test purposes.

In addition, Mr. Speaker, S. 4547 insures that airport-area noise created by the SST will not be greater than the noise levels created by existing aircraft. This is the intent of my bill, H.R. 18599.

While the Department of Transportation has filed notice of a proposed rule banning civil supersonic flights over land, I feel that the Congress should dispel the fears of many concerned citizens and make this law.

The question is not whether we approve or disapprove of a U.S. SST because, Mr. Speaker, SST's will be operating in the future. The Russians have their version—the TU-144—and the British-French have their "Concorde." The question is, How are we going to protect and preserve our environment?

I feel the Senate bill, S. 4547, is a step in this direction, and urge the House to speedily concur in this action.

EARTHA M. M. WHITE, LANE BRYANT WINNER

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

Mr. BENNETT. Mr. Speaker, today at noon at the Plaza Hotel in New York City, Dr. Eartha M. M. White, of Jacksonville, Fla., will receive the 1970 Lane Bryant Volunteer Award for her outstanding volunteer work which has contributed greatly to her community and its citizens.

It was my pleasure and privilege to nominate Miss White for this top national award, and I join with her many friends and with those she has helped through the years in congratulating her on this signal honor.

Dr. White, who was 94 years old on November 8, 1970, is one of Jacksonville's leading citizens. She has contributed greatly to many important civic, social, and philanthropic activities. The \$5,000 award is going to her for her individual achievements for volunteerism. The Lane Bryant Volunteer Award is given annually to encourage volunteer work designed to benefit the American community. One award goes to an individual and the other top award to a group.

Miss White is the founder of the Clara White Mission in Jacksonville, named for her mother, which aids children, the old, the needy and inmates of the Duval County prison farm. She established the Eartha M. M. White Nursing Home, and a museum of Negro history in her hometown. A teacher, social worker, a colonel in the Women's Army of National Defense with her close friend, Mary McLeod Bethune, Miss White is a beacon in our community and an inspiration for all Americans.

Dr. White once said:

I live by John 15:7: "If ye abide in me, my words abide in you, ye shall ask what ye will, and it shall be done unto you." That is a contract with God. I try to fill my side of the contract; He fulfills His.

We can all learn from this great lady and what she has done for mankind.

APPOINTMENT OF CONFEREES ON S. 3418—FAMILY MEDICAL CARE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3418) to amend the Public Health Service Act to provide for making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, with House amendments thereto, insist upon the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, CARTER, and HASTINGS.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORTS ON H.R. 18874 AND H.R. 19860

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file reports on H.R. 18874 and H.R. 19860.

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

There was no objection.

AMENDING ATOMIC ENERGY ACT OF 1954

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes, 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 9, strike out all after line 22 over to and including line 15 on page 14.

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

Mr. HOSMER. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman from California explain the purport of the Senate amendment?

Mr. HOLIFIELD. Mr. Speaker, if the gentleman will yield, I shall be glad to do so.

Mr. Speaker, on September 30, the House passed, by the vote of 345 to 0, H.R. 18679, a bill which would bring up to date and revise the provisions of the Atomic Energy Act of 1954 in several respects. This bill had been reported out by the 18-member Joint Committee on Atomic Energy without a dissenting vote.

Yesterday, the Senate considered and passed H.R. 18679, after amending the bill to delete section 11. The amendment was proposed by the vice chairman of the Joint Committee on Atomic Energy, and this move was made with my acquiescence as chairman of the Joint Committee.

Section 11 merely emphasized that the uniquely expert consultative services of the National Academy of Sciences and the National Council on Radiation Protection and Measurements should continue to be utilized, as presently contemplated by subsection 274 h. of the Atomic Energy Act of 1954, as amended, in connection with the formulation of basic radiation protection standards pertinent to the health and safety aspects of exposure to radioactivity resulting from the development, use, or control of atomic energy. Section 11, however, stressed that these services should be applied on a continuing and comprehensive basis, rather than—as heretofore—infrequently or from time to time. Section 11 further stressed that the scientific findings and advice provided by these preeminent scientific bodies were to be widely disseminated.

Section 11 would not have prevented the new Environmental Protection Agency or any Government agencies from consulting with and seeking the advice of any other outside experts they might select. Section 11, in no way, inhibited the furnishing of scientific advice. It supported it.

Furthermore, section 11 did not provide for the setting of standards by the National Academy of Sciences or the National Council on Radiation Protection and Measurements. Responsibility for setting standards would have continued to remain in the Executive—and in the hands of the Environmental Protection Agency, as desired by the President.

One further point should be registered. Section 11 did not add as a new requirement that the Joint Committee on Atomic Energy receive reports respecting the setting of standards pertinent to radioactivity resulting from the development, use or control of atomic energy. This requirement has been legally applicable for many years; it is contained in section 202 of the Atomic Energy Act of 1954, as amended.

In short, section 11 would not have interfered with the prerogatives of the President or the functions of the Environmental Protection Agency.

Nevertheless, as a courtesy to the new Environmental Protection Agency, I now urge the House to agree to the deletion of section 11 from H.R. 18679—not because the provisions are not worthwhile or are not fully in the public interest—but simply to give the new Environmental Protection Agency a reasonable period of time in which to become organized and—without the need of explicit statutory directions—to proceed under its present authorities, including the authority in present subsection 274 h. of the Atomic Energy Act, to carry out the objectives of section 11.

This morning, I wrote a letter to the Administrator of the Environmental Protection Agency, informing him of these thoughts. I would like to read for the

RECORD a copy of my letter to Mr. Ruckelshaus:

DECEMBER 3, 1970.

HON. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection
Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: Congratulations on your favorable reception by the Senate Committee on Public Works and on the Senate's speedy confirmation of your nomination.

Yesterday afternoon, in the Senate, Senator Pastore proposed an amendment to delete Section 11 from H.R. 18679. As you know, this Section would have revised the provisions of subsection 274 h. of the Atomic Energy Act, H.R. 18679, as thus amended, was then passed by the Senate.

As Senator Pastore stated in his presentation of the amendment, I had acquiesced in the judgment to delete the proposed revision to subsection 274 h. The amended version of H.R. 18679 will be considered in the House very soon, perhaps even later today, and I will support and urge the House to approve the amended version of H.R. 18679 which was passed by the Senate.

The deletion of Section 11 is really a courtesy to you and your Agency. I hope the contents of Section 11, the pertinent portion of the Joint Committee's report accompanying H.R. 18679, and my explanation to you of the Committee's underlying purpose will, in practical effect, remain tantamount to a word to the wise. I am also writing to the Director of the Office of Management and Budget to urge that he help assure the budgeting and allocation of sufficient funds to enable the consummation in the near future of the broadly-scoped arrangements contemplated by Section 11.

You are aware that the F.R.C. has existing agreements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. The Committee is deeply concerned that expert scientific advice on the problem of radiation tolerance should be secured on a continuing and comprehensive basis, and it knows of no better or more credible expert sources than these two distinguished scientific bodies.

As soon as reasonably practicable after the Agency is sufficiently organized, please advise this Committee if there appear to be any problems that could interfere with the initiation of such arrangements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. Also, as a general matter and in accordance with the responsibilities provided for in Section 202 of the Atomic Energy Act, I request that the Agency keep the Joint Committee fully informed, on a reasonably current basis, of significant events and activities pertaining to atomic energy.

This Committee wishes the Agency, under your leadership, great success in its efforts toward fulfillment of its important mission to protect the environment. With respect to atomic energy fields, this Committee stands ready to assist and cooperate in every reasonable way.

Sincerely,

CHET HOLIFIELD,
Chairman.

And, Mr. Speaker, I would like to include after my remarks the letter which I have directed to Mr. Ruckelshaus, and to include certain other extraneous and related matter.

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

There was no objection.

Mr. HOSMER. Mr. Speaker, further reserving the right to object, and I shall not do so, I rise to associate myself with the comments by the chairman of the

Joint Committee on Atomic Energy, the gentleman from California (Mr. HOLIFIELD). I urge the amendment and passage of the bill as requested.

I, too, urge—for the reason advanced by him—that the House approve H.R. 18679, as amended in the Senate yesterday by deletion of section 11.

At the same time I wish to pose an important note of caution in regard to the intent underlying another feature of this bill. And, as a coauthor of this bill, I presume that I speak authoritatively. I understand that, in the course of the Senate's consideration of the bill yesterday, several exchanges of correspondence with the Antitrust Division of the Department of Justice were inserted in the RECORD and alluded to. I have not yet had an opportunity to read them, so I cannot comment definitively on the views and interpretations advanced in or in connection with these letters. I want to emphasize as strongly as I can that the following excerpt from the statement of presentation of the bill before the Senate by Senator PASTORE, vice chairman of the Joint Committee on Atomic Energy, is thoroughly accurate, and I should like to repeat it now for the RECORD:

Because the language and potential effect of the existing subsection 105c. are not sufficiently clear, the committee decided to clarify and revise this phase of the Commission's licensing process.

H.R. 18679 does this. Revised subsection 105 c. clarifies the antitrust review standard and specifically describes what the Commission is to do in relation to the advice received from the Attorney General. The end product is the result of the committee's exploration of every facet of the background of this provision, and of the committee's judgment respecting the scope and type of review that AEC ought to conduct.

The committee and its staff spent many, many hours on this aspect of the bill, and I can assure the Senate that we considered very carefully the considerable testimony, comments and opinions we received from interested agencies, associations, companies and individuals, including representatives of the Justice Department, from privately owned utilities, and from public and cooperative power interests.

The end product, as delineated in H.R. 18679, is a carefully perfected compromise by the committee itself; I want to emphasize that it does not respect the position, the preference, or the input of any of the special pleaders inside or outside of the Government. In the committee's judgment, revised subsection 105 c., which the committee carefully put together to the satisfaction of all of its members, constitutes a balanced, moderate framework for a reasonable licensing review procedure.

Thus, the views and opinions expressed in the letters from the Antitrust Division of the Department of Justice are not necessarily authoritative, and may or may not accurately represent the intent underlying the "practical value" provisions of H.R. 18679.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONTROLLING THE SONIC BOOM

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

Mr. ERLBORN. Mr. Speaker, in considering whether we should go ahead with development of the supersonic transport, many of us have been alarmed by the prospect of disruption of our daily lives by sonic booms. In order to allay those fears, the Department of Transportation filed a notice of proposed rulemaking last April 15, forbidding civil supersonic flight over the United States.

Since then, other officials, including the President, have declared that overland civil flights at supersonic speeds will not be allowed.

Nevertheless, some critics of the supersonic transport have not been convinced. A rule such as this can be easily changed or ignored, they say.

I agree that we do not want our daily lives disrupted by sonic booms and so I offer a bill which will put the Department of Transportation's proposed regulation into statutory form. This bill would prohibit, by law, the flight of any civil aircraft, including the SST, over the United States in such a manner as to create a sonic boom.

I believe we ought to proceed with development of the two prototypes of the SST and, if they prove successful—as the proponents of the SST expect—we should turn to the manufacture of these planes. On the other hand, if they cannot meet the criticisms which have been directed at the SST program, then I believe the program must be discontinued.

I believe that, in continuing this experiment, we should give whatever assurances we can to the American people that they will not be assaulted by these horrifying sonic booms.

FAILURE TO PROTECT THE CONSUMERS OF OUR COUNTRY

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

Mr. HOLIFIELD. Mr. Speaker, on yesterday I regret to state that the Committee on Rules, by a tie vote, refused to give a rule to the bill which sought to protect the consumers of this country from fraud, illegitimate claims, false advertising, spurious materials including drugs, and for other purposes.

This bill had been worked on in the House Committee on Government Operations for about 18 months. It had the agreement of both sides of the aisle by a vote of something like 31 to 4.

In general, I would just like to make this observation: the function of the House of Representatives rests basically upon the efficiency and the dedication and the integrity of the committees of the House. When a committee of the House reports a bill by a vote of 31 to 4, and the managers of the bill come to agreement on amendments, I believe that it should be the function of the House Committee on Rules to grant a rule. I believe that they go beyond the proper function of the Committee on Rules when they deny

to the Members of the House of Representatives a chance to vote a bill up or down.

If we are going to have a real respect for the work of the committees of the House, their labor should be brought before the House for disposal, either to vote it down or to accept it; otherwise, you find the committee members frustrated, the chairman of the committee frustrated, and the work which they have done so diligently and with such dedication, to be of no effect.

CALL OF THE HOUSE

Mr. MONTGOMERY. 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. 379]		
Abbitt	Ford,	O'Konski
Alexander	William D.	O'Neill, Mass.
Anderson, III.	Foreman	Ottinger
Aspinall	Fuqua	Pickle
Baring	Gilbert	Pollock
Berry	Gray	Powell
Blatnik	Grover	Price, Tex.
Boland	Hanna	Pucinski
Bolling	Ichord	Purcell
Brock	Jarman	Rivers
Brown, Mich.	Johnson, Pa.	Robison
Burton, Utah	Kazen	Roudebush
Button	King	Saylor
Celler	Kluczynski	Scheuer
Clancy	Kuykendall	Shriver
Clark	Landrum	Smith, Iowa
Clay	Latia	Sullivan
Collins, Tex.	Long, La.	Talcott
Corman	Lujan	Tiernan
Cramer	McCloskey	Tunney
Daddario	McClure	Waldie
de la Garza	McCulloch	Watson
Dellenback	McKneally	Wiggins
Dennis	Meskill	Widd
Dent	Miller, Calif.	Wright
Dowdy	Mink	Wyatt
Esch	Mollohan	Wydler
Farbstein	Morton	
Fascell	Murphy, N.Y.	

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

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

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States produces nearly two-thirds of the world's output of molybdenum ore: 1968 production was 42,400 metric tons by the United States out of a world total of 60,020 metric tons.

THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. BARRETT. 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. 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.

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. 19436, with Mr. NATCHER 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 ending on page 1, line 4, of the bill and there was pending the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

Are there further amendments to the Stephens amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. REUSS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. REUSS. Mr. Chairman, I offer an amendment to the Stephens amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. REUSS to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 113, line 15, add the following new section:

"Sec. 920. (a) Section 414(a) of the Housing and Urban Development Act of 1969 is amended—

"(1) by striking out 'rental or cooperative' in the first sentence;

"(2) by striking out the period at the end of the first sentence and inserting after 'income', and for related public facilities and for related commercial and industrial facilities approved by the Secretary."

"(3) by inserting '235 or' between 'section' and '236' of clause (C).

"(b) Section 414(b) is amended—

"(1) by striking out 'rental or cooperative' in the first sentence;

"(2) by inserting 'and related facilities' between 'housing' and 'to' in the first sentence;

"(3) by inserting after 'Secretary' in the second sentence 'and the Administrator of General Services' and by striking out 'has' before 'approved' in the second sentence and inserting 'have';

"(4) by inserting after 'Currency' in the third sentence 'and the Committees on Government Operations' and by striking out 'he approves' in the third sentence and inserting 'he and the Administrator of General Services approve'."

The CHAIRMAN. The gentleman from Wisconsin is recognized in support of his amendment.

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

Mr. REUSS. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is the amendment which the gentleman has offered the amendment we have talked over several times relative to the use of surplus land for low- and moderate-income homes?

Mr. REUSS. That is correct.

Mr. BARRETT. Mr. Chairman, we would have no objection to the amendment.

Mr. REUSS. I think the distinguished subcommittee chairman. I would just briefly indicate the effect of this amendment.

Under existing law the General Services Administration may dispose, to the Secretary of Housing and Urban Development, surplus land for the construction of low- and moderate-income housing. Unfortunately, in the law as it stands housing is restricted to rental housing, and the enormously important area of housing for ownership is not included. This amendment would include such housing and related facilities wherever they exist.

The language has been checked with the leadership of the House Committee on Government Operations, and as an additional safeguard, the amendment would require approval not only of the Secretary of Housing and Urban Development but of the Administrator of the General Services Administration, and reference not only to the House Committee on Banking and Currency but also to the House Committee on Government Operations.

I believe it is a necessary perfection of existing law. I do not think there is any controversy connected with it, and I hope the amendment will be adopted.

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

Mr. REUSS. I am glad to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I merely wish to point out that the gentleman's amendment is a very practical proposal, and yet a very necessary step in the light of the need for the planning of related community facilities in connection with housing projects. I hope the gentleman's amendment will be adopted.

Mr. REUSS. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, I am familiar with the amendment. I believe it is a good amendment, and it should be accepted by the Committee and by the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. REUSS), to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENT OFFERED BY MR. BLACKBURN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BLACKBURN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN to the amendment in the nature of a substitute offered by Mr. STEPHENS: At the end of title IX (page 113, after line 15), add the following new section:

"PROHIBITION AGAINST CONSIDERATION OF NON-RELEVANT FACTORS IN APPROVING OR DISAPPROVING APPLICATIONS FOR ASSISTANCE

"Sec. 919. In determining whether to approve, disapprove, or confer a particular status upon any application for a loan, grant, or other assistance under any program administered by the Department of Housing and Urban Development, no consideration shall be given to any factor or circumstance unless the law establishing such program

specifically authorizes such factor or circumstance to be taken into account in making such determination."

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes in support of his amendment.

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

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

Mr. BARRETT. Mr. Chairman, is this the very same amendment the House accepted yesterday on the Brown substitute?

Mr. BLACKBURN. The language is somewhat different. I have perfected it, but it is to the same purpose as the one accepted yesterday.

Mr. BARRETT. There is no change in the effectiveness?

Mr. BLACKBURN. No.

Mr. BARRETT. We have no objection on this side of the aisle.

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

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

Mr. WIDNALL. Mr. Chairman, we have no objection on this side of the aisle.

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

Mr. BLACKBURN. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I would like to say I endorse what the gentleman has done, and I hope the gentleman succeeds in putting it on my amendment.

Mr. BLACKBURN. We may. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKBURN) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENT OFFERED BY MR. SIKES TO THE AMENDMENT OFFERED BY MR. STEPHENS IN THE NATURE OF A SUBSTITUTE

Mr. SIKES. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. SIKES to the amendment offered in the nature of a substitute by Mr. STEPHENS:

At the end of the substitute, add the following new section:

"Sec. 21. (a) Section 101(c)(2) of the Housing and Urban Development Act of 1965 is amended by (1) striking out the word "or" between paragraphs (D) and (E), (2) striking out the period at the end of paragraph (E) and inserting in lieu thereof "; or", and (3) adding after paragraph (E) the following:

"(F) a family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty."

"(b) Paragraph (B) of section 101(e)(1) of such Act is amended by striking out the period and inserting in lieu thereof the following: "or is a member of the Armed Forces of the United States serving on active duty."

"(c) Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(H) Whenever he shall determine that, because of location or other considerations, any rental housing project assisted under title II of the National Housing Act or title I of the Housing and Urban Development Act of 1965 could ordinarily be expected to serve the family housing needs of lower income military personnel serving on active duty, the Secretary is authorized to provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis notwithstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations."

Mr. SIKES (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

Mr. SIKES. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

Most of the Members of the House are familiar with what I propose to do. My amendment is the same as one adopted on yesterday. I am seeking to help military families, particularly those in the lower enlisted grades who receive no housing allowance and who are not eligible for family housing. There are many of them and their plight in many instances is a serious and a distressing one. Young people whether or not they are in the service fall in love, get married, and have babies. Yet, despite the serious financial problems of many of them, those in the lower grades cannot enjoy the benefit of Government quarters. The military recognizes the gravity of the problem but states they are unable to provide enough housing for those already eligible. This is a condition which should be faced up to by the Congress and the military, but it is a situation which cannot be corrected in this bill. We can improve the situation.

What I propose is to add an amendment to the bill now before us to specifically include military families in the categories of low-income qualified tenants to whom rent supplement payments can be made and to enable the Secretary of Housing and Urban Development to accord military families sufficient priority of occupancy to overcome the existing inability of military personnel to participate fully in this and other rental housing projects for low-income families. My amendment would not take away from the local housing authorities the discretion which they currently have to determine the occupants of housing projects in their jurisdiction.

This amendment is the outgrowth of the bill H.R. 18361 introduced by me and my distinguished colleague from Michigan (Mr. CEDERBERG), the ranking member of the Appropriations Subcommittee on Military Construction, based on information developed in the hearings of that subcommittee. We in that subcommittee have long sought ways to improve housing for military families. My distinguished colleague from Florida (Mr. BENNETT) is also an active supporter of these amendments and he spelled out clearly in the RECORD on Tuesday the facts regarding the amendment and the need for it. The amendment which is now before us has been improved through long study and examination in both the Congress and the executive branch. It embodies the recommendations of both HUD and Defense. I am very happy to state that the members of the distinguished Committee on Banking and Currency, including the distinguished gentleman from Pennsylvania (Mr. BARRETT), the distinguished gentleman from New Jersey (Mr. WIDNALL), and the distinguished gentleman from Georgia (Mr. STEPHEN), are familiar with what I propose and I believe they are prepared to accept the amendment.

Now, to spell out the reason for the amendment in more detail, military families are unduly deprived of the benefits of rental housing projects assisted under programs of the Department of Housing and Urban Development. I quote from a letter from that Department to the distinguished chairman of the Committee on Banking and Currency:

Although servicemen and their families generally have access to the Department's rental and rental subsidy housing programs, a problem sometimes exists because of the frequency with which military personnel may be reassigned from place to place. Even where a particular housing project meets the necessary feasibility standards and is constructed at a location where it would ordinarily be expected that it would at least in part serve servicemen and their families, and even though it may in fact substantially serve those families in the beginning, servicemen subsequently assigned to duty in the area may find that they have a much lower priority for securing units than local residents whose names may already be on the project waiting lists.

My amendment would correct this situation by specifically including military personnel in the categories of low-income personnel to be assisted under the section 236 program and by authorizing the Secretary of Housing and Urban Development, with regard to rental housing projects assisted by his department, to "provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis notwithstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations."

Based upon a planned total armed force of 2.6 million men, about 275,000 enlisted families would have the low in-

comes meeting the prescribed limits for special assistance housing made applicable to them by the above amendments. If present housing laws were to remain unchanged few military families could actually use the special assistance housing provided by existing laws and the bill before us. The Department of Defense estimates that at the present time only about 18,000 enlisted families are currently enjoying the benefits of such housing while 275,000 need it. The large number of military families who are involuntarily separated, or are living in substandard or excessively costly housing, is eloquent testimony to the existence of a large and worsening housing deficit. This problem was brought to the public's attention in a recent New York Times article discussing housing conditions for Navy families at Quonset Point, R.I.

In particular, the inflationary increases in housing rental costs have worsened the situation of the so-called ineligible, the families of military men who do not have sufficient rank or time in service to be considered career personnel. Their plight can no longer be ignored.

The Department of Defense has estimated that the cost to rectify the housing deficit merely for military families currently eligible for onbase housing is \$2.8 billion. It has been evident to the members of our subcommittee that despite our best efforts, the method of providing housing to military families by constructing new housing units on military bases has not been and will not be sufficient to meet the needs. Nevertheless, we propose to continue and to increase our efforts in this report. The report of the committee on the fiscal year 1970 military construction appropriation bill contained the following language:

Amendment of the Housing and Urban Development Act of 1968 to authorize the Secretary of Housing and Urban Development to construct or assist construction of housing exclusively for military personnel and their families under programs for the National Housing Act should be explored.

In our hearings on the 1971 budget, our subcommittee heard considerable testimony from witnesses representing the Office of the Secretary of Defense and the military services on the feasibility and desirability of obtaining greater use by military families, particularly by the ineligible, of programs of the Department of Housing and Urban Development. We also learned that Secretary Laird had communicated to Secretary Romney his strong desire to obtain greater use of HUD programs for military families. Since the time of our hearings in March 1970, commendable progress has been made by the Department of Defense and the Department of Housing and Urban Development. At the present time, HUD and Defense have a tentative agreement whereby HUD will set aside some 5,000 section 236 units in the fiscal year 1971 program for use by military families. However, without this amendment, the Department of Housing and Urban Development may lack legal authority to specify in contracts with

sponsors of section 236 housing that military families may receive special priority of assignment. In the absence of this authority, the Department of Defense hopes optimistically that sponsors can be persuaded to refrain from keeping a waiting list—which operates to the detriment of military personnel who must move frequently—in return for promises of a sufficient number of referrals of military personnel to the sponsors by base housing offices. Alternately, sponsors who are amicable to the needs of military personnel can be found; that is, the Navy League. However, such arrangements are at best makeshift and can only be made in selected instances. A much more satisfactory solution is the adoption of my amendment.

I am intimately acquainted with the need for adequate housing for military families and I am very concerned about the gravity of the problem. The various service witnesses testifying before the Congress on the military construction and family housing programs have stressed repeatedly the need for housing for the military.

Without adequate housing for military families, the hope of attaining an all-volunteer military force is very dim. Without vast improvements in housing for military families, the current inability to retain highly trained and highly capable personnel in the military services will undoubtedly worsen.

This is one small step needed to help military families.

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

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

Mr. BARRETT. Mr. Chairman, much the same as the case with the Blackburn amendment, the amendment offered by the gentleman from Florida was accepted on the Brown substitute yesterday, and I am of the opinion there is no change in the gentleman's amendment.

Mr. SIKES. If I may say, my amendment is identical to the one accepted on the Brown amendment and identical with the one cleared with the distinguished chairman of the subcommittee and cleared with the distinguished ranking Republican member on the committee, the gentleman from New Jersey (Mr. WIDNALL). It proposes to permit needy military families to participate in the various low-income family housing projects.

Mr. BARRETT. Mr. Chairman, we on this side of the aisle have no objection to the amendment.

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

Mr. SIKES. Mr. Chairman, I yield to my distinguished friend, the gentleman from Michigan (Mr. CEDERBERG), who participated with me in development of the program which we now present.

Mr. CEDERBERG. Mr. Chairman, I associate myself with the remarks of the gentleman from Florida, and I support the amendment he offers.

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

Mr. SIKES. I yield to the distinguished gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, this is an excellent amendment. As we said yesterday, we compliment the gentleman on offering it, and we on the minority side have no objection to it.

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

Mr. SIKES. I yield now to my distinguished friend, the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I thank the gentleman for bringing the needs of this to the attention of the committee. I certainly endorse what the gentleman is doing, and I am glad he is doing it.

Mr. SIKES. Mr. Chairman, I am most grateful to my friend, the gentleman from Georgia.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Maryland, my distinguished friend on the Appropriations Committee.

Mr. LONG of Maryland. Mr. Chairman, I congratulate the gentleman for introducing this provision. From my own experience in working with military personnel, I can testify that this amendment is very much needed.

Mr. SIKES. Mr. Chairman, I appreciate what my good friend, the gentleman from Maryland, has said.

Let me state again, this program will be of very considerable benefit to a very large number of military families who need what is proposed in the amendment.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENT OFFERED BY MR. ST GERMAIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. ST GERMAIN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. ST GERMAIN to the Amendment in the nature of a substitute offered by Mr. STEPHENS: a new section 219 is hereby added to title II of the Stephens substitute; strike subsection (6) of section 235 (j) of the National Housing Act and replace it with the following subsection (6):

"(6) For purposes of this subsection, the terms 'single family dwelling' and 'single family dwellings' (except for purposes of paragraph (5)) shall include a two-family or three-family dwelling which has been approved by the Secretary if one of the units is to be occupied by the owner."

Mr. ST GERMAIN. Mr. Chairman, the amendment I offer is actually one which we might call sectional in nature. We in New England have a great many of the old type three-decker houses. Because of the limitation to two families many of these homes are not eligible. This would merely allow three-family owner-occupied homes to become eligible under the program.

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

Mr. ST GERMAIN. I yield to the gentleman from Pennsylvania, the chairman of the subcommittee.

Mr. BARRETT. We have had an opportunity to study this amendment. It is much on the order of the duplex home owner-occupied amendment we had in the housing bill last year. We see no objection to it. The other side is agreeable, I believe.

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

Mr. ST GERMAIN. I yield to the gentleman from Georgia.

Mr. STEPHENS. As I understand it, we have had the proposal studied and it was the subject of hearings in our committee.

Mr. ST GERMAIN. That is correct.

Mr. STEPHENS. I see no objection to it.

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

Mr. ST GERMAIN. I am happy to yield to the gentleman from New Jersey, the ranking minority Member.

Mr. WIDNALL. Are not the two-family dwelling units covered under present law?

Mr. ST GERMAIN. The two-family dwelling units are now covered under present law if they are owner-occupied. This would expand it to three families.

We have many three deckers in New England, which unfortunately do not come under the law.

Mr. WIDNALL. This would add the three-decker houses?

Mr. ST GERMAIN. Owner-occupied.

Mr. WIDNALL. How many units does the gentleman think would be involved?

Mr. ST GERMAIN. As I said, we have had testimony from the Boston Housing Authority. It is rather difficult to give an exact figure, but I would say percentage-wise it would probably not amount to more than 3 or 4 percent of those now covered nationally.

Mr. WIDNALL. Is this a continuation of the 221(h) program?

Mr. ST GERMAIN. That is correct.

Mr. WIDNALL. In the three-story unit there would have to be one unit occupied by the owner?

Mr. ST GERMAIN. That is correct. In other words, this would prevent the speculators from going in and buying up tenement houses. It is only for owner-occupied dwellings.

Mr. WIDNALL. Mr. Chairman, we have no objection on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. ST GERMAIN) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have not been able to get hold of a page copy of the so-called Stephens

substitute amendment, and therefore I am not able to provide a correct page number on which an amendment should occur. However, it would occur at the close of section 302 of title III of the Stephens amendment in the nature of a substitute. Would an amendment relating to that be in order at this time?

The CHAIRMAN. The Chair will state to the gentleman that such an amendment would be in order at this time.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin to the amendment in the nature of a substitute offered by Mr. STEPHENS: At the end of title III, section 302, change the period to a colon and add the following proviso: "Provided, that after July 1, 1971, the aggregate amount of contracts to make annual contributions executed subsequent to the enactment of this act shall not exceed amounts approved in appropriation acts."

Mr. DAVIS of Wisconsin. Mr. Chairman, this is an amendment I offered with respect to similar legislation 2 years ago. I had prepared the amendment for introduction in connection with the bill this year.

I have talked with the gentleman from Pennsylvania, who is the floor manager for the bill. He pointed out to me that because of commitments which may have been made he felt that this might not be timely in connection with it.

I was unable to reach the gentleman this morning in order to discuss with him the amended amendment which is now before this Committee, which would delay the effective date of it until the beginning of the new fiscal year.

As I understand it from conversations I have had with the gentleman from Pennsylvania, he has not been opposed to the idea of placing public housing contributions under the annual review along with contract authority under the surveillance of the Subcommittee on HUD and Independent Offices of the Committee on Appropriations, but he had been worried about the fact of commitments that might already have been made. It was on this basis that I did defer the effective date until the beginning of the new fiscal year.

I see that the gentleman is on his feet, and I would like to ask for his comments relating to this amendment as it has been changed in order to deal with the problems which he felt might occur if this had been offered as a straight amendment to become effective immediately.

Mr. BARRETT. Will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the chairman of the subcommittee.

Mr. BARRETT. I will say to the gentleman in the first place that I did not get a copy of the amendment which you have submitted here. Second, I would have to oppose it—and I think the gentleman would agree—on the basis that

your amendment, as I observed it as read by the Clerk, is to take effect in 1971.

Mr. DAVIS of Wisconsin. At the beginning of the new fiscal year.

Mr. BARRETT. Yes. Of course, you and I talked about it, and I was certainly grateful for the way you informed me and your splendid cooperation. I am not able to say whether this would distort the contractual agreements made up until 1972. I do think, if we were able to sit down together, a few of us, in the next Congress and rationalize it and have a hearing on this, we could do the job more effectively, because money would be allocated for 1972 and by that time all of the public housing authorities throughout the country would be properly advised. By 1973 you will have to come through the normal appropriation procedures.

I would be grateful to the gentleman if he will withdraw that amendment and let us do it next year in harmony with our committee and the House.

Mr. DAVIS of Wisconsin. I hesitate to accede to this suggestion, because, as the gentleman will recall, we did have a colloquy relating to it 2 years ago. At that time the gentleman did indicate his concern but said that in principle he was not opposed to it. My only concern is not to interfere with outgoing commitments that may have been or would be made during the current fiscal year. However, I do feel the principle of putting the annual surveillance of these contributions under the proper subcommittee of the Committee on Appropriations is very important in order that we may have a balanced housing program. I say this since all of the other major housing programs do come under this annual review and it is not possible to attempt to compare the effectiveness of the various programs when one program, and a large and expanded one, sits outside of that annual surveillance by the appropriate subcommittee of the Committee on Appropriations. I would not object if the gentleman would feel it proper to defer the effective date of this until July 1, 1972, if he felt that this would avoid any embarrassment on the basis of commitments that have been made, but I do think it is important that the principle be established.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DAVIS of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. BARRETT. Mr. Chairman, if the gentleman will yield further, I think that, due to the nature of the statement by the gentleman from Wisconsin in 1968, the gentleman from Pennsylvania was quite opposed to the amendment for the simple reason that we were in a crisis then throughout the country in that housing was badly needed. As the gentleman will recall, we have a need across the country for a minimum in the next decade for 26 million homes or houses which were badly needed.

However, at this time I am concerned that the gentleman's amendment may distort the negotiations and the contractual procedures by the housing au-

thorities. If the gentleman suggests now that we do this on the premise that we bring it into the housing bill for 1972, I think that would be more adequate in order to give us time to get their homes in order so that they would know that they could not enter into contracts without knowing what money was appropriated.

Mr. DAVIS of Wisconsin. Would not the gentleman from Pennsylvania feel that after the effective date of July 1, 1972, this would avoid any embarrassment with reference to outstanding commitments and would provide the time and notice that would be required in connection with it?

Mr. BARRETT. Mr. Chairman, if the gentleman will yield further, I would say that we would not have the opportunity to contact all of the housing authorities—

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

(By unanimous consent (at the request of Mr. BARRETT) Mr. DAVIS of Wisconsin was allowed to proceed for 2 additional minutes.)

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

Mr. DAVIS of Wisconsin. Yes, I yield further to the gentleman from Pennsylvania.

Mr. BARRETT. I do think that on the basis on which the gentleman is putting it now we should agree to let it go over until the next Congress so that we can sit down and rationalize with the members of the housing authorities throughout the country and the Department of Housing and Urban Development here and tell them that by 1973 they will have to go through the normal procedure on appropriations. I think we can work it out that way and everyone would be happy.

Therefore, I am hopeful that the gentleman from Wisconsin will withdraw his amendment.

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

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

Mr. Chairman, I was wondering if the gentleman from Wisconsin (Mr. DAVIS) desires to withdraw his amendment at this time and let us deal with this matter at a later date and properly discuss this matter sensibly across the table before we complicate any contractual agreements.

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

Mr. BARRETT. I shall be happy to yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, with the gentleman's assurance that prior to July 1, 1971, there will be an opportunity to reevaluate this matter so that we can attempt to arrive at a pattern that is consistent for the funding of all the HUD housing programs, I would be willing to defer this matter until such time early next year, if we have the agreement of the gentleman that this will be done within the next 7 months.

Mr. BARRETT. I thank the gentleman very much.

Mr. DAVIS of Wisconsin. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. SISK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. SISK. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SISK to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 87, after line 7, insert the following new section:

"MIGRANT FARMWORKERS HOUSING

"Sec. 804. (a) The Secretary of Housing and Urban Development is authorized to provide financial assistance to assist State and local agencies, private nonprofit institutions and cooperatives in developing and carrying out programs to provide decent, safe, and sanitary dwelling accommodations for migrant and other seasonally employed farmworkers and their families.

"(b) No financial assistance for housing or related facilities shall be made available under this section unless the applicant agrees—

"(1) that any rentals charged migrants and other seasonally employed farmworkers shall not exceed such amounts as may be approved by the Secretary, giving due consideration to the income and earning capacity of the tenants and the direct operating costs of the housing and facilities involved;

"(2) that such housing shall be maintained at all times in a safe and sanitary condition in accordance with such standards as may be prescribed by State or local law, or, in the absence of such standards, in accordance with such minimum requirements as the Secretary shall prescribe; and

"(3) an absolute priority will be given at all times in granting occupancy of such housing and facilities to migrant and other seasonally employed farmworkers.

"(c) Financial assistance under this section shall be used only to construct new housing and related facilities or to improve the livability of existing housing and facilities; except that not more than 10 percent of the total amount paid under any contract for any fiscal year may be used to reduce the rentals charged for the housing or to reduce the overhead costs of the recipient or the operating costs of the housing and facilities involved.

"(d) The Secretary may make payments pursuant to any contract for financial assistance under this section at such times and in such manner as may be specified in the contract. In each contract, the Secretary shall include such covenants, conditions, or provisions as he deems necessary to insure that the housing and related facilities, for which financial assistance is made available, will be used only in conformity with the provisions of this section.

"(e) The Secretary shall prescribe regulations to assure that Federal funds under this section are not wasted or dissipated and shall establish necessary procedures or requirements to assure that programs under this section are carried on in close coordination with other programs or activities providing assistance to the persons and groups served.

"(f) The Secretary may provide, directly or through grants, contracts, or other arrangements, such technical assistance or training of personnel as may be required to implement effectively the purposes of this section. The Secretary shall provide for nec-

essary evaluation of programs assisted under this section and may, through grants or contracts, secure independent evaluations for this purpose.

"(g) There are authorized to be appropriated for purposes of providing assistance under this section not to exceed \$10,000,000 for each of the fiscal years 1971, 1972, and 1973."

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

Mr. SISK. Mr. Chairman, the reason I asked unanimous consent to dispense with further reading of the amendment was in order to save the time of the Committee, because this amendment has been considered, and has been shown to the Members on both the majority and minority sides. It was an amendment which was accepted originally, I believe, some 2 years ago. Basically, what it does is to transfer migrant housing from OEO—the Office of Economic Opportunity—to HUD, where most people seem to feel it should logically be. The county housing authorities who handle migrant housing across the country much prefer that this be done.

I understand that there is no opposition or objection by any of the departments to this amendment.

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

Mr. SISK. I yield to the gentleman from Georgia.

Mr. STEPHENS. We have looked this over, and as I understand it, it transfers supervision from OEO to HUD.

Mr. SISK. That is correct.

Mr. STEPHENS. I think it is a good suggestion, and I believe that our collective opinion is that it ought to be done. Personally, several years ago I was asked a question why we should not do something for the migrant workers, and I said that if somebody would present something I would be glad to accept it, and this I think is a move in that direction.

Mr. SISK. I thank the gentleman.

Mr. BARRETT. Mr. Chairman, would the gentleman yield?

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

Mr. BARRETT. Mr. Chairman, we would have no objection to the gentleman's amendment.

Mr. SISK. I thank the gentleman.

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

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

Mr. WIDNALL. Mr. Chairman, I would say to the gentleman from California that this amendment seems to make sense. It seems a logical place to have this in HUD. There is no objection on the part of the minority.

Mr. SISK. I thank the gentleman very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SISK) to the amendment in the nature of a substitute

offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENT OFFERED BY MR. SISK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. SISK. Mr. Chairman, I offer an additional amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SISK to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 113, after line 15, insert:

"Sec. 916. To amend section 408(d)(4)(B) of the Savings and Loan Holding Company Amendments of 1967 by striking the semicolon at the end of paragraph 4 and inserting in lieu thereof: 'Provided, however, That with the prior written approval of the Corporation, a subsidiary insured institution may make a loan, discount or extension of credit to a third party on the security of property acquired from a wholly-owned affiliate service corporation. The Corporation shall grant approval of any application for approval under this subdivision if, in the opinion of the Corporation, such a loan, discount or extension of credit would not be detrimental to the interests of savings account holders in the insured institution, or to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof.'"

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

Mr. SISK. Mr. Chairman—

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

Mr. SISK. I will be glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, we are familiar with this. This is identically the same amendment offered by Mr. HANNA of our committee.

Mr. SISK. That is correct. I am offering this amendment, I might say, in behalf of the gentleman from California, Mr. HANNA, who was unable to be here today, and I understand it has been considered by the committee.

Mr. BARRETT. Mr. Chairman, we have no objection to the amendment.

Mr. SISK. I thank the gentleman.

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

Mr. SISK. I will be glad to yield to the gentleman from New Jersey.

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

For the purpose of the record, Mr. Chairman, would the gentleman capsule the purpose of the amendment?

Mr. SISK. I will be happy to. I thank the gentleman for his comment.

Let me say, Mr. Chairman, that the primary purpose of this amendment, as I understand it, is to make equal certain

companies in the savings and loan business. Under existing law a savings and loan not involved in a holding company can perform certain kinds of services in connection with the development of housing in connection with third party dealings, but a savings and loan company as a part of a holding company cannot. And what this would do would put them on a parity and make possible exactly the same kind of operation for a savings and loan company that was a part of a holding company as would be permitted for a savings and loan company that was not a holding company.

Mr. WIDNALL. Mr. Chairman, would the gentleman yield further?

Mr. SISK. I will be glad to yield further.

Mr. WIDNALL. Mr. Chairman, is this the same section of the Emergency Home Finance Act that was knocked out in conference?

Mr. SISK. It is my understanding it is identical.

Mr. WIDNALL. As far as I am concerned, we have no objection to the amendment on the minority side.

Mr. SISK. I thank the gentleman very much.

Mr. Chairman, the sole purpose of this amendment is to update and make uniform the Federal savings and loan law.

My amendment would alter Public Law 90-255, the savings and loan holding company amendments enacted in 1967. When we passed that statute we could not foresee the developments which were to come in the savings and loan business. One of the most important innovations has been the advent of the service corporation as a means of encouraging increased home building. Savings and loans were given broadened authority to use service corporations by regulations adopted by the Federal Home Loan Bank Board in August of this year. However, the prohibitions included in Public Law 90-255 have barred some savings and loans from using the authority fully and effectively in one important respect. Most savings and loan associations are allowed to make loans to third parties who wish to purchase homes built by the association's corporation. The language of Public Law 90-255, however, prohibits holding companies owned savings and loans from financing housing constructed by their service corporation. This is the condition which I propose to correct.

My amendment would let any savings and loan association finance housing sold by its wholly owned service corporation. The amendment will help us progress toward the goal we all seek of a decent home for every American by permitting the full and effective use of service corporations by all savings and loans.

In conclusion, let me say I am aware of the need to guard against the abuse of the authority. This potential problem has caused me to include four important safeguards in my proposal. The first limits such transactions to circumstances where the service corporation is owned entirely by the savings and loan. This will insure that all profits from a sale to a third party based on financing offered by the savings and loan will go to the savings and loan.

The second protection provides for prior written approval of the Federal Home Loan Bank Board before a savings and loan extends credit to a third party on security of property purchased from the service corporation of the savings and loan doing the financing. This requirement is a heavy one. It may prove unnecessary, I would, however, prefer to see it in the law until we understand better what the development of service corporations will bring.

A third check is provided by language barring the use of the authority to benefit, directly or indirectly, any entity other than the Service Corporation or its parent savings and loan. Finally, the authority granted by this amendment is subject to the strong conflict-of-interest regulations applicable to all savings and loans. These four safeguards will, I am confident, insure against abuse or misuse of the authority granted.

The Federal Home Loan Bank Board reviewed this legislation, in fact participated in its drafting, and has no objection to it.

In summary, my amendment makes a minor adjustment in the savings and loan law. However, the change is important to the full utilization of an important means of delivering adequate housing to America, the Savings and Loan Service Corporation. Whatever possible risks might be engendered by permitting all associations to loan to third parties on security of property purchased from the Service Corporation are eliminated by a series of safeguards embodied in my proposal. The amendment follows:

On page 128, after line 11, insert:

"Sec. 916. To amend section 408(d)(4) (B) of the Savings and Loan Holding Company Amendments of 1967 by striking the semicolon at the end of paragraph 4 and inserting in lieu thereof: 'Provided, however, That with the prior written approval of the Corporation, a subsidiary insured institution may make a loan, discount or extension of credit to a third party on the security of property acquired from a wholly-owned affiliate service corporation. The Corporation shall grant approval of any application for approval under this subdivision if, in the opinion of the Corporation, such a loan, discount or extension of credit would not be detrimental to the interests of savings account holders in the insured institution, or to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof.'"

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, this proceeding is becoming ludicrous—absolutely ludicrous. In the first place, we have an amendment which is in the nature of a substitute for this entire 128-page bill, yet you cannot obtain a copy of the substitute to save your soul. You cannot get a copy from either side of the aisle at either of the desks where copies of bills under consideration are to be found.

So we sit here on the House floor when amendments are offered and we

have not the faintest idea of what they relate and they are being accepted as though this bill had never been considered in the committee—either the substitute or the original bill.

Yes, one amendment after the other is being accepted. Did this committee do any homework at all before they brought this legislation to the House floor and, if not, why not?

Now I would like to ask some questions about the original bill since the substitute is unavailable and, anyway it is being manhandled here this afternoon with one amendment after the other being accepted with the greatest of ease.

Does this bill create a brandnew council, a brandnew advisory board, and a brandnew corporation, all in title I? Does it do this?

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

Mr. GROSS. I yield to the gentleman.

Mr. BARRETT. When we brought the bill in and reported it out of the committee, I think we visualized your opposition to the bill if reported out with \$7 billion in it. Therefore, we decided that this would be cut down—all the way down to \$2.9 billion.

Mr. GROSS. That is another question—yes, I understand all the sleight of hand that is going on with regard to the money authorized by this bill.

You are not cutting it. All you are doing is deferring it until another day, that is all, and this you admitted yesterday.

No, this is just a deferment until tomorrow, the next month or next year. Eventually we will get the bill for \$7 billion plus. What you want is the \$3 billion framework now and you will pad it later—and really pad it.

Now I would like an answer to my question as to whether you create a brandnew council and a brandnew advisory board and a brandnew corporation?

Mr. ASHLEY. The answer is—"No," to the first two. "Yes," to the third.

Mr. GROSS. Where is the advisory board and the council now?

Mr. ASHLEY. If the gentleman will look at the CONGRESSIONAL RECORD of today, he will find that an amendment was agreed to on yesterday which substituted the Urban Affairs Council, the Domestic Affairs Council in the White House for the three-man Urban Growth Council set forth in the original legislation.

The advisory group the gentleman refers to has been eliminated.

Mr. GROSS. But you do create a corporation? The advisory group has been eliminated, the council has been eliminated or has it not been eliminated?

Mr. ASHLEY. Yes; it has.

Mr. GROSS. But you still have an advisory board?

Mr. ASHLEY. No; you do not have an advisory board. Neither the council nor the advisory board.

Now we are getting close to it.

Mr. GROSS. But you have created a corporation.

Mr. ASHLEY. And a corporation.

Mr. GROSS. And it can issue—what is the language?

Mr. ASHLEY. Guarantees?

Mr. GROSS. Yes.

Mr. ASHLEY. That is right.

Mr. GROSS. Unlimited.

Mr. ASHLEY. No.

Mr. GROSS. Unlimited?

Mr. ASHLEY. No; not unlimited. There is a limitation placed on their authority.

Mr. GROSS. There is a limitation.

Mr. ASHLEY. Yes; there is, in the legislation.

Mr. GROSS. On what page of the bill is the corporation provided? If it is limited, I would like to see the language that limits it. I believe it is on page 40 or 41:

(b) The Corporation may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Corporation to carry out the functions authorized by this part.

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

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

Mr. GROSS. What are the limitations?

Mr. ASHLEY. As I indicated to the gentleman, the corporation is limited in its authority to guarantee obligations to \$650 million. It is on page 18 of the legislation that the language appears.

Mr. GROSS. The \$650 million is to be found in that part of the bill; is that correct?

Mr. ASHLEY. It is on page 18 of the bill.

Mr. GROSS. That is prior to the establishment of the corporation.

Mr. ASHLEY. The gentleman has not read the bill. It is not prior to the establishment of the corporation. I am talking about the authority of the corporation to guarantee obligations issued by public and private developers to acquire land and develop land for new communities. The corporation which is in the Department of Housing and Urban Development is a new corporation. This has been discussed with the Administration. There is no argument over the corporation.

Mr. GROSS. All right. What staff is provided for this corporation?

Mr. ASHLEY. That is also found in the legislation.

Mr. GROSS. What is it? It is referred to on page 40, but how many people are involved? What is it going to cost to finance the corporation?

Mr. ASHLEY. There is no specific amount established for that.

Mr. GROSS. I did not think so. It could be anything. You could have any number of supergrades. Or is there some limitation and, if so, where is the limitation?

Mr. ASHLEY. There is no limitation, no more than there is for any department or agency of the Federal Establishment.

Mr. GROSS. So the bill through the proposed corporation and other devices would set up a personnel empire; is that correct?

Mr. ASHLEY. No; it is not.

Mr. GROSS. There ought to be some limitation somewhere on what you are going to do, how many people will be hired, and what they will be paid.

Mr. ASHLEY. If the gentleman will refer to page 41 of the bill, he will find the following language:

(d) The Board shall have power to select and appoint or employ such officers, attorneys, employees, and agents of the Corporation, to vest them with such powers and duties, and to fix and to cause the Corporation to pay such compensation to them for their services, as it may determine, subject to the provisions of title 5, United States Code.

This is boilerplate language we find with respect to similar Government mechanisms.

Mr. GROSS. Apparently you did not bother to conform with the law which provides that if you are going to establish a new setup in the Government involving an expenditure of more than \$1 million, you have to provide the man-hours, the estimated man-hours of work, the salaries to be paid, the number of warm bodies, an dso on and so forth. You did not conform to that requirement in this legislation.

Mr. ASHLEY. Yes. This has been discussed, and it is expected that the existing staff of the Housing and Urban Development will be sufficient to staff the corporation. So do not suggest to me that we have deliberately or otherwise sought to obviate the law, because that simply is not the situation.

Mr. GROSS. I find nothing in the report that delineates how many people you are going to hire or what you are going to pay them. It is wide open.

Mr. ASHLEY. No, the gentleman is very sadly mistaken.

Mr. GROSS. No, I am not mistaken.

Mr. ASHLEY. I suggest that you read the report more carefully.

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

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. STEPHENS. Mr. Chairman, I would like to make something very clear by repeating what I said yesterday. The substitute that I have offered is, in many, many instances, identical with the original bill.

The original bill was presented on the 5th of October and has been available. The provisions that have just been questioned have been available since the 5th of October. I know it is difficult to try to write a bill on the floor of the House, but since this has been available since the 5th of October, perhaps some of these questions could have been raised with the committee rather than on the floor of the House. I know everyone is entitled to bring forth on the floor of the House any argument he wishes, but I think it would make it a great deal easier if these amendments had been debated and discussed earlier and maybe we could have worked out some of the differences if they had been brought out before the last minute and without making accusations against me and other Members of the House, saying we have not been informing Members.

I did not have a copy of this compromise piece of legislation until yesterday morning, and that will always be true of compromise legislation.

Also, when the CONGRESSIONAL RECORD of yesterday was made available this morning and was put on the Members' desks, this was available to everybody and was at his hands. So the fact that

we have a bill and that people have not had exact copies of it is not exactly the situation. If those people had really wanted to find out about the vital parts of my substitute, they could have found out about it as long ago as October 5.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, something should be cleared up. At least I am a little concerned about it. Getting back to the amendment before us, offered by the gentleman from California (Mr. SISK), amendment No. 2, the gentleman from New Jersey inquired of the gentleman from California if this were the amendment that had been knocked out in conference.

The answer was in the affirmative. I think for anyone reading the deliberations of this House, without giving any further explanation as to why it is now acceptable when it had been knocked out in conference last year—I do not think this RECORD reads properly. I feel that it is imperative and important that if there are any differences between the pending amendment and that which was knocked out in conference, these should be pointed out. The reasons should be given for its having been knocked out originally and why it should be acceptable at this time.

Mr. SISK. Mr. Chairman, if the gentleman will yield to me, I would like to make one brief comment, and I am sure the gentleman from New Jersey would like to comment. I might comment that I appreciate the question raised by the gentleman.

It is my understanding this was included in the initial bill last spring, and I am sure the gentleman is far more familiar with that bill than I am, because the gentleman knows, I am sure, that we were shaping a bill having to do with emergency financing. This amendment was put on it at that time by the gentleman from California (Mr. HANNA). The reason, I am told by my staff people, that it was stricken is that it really did not belong in a matter of emergency financing, and it should be considered more as a policy matter in connection with new authorization. That was the reason, I am told, that it was stricken from the bill—not because of any basic objection to the principle or policy established, but it was stricken because it was a policy matter and did not belong in that bill.

Mr. ST GERMAIN. May I ask, am I to understand that this grants powers to a savings and loan association that is part of a holding company so it will have the same power that a savings and loan has that is not part of a holding company, or is it the other way around?

Mr. SISK. In other words again, it puts the savings and loan that is part of a holding company—that is a wholly owned part of a holding company—this would put it on an equal basis with a savings and loan today that is not part of the holding company. It simply brings the holding company of the savings and loan in line in connection with third-party dealings and subjects it to the approval by the Home Loan Bank Board on a case-by-case basis.

Mr. ST GERMAIN. But it is not giving any more powers. It is just giving equal powers?

Mr. SISK. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SISK) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENT OFFERED BY MR. JONAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. JONAS. Mr. Chairman, I have two amendments at the desk, one on page 37 and one on page 42. I offer the amendment which is on page 37.

The Clerk read as follows:

Amendment offered by Mr. JONAS to the amendment in the nature of a substitute offered by Mr. STEPHENS: Page 37, line 4, strike all after the semicolon through line 6 after (D), and insert "and (C)".

On page 37, line 8, after expenses add: "as may be specified in appropriation acts."

On page 37, line 13, strike all after the semicolon through the semicolon on line 15, and insert in lieu thereof "(D) amounts appropriated under subsection (b);".

On page 37, line 17, strike all after "required" through the comma on line 16.

On page 37, line 21, strike line 21 through line 10, on page 38 and insert in lieu thereof:

"(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this part other than sections 125 and 126."

Mr. JONAS. Mr. Chairman, the reading of the amendment may make it appear to be complicated, but that is not the case. It is very simple. It strikes out the language in the section which permits backdoor spending and directs that funds to finance these programs be obtained through the regular appropriations process and specified in appropriation acts.

Instead of providing funds through Treasury financing as the bill does, my amendment would authorize the appropriation of "such sums as may be necessary to carry out the provisions of this part other than sections 125 and 126."

The only reason sections 125 and 126 are eliminated is that those sections contain specific authorizations of dollar amounts, so it would not be necessary to have the provisions of those sections financed by this blanket authorization.

As I say, it may sound complicated, but the language of the amendment is necessary in order to eliminate the provisions which would permit the corporation to go through the backdoor of the Treasury and get its financing, and would require it to go through the appropriations process.

I may add that I have a second amendment, after this one is disposed of, which would require the submission of a business-type budget as required by the Government Corporation Control Act.

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

Mr. JONAS. I am glad to yield to the gentleman from Ohio.

Mr. ASHLEY. There certainly will be no objection to the second amendment the gentleman intends to offer. There is not agreement with respect to the first.

The draft legislation which was prepared by the administration took the same approach as is taken here. I believe the reason is quite clear. By the very nature of the loans to pay the interest charges during the early years of a new community development there must be continuity assured for the new community development.

There must be assurance of continuity in loan funds. I think that the administration agreed—they certainly raised no question about this during our very extensive hearings on title I—I think they agreed that this continuity could be better assured—

Mr. JONAS. May I interrupt my friend?

Mr. ASHLEY. Of course.

Mr. JONAS. To say I am not surprised the Department would approve this. Naturally they would like to have blanket authority and have more simplified authority. They do not necessarily enjoy coming up before the Committee on Appropriations and justifying their requests for funds and for contract authority.

As was brought out in the colloquy between the distinguished gentleman from Pennsylvania (Mr. BARRETT) and the distinguished gentleman from Wisconsin (Mr. DAVIS), you have already allowed public housing to get out of the control of the Congress. They go to the Treasury and get contract authority and then they come before the subcommittee and say that it will take \$650 million this year to pick up the tab. Well, we have no alternative but to put up the money. There ought to be some supervision and some control over this. We do not think we are dilatory. We think they can justify their program a year in advance. Once we get on a fiscal year basis there will be no more trouble handling this than there is handling model cities appropriations or other appropriations.

Mr. ASHLEY. If the gentleman will permit, I think he would have to acknowledge that there is a limitation.

Mr. JONAS. You mentioned a \$650 million limitation in your discussion with the gentleman from Iowa (Mr. GROSS).

Mr. ASHLEY. No. The limitation is—

Mr. JONAS. That is an overall limitation.

Mr. ASHLEY. Yes. With respect to the loans which are the principal consideration. The overall limitation is \$240 million, \$20 million for any single project.

Mr. JONAS. May I make one other point? Once the legislative committee gets this legislation on the books the responsibility of the legislative committee ceases—unless you bring in repealing or modifying legislation. However, there ought to be another committee with responsibility to supervise the operation of the program under the authorization as contained in the legislation. That is one of the principal functions of the Committee on Appropriations. It is to have these groups come before this committee and explain what they have done under the authority granted by the basic legislation, give their facts and figures and justify what they are doing. That

is our main function, with the additional responsibility of recommending the funding level based upon past experiences and future requirements.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, at the request of Mr. Bow, Mr. JONAS was allowed to proceed for 2 additional minutes.)

Mr. BOW. Will the gentleman yield?

Mr. JONAS. I am happy to yield to my friend from Ohio, the distinguished ranking member of the House Committee on Appropriations (Mr. Bow).

Mr. BOW. I am delighted that the gentleman offered this amendment. I think it is very necessary if we are to have control over spending. This is one of the real problems in the country today. I do not see how it will affect continuity, but certainly it seems to me there should be a review by the Committee on Appropriations on the spending of Federal dollars. It is one way we may be able to control spending and to control inflation.

I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONAS), to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 39, noes 25.

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

AMENDMENT OFFERED BY MR. JONAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. JONAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. JONAS to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 42, after line 23, add the following:

"(g) A business-type budget for the Corporation shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849) for wholly owned Government corporations."

Mr. JONAS. Mr. Chairman, I understand that there is no objection to this amendment.

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

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

Mr. BARRETT. We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONAS) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENT OFFERED BY MR. WILLIAMS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. WILLIAMS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS to the amendment in the nature of a substitute offered by Mr. STEPHENS, pages 2 through 48, lines 1 through 21, strike out all of title I, "TITLE I—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT".

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

The CHAIRMAN. The Chair will count.

One hundred and nine Members are present, a quorum.

The gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 5 minutes in support of his amendment.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment to strike title I of this bill. This title basically affects the so-called new community development. Such a proposal obviously has implications that range far and long.

For example, how would this new community development relate to national policies on environmental quality and on land use which both the administration and the Congress have been developing? I do not believe that legislation of this scope and complexity should be enacted now. At the very least, we should await the results of the study of urban growth policies that is under way within the White House Domestic Council.

The title would also authorize a greatly expanded new communities program. This program would involve many dubious features such as—

First, authorization of direct Federal development of new communities on federally owned lands, as distinct from providing Federal assistance to private enterprise and State and local public bodies;

Second, authorization of direct Federal grants to new communities to help cover their ordinary municipal expenses for as long as 3 years; and

Third, the establishment of a virtually independent Community Development Corporation within HUD, with functions overlapping many functions assigned to other units of HUD.

Furthermore, the purpose of H.R. 19436 is to provide housing. This housing must be within a relatively short distance of the business and industry that provide jobs. In every one of our major cities today, we have tens of thousands of homes which are uninhabitable and we have massive areas which are ripe for redevelopment. It is imperative that we build new housing in these areas, and rehabilitate much of the uninhabitable housing in our major cities. It is these areas that presently have the business and industry that provide jobs. It is these areas that have the municipal services such as water, electricity, and sanitary sewage. These areas also have adequate educational and public safety services. Under this expanded new communities program called for in title I of this bill all of these public services facilities would have to be constructed. This could only mean fewer dollars for adequate housing and much fewer new housing units.

Legislation as complex and controversial as title I of this bill deserves our most careful consideration. The closing days of a busy session are hardly the time most conducive to such consideration. I

am therefore offering this amendment in the belief that we have everything to gain by postponing action on the proposals of title I until the start of the next Congress.

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

The CHAIRMAN. The Chair will count. Fifty-four Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 380]

Abbitt	Foreman	O'Neill, Mass.
Adams	Gibbons	Ottinger
Alexander	Gilbert	Philbin
Anderson, Tenn.	Grover	Pickle
Aspinall	Hanna	Podell
Bell, Calif.	Hansen, Wash.	Powell
Berry	Hays	Price, Tex.
Blanton	Hébert	Purcell
Blatnik	Hollfield	Reid, N.Y.
Boland	Horton	Rivers
Bolling	Jacobs	Robison
Brown, Mich.	Jarman	Rodino
Burton, Utah	Kazen	Rosenthal
Button	Keith	Roudebush
Celler	King	Saylor
Clancy	Kluczynski	Scheuer
Clark	Kuykendall	Sebellus
Clay	Landrum	Shriver
Collins, Tex.	Leggett	Smith, Iowa
Corbett	Lung, La.	Stuckey
Corman	Lujan	Sullivan
Cramer	McCloskey	Taft
Daddario	McClure	Talcott
de la Garza	McKneally	Tiernan
Dennis	MacGregor	Tunney
Dent	Mathias	Waldie
Diggs	Meskill	Watson
Dowdy	Michel	Weicker
Evins, Tenn.	Miller, Calif.	Wiggins
Fallon	Mize	Wilson
Farbstein	Morton	Charles H. Wright
Fascell	Murphy, N.Y.	Wyatt
Foley	O'Konski	Wydler
	Olsen	

Accordingly the Committee rose; and the Speaker having resumed the chair Mr. NATCHER, 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. 19436, and finding itself without a quorum, he had directed the roll to be called, when 333 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, for the benefit of the Members who may not have been here immediately prior to the quorum call, the pending business is an amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS) which would eliminate title I of the bill under consideration.

In rejecting the concept of new community development, the gentleman from Pennsylvania has taken a position that is contrary to the position taken in the party platforms of the Republican Party and the Democratic Party. It is contrary to the very specific language of the President in his state of the Union message. It is contrary to the position of the distinguished Member, the gentleman from New Jersey (Mr. WIDNALL) and that of the majority of the members of the Committee on Banking and Currency.

The fallacy, Mr. Chairman, in the position taken by the gentleman from Pennsylvania (Mr. WILLIAMS) can be

found in his repeated assertions that our purpose is solely to provide housing, and that is what, the gentleman says, we should confine ourselves to. None of us can take that view, I think, Mr. Chairman, because it was in 1948 that this Congress and the Nation made a commitment to provide decent housing, in a suitable living environment for all American families. And it is to the suitable living environment that title I is directed. We have a national goal of 26 million units of housing for the decade from 1958 to 1968. Where are these houses going to be located?

My point, Mr. Chairman, is that with planning and with ingenuity, both public and private, it is possible to achieve through new community development a far more suitable living environment than we presently enjoy.

The gentleman from Pennsylvania (Mr. WILLIAMS) has misrepresented the thrust of title I. It seeks to assist new community development of four different kinds, not just new freestanding communities, but new-town, in-town, suburban developments in metropolitan areas and assistance to existing communities with unusual growth potential.

The gentleman from Pennsylvania (Mr. WILLIAMS) says this is a costly bill. This again is inaccurate. The principal provisions of title I with respect to funding are for guarantees, as insisted upon by the administration, and loans repayable to the corporation.

Let me say that this legislation was overwhelmingly adopted by the other body—only four votes dissenting. It has been called for by the President and I urge the defeat of the pending amendment.

Mr. WIDNALL. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. Chairman, if there has been one crying need in the housing field, it is for a new and imaginative approach toward the healthy growth of our cities or inner cities, new communities, and the like. The section of the bill really was the work of the gentleman from Ohio (Mr. ASHLEY) and presents the type of program with which we can all go forward and achieve some real progress in the housing field.

As he has just stated, it serves the purpose that was announced as a policy by President Nixon in what he sought for the future. It follows through on suggestions that have been made not by the gentleman from Ohio but by many others, in addition to what he has offered, and what he has put in there himself.

We need to try to meet the urgent situations that have been not only created by our exploding population but by the constant movement of that population and by the crying need to do something in the inner cities better than we have done in the past where we have failed to meet our national obligation in that respect.

I think that by the means provided in section 1, we are on the road and we are getting started and this is something the Members of Congress will point to

with pride as having voted for when it comes to national housing legislation.

Mr. Chairman, I urge the defeat of the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

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

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

Mr. KYL. How does the building of a new community in the inner city differ from present urban renewal programs?

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

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

Mr. ASHLEY. There is provision in the bill for an expanded form of urban renewal that would permit the acquisition of land which is functionally or economically obsolescent but not necessarily blighted or in slum condition.

Mr. KYL. If the gentleman will yield further, is that in title I, which is the subject of the present discourse?

Mr. ASHLEY. Part C of title I.

Mr. KYL. And this is simply an extension of urban renewal; is that correct?

Mr. ASHLEY. That is correct.

Mr. KYL. And yet it is called a new policy which is supposed to make progress in new community building in the inner city?

Mr. ASHLEY. What it seeks to do is to make land available on a more considerable scale than currently is not available under present urban renewal definitions.

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

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

Mr. KYL. What is the limitation of the scale under present urban renewal legislation?

Mr. ASHLEY. The criterion that presents a problem is the requirement that the area subject to renewal be in slum or blighted condition. There are many areas in our central cities where slum or blighted conditions do not exist, but where there is a condition of obsolescence. For example, in Toledo, the district I represent, we have a 60-acre tract of land immediately adjacent to our downtown business district that has been all but abandoned by the Penn Central. That land is not blighted or slum in its condition, but it is economically obsolescent. That land would qualify under the provision contained in the legislation.

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

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

Mr. KYL. Would it be possible, I ask the gentleman from Ohio, to have an urban renewal program which would acquire the land that the gentleman says is now surplus to the needs of the railroad?

Mr. ASHLEY. It would not be possible under the present legislation.

Mr. KYL. In other words, I ask again, is this simply an extension or a liberalization of the criteria for urban renewal?

Mr. ASHLEY. Yes.

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

Mr. BARRETT. Mr. Chairman, in order to conserve as much time as we can and to move as expeditiously as possible, I should like to inquire how many Members desire to speak on the Williams amendment so that we might determine the time to vote on the question.

Mr. Chairman, I ask unanimous consent that all debate on the Williams amendment close at 3 o'clock.

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

Mr. WILLIAMS. I object, I would like to suggest to the distinguished chairman of the subcommittee that he make the request with a time of 10 minutes after 3 o'clock.

Mr. BARRETT. That is satisfactory.

Mr. Chairman, I ask unanimous consent that all time on the Williams amendment terminate at 10 minutes after 3 o'clock.

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

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. WILLIAMS.)

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

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment, and urge my colleagues to stay with the committee on title I, and this section C of the title on page 44.

The gentleman from Ohio is to be commended for the deep understanding that he has shown in drafting this amendment to the bill to help solve the problems of the big cities. As he has stated, under present limitations in the present law, the land must be slum or blighted before we can use it for public housing. Cities all over America are in a straitjacket in trying to deal with the problem of finding land for low- or moderate-income housing.

In the city of Chicago all you have to do is to drive through that city and you see large areas in which factories have been abandoned, and they are not in blighted areas. The fact is that they have been abandoned because industry has moved someplace else. But, under existing law, we cannot demolish these abandoned factories or stores for low- and moderate-income housing.

The mayor of Chicago has dreamed about the day when we can redevelop the stockyards into a viable community with middle- and low-income housing. We urge the Members to realize that for the first time urban communities see hope, we see light at the end of a long tunnel, in trying to meet the housing needs of this country. In the large city today this title I offers us the greatest hope. This is landmark legislation. The gentleman has performed a monumental service to the people of America by offering us this provision.

Seventy-five percent of the American population is now living in 12 major urban areas—mind you, 75 percent of

this Nation's population lives in urban communities. We need this provision so the cities, which are in desperate need, may meet the housing needs of the people. So I solemnly urge the Members to reject the amendment and stay with the committee and give us a chance to improve existing legislation to meet the housing needs.

I can tell Members this. If this legislation is approved, it will open up a whole new dimension of opportunity for urban areas, and every city in the country will be able to put such land to use, land which now is totally useless to the cities and is not bringing in taxes but is just lying there. We have not been able to touch those areas because of limitations of existing law. The bill contains an excellent provision in title I. This amendment would really emasculate the bill. I hope the amendment will be voted down.

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

(By unanimous consent, Mr. KYL yielded his time to Mr. WILLIAMS.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I take this time to make inquiry of the gentleman from Georgia (Mr. STEPHENS) and perhaps of other members of the committee, whether they have considered in this legislation the situations whereby some of these projects are constructed at a cost sometimes of, let us say, \$1.5 million, and the city officials say they do not want it, and the elected county officials say they do not want it, and the elected State officials say they do not want it, and the elected Federal representative says they do not want it and HUD officials say even if local people do not want it they will get it anyway—it is good for them.

Also built into this is subsidy of interest down to 1 percent, and location of a loan, and guarantee of a loan, and subsidy of rental on property after 2 years, and tax exemption because of loopholes that occur between 235 and 236 and the Tax Reform Act we passed last year. I wonder if the committee has given consideration to those problems and to the rights of the local people?

Mr. STEPHENS. Mr. Chairman, if the gentleman will yield, we have had proposals made by HUD which would have overrun and blocked out all local control of zoning problems and everything. That was knocked out in the subcommittee and in the committee. I am glad to know the gentleman is interested in that. As far as I am concerned, I would urge the gentleman and all members of our committee to try to maintain local control of this question as much as possible, because that is where we get the interest of the local communities. We are trying to do a good job on that.

Mr. HUNGATE. I appreciate the gentleman's statement. I hope the committee will make inquiry into this situation.

Mr. STEPHENS. I will see that the committee does that.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, let me point out that to eliminate title I by this amendment would not improve the bill at all. In the first place, this is not hasty legislation that we are talking about in title I. Title I has been put together over 2 years and has been put together by the two subcommittees, the main subcommittee—the Housing Subcommittee—and a special subcommittee. It has been considered by our full committee also. Let us look at the voting in the committee, let us see what happened when we had these discussions in our committee on the merit of this particular title.

The Housing Subcommittee approved this by 13 to 0. The full committee approved it on a vote of 24 to 4.

The Senate already has worked on this bill and has approved title I by an overwhelming majority.

It is not an excessively costly provision we are asking for in title I. There is \$400 million in it.

In addition to that, this is not an OEO community action project. This is a project that will be under the control and supervision of the Housing and Urban Development Department.

I believe in the smaller areas of the country, in our rural areas, we can make use of this in order to keep a viable rural environment so that the folks will stay in the smaller communities and not cause the problems now being caused in the cities all over the United States.

I have made a similar argument so far as the Farmers Home Administration program is concerned. I believe our smaller communities can take advantage of this for the purpose of bringing living conditions up to standard, to make it possible for the larger communities to have a breathing spell so that they can catch up with the population explosion.

I urge that this amendment be voted down and that title I be approved.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, as the distinguished gentleman from Ohio stated, the Congress has made a commitment to make a suitable home available to every American family and in a suitable environment. Then as the gentleman from Ohio (Mr. ASHLEY) went on to say, this new community development program will permit new towns within new towns.

Let us get one thing straight. Are we interested in housing, interested in upgrading our present urban centers, or are we interested in "pie in the sky"? In my opinion this new community development program falls into the pie-in-the-sky category.

Make no mistake about it: In every major metropolitan area in this country there are vast areas where the majority of the housing is right now, today, uninhabitable. There are vast areas ripe for redevelopment.

We can improve these areas with a mix of public housing, housing built under the 235 and 236 programs and many other programs, to accomplish a really good environment in existing urban centers, which already are the centers of

culture and have excellent educational facilities and everything else.

This new housing can be built with plenty of open space to provide for the right kind of recreation.

There is already in existence in these areas all of the municipal services and facilities which would have to be provided for any new community project.

It may be that some parts of this bill should be changed to enable us to rebuild those sections of our urban areas which are crying today for redevelopment.

Let me spell out to the Members what is happening in our major urban areas today. For several decades there has been a move to the suburbs. Today this trend is reversing. Approximately \$5 million to \$7 million of private capital is being invested every year in the center city of Philadelphia. People who moved to the suburbs are anxious to move back to the city, to be near their places of employment and to be in the center of the city, where the action really is.

If we can devote the money we have available to new housing to accomplish that which I have already described, a mix of various types of housing with proper open space, we are going to get away from these integrated areas, because people who have been moving to the suburbs are going to start moving back into the cities.

If we can accomplish this sort of thing, then instead of having \$5 million to \$7 million of private capital invested annually in the center city of Philadelphia, we will see more like \$40 million or \$50 million of private capital annually being attracted in the redevelopment of the center city areas.

I say to you, if you want housing, if you want it now, if you want to meet the requirements that have been set up by this Congress for new housing starts, then the thing to do is to support my amendment for striking title I in its entirety and take the course I have described to you.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Pennsylvania.

I think the gentleman from Pennsylvania ought to take into consideration the long and arduous time put into this title by the gentleman from Ohio, 2 solid years which have been devoted to this. There have been 2 solid years of urban growth study, figuring also the increase in population.

Basically what the gentleman from Ohio is trying to do here today, if we let him do it—and I hope we will—is to provide adequate housing for 75 million persons who will be on this earth within 29 years. The gentleman on the other side wants to stand still.

Some imagination has to be used in this bill. Some imagination has to be used in title I. It has been through the gentleman from Ohio (Mr. ASHLEY) working with people with the best expertise in housing and in urban growth

in the country who came before him in the ad hoc committee that we have gotten this far.

I think, too, Mr. Chairman, it might be appropriate to bring out here this afternoon that it is estimated that for every \$1 million authorized and appropriated—and I want to go back to the 235 and 236 sections in the housing bill—that money produces approximately 1,000 units. So for every \$25 million provided and appropriated we will be able to build approximately 25,000 units. From that standpoint, Mr. Chairman, each unit will create 2 years of man work in the field. Putting it another way, each unit will provide work for two men for 1 year; 25,000 units will create 50,000 jobs in the construction field. In addition to that there would be approximately 7,000 jobs created off site and 75,000 related jobs created totaling 132,000 jobs which would be brought about by the expenditure of this money in sections 235 and 236.

Mr. Chairman, I say to pass this title I would increase that amount of jobs by 100 percent.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, No. 1, when looking at title I, does not deal with merely the inner city. It does not deal with merely the Reston's or Columbia's. It deals with a problem we will have to face 5, 10, 20, 40, or 50 years in the future in this country. It deals with every phase and ever facet.

Mr. Chairman, the gentleman from Pennsylvania who offered the amendment—and much of what the gentleman said is true about Philadelphia, but the gentleman is being provincial just as I am often provincial, but the problem is that too frequently we do not look at the entire problem. We are all prone to be provincial. We look not to 5, 10, or 20 years from today, but merely to what we are going to do tomorrow.

Mr. Chairman, why do we face the crisis with which we are confronted today in this Nation? Why is this country in this State of affairs? I say this because amendments to strike such as that being offered at this moment have prevailed in the past. We have not looked to the future. We have just taken care of tomorrow. It is not enough.

Mr. Chairman, the population experts, every type expert possible testified before the ad hoc Committee on Urban Growth. If anyone takes the time to look at the hearings and reads the testimony of the witnesses, one finds that a crisis will face us unless we take action today.

Mr. Chairman, the amount of money involved is negligible if we spend it today. If we wait, it will cost us 50 to 100 times as much. So I plead with the Members of the Committee of the Whole House on the State of the Union on this amendment to not look just to tomorrow. Look beyond the end of your nose. Look to the future and think of the Nation and not to your own community.

Mr. Chairman, I submit to the Members of the Committee and plead with the Members of the Committee to reject

the Williams amendment and retain title I in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 75, noes 55.

Mr. BARRETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WILLIAMS and Mr. ASHLEY.

The Committee again divided, and the tellers reported that there were—ayes 94, noes 81.

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

AMENDMENT OFFERED BY MR. BLACKBURN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BLACKBURN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BLACKBURN to the amendment in the nature of a substitute offered by Mr. STEPHENS: Beginning on page 75, line 11, strike out all through page 84, line 10, and renumber the following titles.

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

Mr. BLACKBURN. I yield to the gentleman.

Mr. HORTON. Mr. Chairman, I rise in support of passage of comprehensive Housing Act amendments of 1970 before the adjournment of the 91st Congress.

While I regret the deletion of key provisions of the committee version of legislation, I feel that we must act to improve the available housing programs assisted in by the Federal Government.

Of crucial importance in this bill is the provision in title VII for crime insurance for businesses in high-crime areas. Perhaps the greatest barrier to incentive for downtown and inner-city businesses has been the unavailability of crime insurance at reasonable rates, and often, the total unavailability of such protection. As an early sponsor of a bill to provide for federally guaranteed or assisted insurance for residents of these areas, I am pleased to see that we are answering this need.

There are two aspects of the committee version of the bill which I felt should be retained. First, I have favored advance funding for some HUD programs which require long leadtime, planning and construction phases. The 3-year programs provided for in the committee version were important steps toward answering this need.

But even more important are the provisions of title I of the committee bill providing improved Federal help for new towns and cities. A great deal of pioneering has been done in and around my own congressional district in the field of new community development. Federal loan guarantees for both State and local land development groups—for the purpose of

fostering new communities—would be a vital step toward realization of significant progress in this area. I voted against the amendment to delete title I. I feel that the state of the housing industry, the condition of our cities, and the condition of our economy as a whole warrants this help at this time. It is thus most disappointing that the House failed to retain the title I provisions.

Still, Mr. Chairman, I believe the major provisions of the Stephens substitute are important advances in Federal assistance to housing and renewal. I hope for a more comprehensive version emerging from the conference with the Senate. But most important, I think it is vitally important that this legislation be enacted before the adjournment of this Congress late in December.

Mr. BLACKBURN. Mr. Chairman, this is the amendment which would strike the crime insurance provision from the substitute bill which is now before the House.

I have circularized this matter among all of you and set forth very briefly the reason why I am taking this action.

I want everyone to be aware that under this proposal we would be for the first time in the history of the country placing a Federal agency in the business of direct writing of insurance.

You will recall, those of you who reviewed the initial measure which was presented and which is now being pushed into the background—the initial bill—would have made the Federal Government write insurance across the board—property damage, fire insurance, and apparently life and accident, if they wanted to.

The more the Members of the House reviewed the initial measure, the one which was brought up on the rule before this House, the more apparent it became to the sponsors of this particular provision that the House would not accept anything this broad and this directly competitive with one of the most vital segments of the economy in the country, that being the private insurance sector.

So we now find ourselves—and, incidentally, I have heard a great deal of discussion about title I and all the preparation and I agree that there was a great deal of preparation that went into title I and I want to join those who congratulated the gentleman from Ohio (Mr. ASHLEY) for the work he did on title I—a great deal of preparation and foresight was in that title and we just voted it down.

But this particular title is something that has no precedent before the committee or before the House. This is just a brand new baby that has suddenly been born and we are saying that we are going to tell the insurers in this country that if they do not want to write insurance in certain areas that the Federal Government will do it for them. We only say, "if you cannot pay affordable rates."

Now what are affordable rates? When I look at the hundreds of dollars that I spend each year on my own automobile insurance, I would like for somebody to ask me what is an affordable rate and I would be glad to cut it in half. The fact of the matter is that I have to pay it if I am going to have insurance.

So we are going to allow the Federal Government to decide what is an affordable rate for one individual and what is not an affordable rate for another.

I say that we are setting an extremely dangerous precedent when we take action of this sort.

I was told at one time this title is an exact duplicate of what the Senate has offered. In the first place, the fact that the Senate has taken action is hardly enough to warrant an absolute endorsement, nor is it irrefutable evidence that absolute wisdom has been exercised.

When we look at this bill, we find it is not a copy of the Senate version. The Senate version gives the States and private insurers 1 year in which to set up plans.

There are many questions that are unanswered with regard to this particular title.

Since most of us only saw this title for the first time last night, I think it raises serious question as to whether or not this committee should adopt a provision having this broad a scope and these serious implications as far as the intrusion by the Federal Government into the private sector of our economy is concerned.

Gentlemen, the testimony from the Federal Housing Commissioner of the Department of Housing and Urban Development, Mr. Bernstein, testified very strongly against this particular type of proposal. It calls for an open-ended appropriation. We do not know how much money we are talking about. We are saying that whatever losses take place can come from some existing Federal programs. But then we go on to say that shortages will be made up by the appropriation process.

If we are concerned about controlling the budget—and that is something to which we all give a great deal of lip service—then I say let us demonstrate that concern by not adopting a proposal which is genuinely buying a pig in a poke. Nobody has ever offered to suggest how much money we are talking about. It has been suggested, as I interpret the bill, that HUD could use private insurers for the purpose of writing the policies and for the purpose of handling claims. But what incentive would there be for the private insurer to hold the losses down? The private insurer is running no risk at all. The agent who writes the policy would make a commission and then his hands would be free.

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

Mr. Chairman, I rise in opposition to the Blackburn amendment. As my colleagues in the House know, over 100 Members of this House have cosponsored the crime-insurance legislation. For over 5 years I have been working on the insurance problem. I began my work prior to the Watts riots, prior to the Chicago riots, and prior to the Newark, N.J., riots. So I do not want any connection to be made between those riots and this particular insurance program.

It is true that I accepted the Stephens substitute under which we would eliminate property and extended coverage. I want my distinguished colleague from Georgia to know that over 2 years

ago this proposal came before our committee. We held hearings on this proposal in Chicago, in Washington, in Newark, and in every city where we conducted hearings, we saw the faces of the small businessmen of America who every day are going out of business. When you read your newspapers this morning, you saw that in the city of Washington two more owners of small businesses were killed in a robbery that was being committed at their stores. They might still be alive had they not sought to protect their property, which was uninsured because of the cost of that insurance.

Crime insurance is long overdue.

My first proposition before this House was for a study by the Small Business Administration. I asked for that study \$250,000, which was voted down by this House. I went along with the gentleman from Missouri and the gentleman from Iowa when they said, "Why not let the study be conducted with the moneys that have already been allotted to the SBA?"

I went along but, as you know, in both the Johnson administration and in the Nixon administration, we have changed the SBA Administrator, so that the small businessman of this Nation is the most underrepresented citizen and taxpayer of which I know.

We talk about insurance. The Federal Government has been in the insurance business for many, many years in connection with its programs. We have insurance for banks, savings and loans, and credit unions, flood insurance, and now we even have insurance for \$28 million for every 747 airplane that flies overseas. When we talk about depriving these businessmen of insurance because they cannot protect themselves, we must remember that small businessmen are taxpayers, that small businessmen employ people, that small businessmen are closing shop throughout America, that our inner-city stores are becoming closed down because people are going out of business, and this is the responsibility that we have this afternoon as Representatives of the people in Congress.

I went to the insurance industry when we adopted the FAIR plans 2 years ago, and I informed them I was coming up with a crime insurance plan and asked them to come up with a plan—and they have not.

People just are not able to buy insurance. Talk to any of the small businessmen in any of the inner cities of America. They will tell you that as far as robbery and crime insurance is concerned, it is unavailable. I am going to the insurance industry again and ask them to come up with a plan as they did under the FAIR plan, so that we can give the inner-city property owners fire and extended coverage protection. They have not been able to buy insurance in those neighborhoods that have been redlined or blacklined by the insurance industry.

Remember, 70 percent of the people now live in the big cities. The first exodus that occurred out of the cities of America was caused by school problems, and the next mass exodus is of the older people, the mothers and fathers and grandfathers and grandmothers from the cities. It is taking place now in the cities of

America, because they are not able to buy insurance on their properties. In our hearings we went to the records of the various building departments and found that there were no building violations on any of these properties and yet their insurance had been canceled.

I urge my colleagues to vote down the Blackburn amendment.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment offered by the gentleman from Georgia (Mr. BLACKBURN), close at 20 minutes to 4 o'clock.

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

There was no objection.

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

Mr. BRASCO. Mr. Chairman, I rise in opposition to the Blackburn amendment. I commend my distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO), for a very fine presentation of what the facts are. I would like to rebut some of the arguments made by the gentleman from Georgia (Mr. BLACKBURN), in speaking about his amendment.

It is a known fact today that the Federal Government insures savings in banks, savings and loan associations and credit unions. We have crop insurance, insurance against floods and also riot insurance. We have all these at this time.

The argument the gentleman used with respect to the cost is indeed fallacious when we look at the \$28 million that the Federal Government has accumulated in premiums as a result of providing riot insurance. I would suggest the very same thing will be true here when the Federal Government begins to write insurance that insurance companies now refuse to write, and I repeat they refuse to write crime insurance in the city areas. I suggest the Federal Government will develop a sound crime insurance fund.

I suggest further that if the fund runs out of money we have the authority to use the surplus contained in the riot insurance fund.

I urge the committee to reject the Blackburn amendment.

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

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I appreciate the gentleman yielding.

I would like to make this observation. The Government cooperates in the writing of coverage and shares in the losses in the flood insurance program, so that the private insurer has an incentive to keep losses down when part of the loss is coming out of his pocket.

There is a sharp distinction between that and the provisions in this bill.

Incidentally, this is another example of something brand new hitting the floor of the House, when no one really has had an opportunity to examine the full implications of it.

No one in the heated exchange we have heard, the very warm words spoken, has suggested for one moment how much

money this would cost the taxpayers of this country.

I would urge the Members of this House that one of the most devastating points about this particular section of this bill lies in the fact that we find the copy which was submitted to the Clerk has stricken the first sentence on page 78 under the theft section. That particular sentence, gentlemen, was most significant because it gave the States an additional year to work out their problems.

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

Mr. PEPPER. Mr. Chairman, I rise to associate myself with those who have spoken in opposition to this amendment. The House Crime Committee held hearings in 10 major cities of this country, and in every one of those cities small businessmen have cried out for help that they cannot receive from the private insurance companies. Therefore, I believe this is a salutary provision.

This, the Government, working with the States and private insurance companies, will be a cooperative program. It will be available only where such insurance is not available to the people who need this kind of coverage against crime.

I regret that the able gentleman from Georgia wishes to strike this very salutary provision in the Stephens amendment.

Mr. Chairman, I rise in support of the bill now under consideration and most emphatically in support of the title VII provisions relating to crime insurance.

Mr. Chairman, the Select Committee on Crime has long felt that some relief was needed for the small businessman in the insurance area. Indeed, four of my colleagues on the committee and several other of my colleagues cosponsored with me H.R. 18917, to provide crime insurance through the Federal Insurance Administration at the Department of Housing and Urban Development.

I felt that something had to be done, Mr. Chairman, because the traditional American reliance on the insurance industry—a reliance that has helped this country grow—is not proving adequate to meet the challenge today. The problem of crimes against businesses has become so severe that where theft, burglary, and robbery insurance are available, their cost is prohibitive. And we cannot blame the insurance industry for these high rates: their actuarial tables tell a sad story. It is unrealistic for us to expect private insurance companies to subsidize, in effect, the businessman operating in a high-crime area. But, at the same time, we cannot sit back and let these small businesses die because they cannot operate successfully without it.

In May, a man who testified before our House Select Committee on Crime, Washington, D.C., hearings called to say goodbye. He and his family have moved to Canada, victims of the cost of crime in Washington, D.C. This man is no alarmist. He simply found it impossible to profitably operate his bait and tackle shop after his insurance was canceled because of repeated robberies. When he tried to get insurance with another com-

pany—he eventually contacted over 100 of them—he found that he could get insurance for \$10,000 to \$12,000 a year. It is unrealistic to expect a small businessman to bear such a great cost and still take home some profit to his family.

This man's store was in a high-crime area in Northwest Washington, D.C., but the robberies there branded him for life. Even if he moved to any of our 50 States, his insurance would be the same \$10,000 or \$12,000 a year. The only way he could escape the past of which he was an unfortunate victim was to leave the country.

I do not think we can allow this to happen. I do not think we can afford to allow this to happen. If the Federal Government can help provide relief for storm-torn and riot-torn areas, can provide insurance on the mortgages of homeowners, surely we can help the Nation's small businessmen stay in business.

I think this Government must find the resources to establish a mechanism that would provide insurance—at reasonable rates—to merchants in high-crime areas. I think it is important that these merchants be able to continue to operate because they are an important part of the community as well as the livelihood for a family. I fear that if we do not act, high-crime areas will soon be devoid of business—except for those which charge such high prices that they can absorb theft and burglary losses. And these stores, of course, will hardly be welcome in the community. The flight of responsible businessmen to the suburbs will hinder rather than help this country's fight against crime.

For this reason, Mr. Chairman, I heartily commend and support title VII of the Stephen's substitute now before us to provide crime insurance at reasonable rates through Government sources and oppose the amendment of the gentleman from Georgia which would strike this salutary provision. FAIR plan insurers would be required to offer such insurance. The Federal Government would stand behind it.

Mr. Chairman, the people who will benefit by the enactment of this title VII are the people who need it most. There are the poor, marginal storeowner, the man whose profit margin is thin, whose income provides no exorbitant profits, but instead a marginal living wage. It is these people who are being driven out of business by repeated losses due to robbery with no protection obtainable or affordable from insurance companies.

The Select Committee on Crime has seen too much heartbreak and failure attributed to the lack of reasonable protection and insurance to the small storeowner. This provision will alleviate a portion of the distress present. While I feel that the Housing and Urban Development Act of 1970 is an extremely important piece of legislation, I think that the necessity of the title VII crime insurance provisions stands out as the most important segment of this bill.

I urge the defeat of the amendment.

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

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

Mr. BRASCO. I want to point out that the Federal Government insures overseas flights of 747 airline planes to the tune of \$28 million per plane. I believe the premium is about 20 cents per \$100.

I also understand that when airlines supply or contract planes for the Department of Defense the Government writes that insurance free of charge.

There is no reason why we cannot provide for the American public, when insurance companies refuse to do so, crime insurance at reasonable rates.

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

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the Blackburn amendment and in strong support of my colleague from Illinois (Mr. ANNUNZIO) who has worked in this field thoroughly over not the course of just months but years.

The gentleman from Georgia talks about a grace period. I believe the grace period has more than exceeded a normal period. The first indications of trouble, later reflected in the riots of 1967 and 1968, started as early as 1965 and 1966. If we want to go to the first riots in 1967, that gives us a 3-year grace period.

There is no question about there being an absolute need for this type of legislation. Much as we would like to have the private insurance field take care of it, but there is no question that the record of committee hearing after committee hearing has shown the abject failure to reach the need of the American public for protection.

I thoroughly support the Annunzio proposition. I compliment the gentleman on his zeal and interest.

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

Mr. CRANE. Mr. Chairman, first may I indicate my support for the Blackburn amendment. Next I should like to raise a question for the gentleman from Georgia. He started to touch upon the section 1231, that has been stricken. I should like to find out what the significance of that is.

Mr. BLACKBURN. As I interpret the language of title VII, initially it was designed to approximate somewhat the Senate bill as passed. The Senate bill does allow the private insurers and the States a 1-year grace period in which to work out the problem of providing adequate coverage in these high crime areas. The initial version of this bill which was circularized among the Members showed that that 1-year grace period was in the bill.

Now we find that the bill that was submitted to the Clerk actually struck out any provision for the 1-year grace period. So what we are doing is telling the Secretary of Housing and Urban Development that he will be in the insurance business immediately as far as crime insurance is concerned for the people of the United States. He has no opportunity, the States have no opportunity, and the private insurers have no opportunity to work out the problem. The testimony from Mr. Bernstein was that most of the States are making consider-

able progress in that area. We have that kind of testimony as a background.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, I want to point out to the Members of the House that my substitute does not deal with anything as far as crime insurance is concerned except crime. It does not have fire or property insurance involved in it at all. That is where you may have had the complaint from the standpoint of opposition by the insurance companies. I know when we had the Bank Holding Company Act up the insurance people were concerned about that and they got after me and gave me floods of correspondence. I have heard from no insurance company about this particular provision I am now proposing. I have heard from nobody against this particular proposal but I have heard from people who are for it and people who like it. I ask that the amendment be opposed.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

(By unanimous consent, Mr. BARRETT yielded his time to Mr. MOORHEAD.)

Mr. MOORHEAD. Mr. Chairman, the distinguished author of the amendment stated that this is new. Mr. Chairman, this is not a new problem. Back at least as far as 1967 the members of the subcommittee recognized the problem, and three of the members of the committee introduced legislation which would provide for the basic property insurance requirements for property owners. We recognized that we also needed crime insurance, but we did not have a solution. What we did was direct the Secretary of HUD to study the problem and report back to the Congress. The Congress did pass that law with that direction and HUD has reported. The report of the Department of HUD flatly states:

Businessmen and residents in many major cities cannot obtain burglary and theft insurance at a price they can afford. The incidence of crime in these cities is so great that under traditional insurance practices premium rates adequate to sustain the resulting losses become prohibitive.

Mr. Chairman, crime insurance is essential to the survival of the small businesses in our inner cities.

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

Mr. MOORHEAD. I will be glad to yield to the distinguished author of the title.

Mr. ANNUNZIO. I thank the gentleman for yielding.

I want to compliment you on a fine statement and point out to the House that you were the chairman of the subcommittee that held hearings in Chicago. We studied the Illinois plan. I want to publicly commend the director of insurance in Illinois, who is a Republican, for heeding the advice of our committee and making the necessary improvements in the Illinois FAIR plan.

I thank you for your support and want to point out to our colleagues the gentleman from Georgia (Mr. BLACKBURN) that over 28 insurance commissioners in this country had a meeting and, as far as I

know, none of the insurance commissioners have approved Commissioner Bernstein's plan.

We need crime insurance now.

Mr. MOORHEAD. I thank the gentleman.

Now, Mr. Chairman, what happens to businesses that cannot get insurance?

They cannot get insurance, they cannot get credit, and eventually they face the prospect of economic collapse.

Mr. Chairman, we see the deterioration of businesses in our inner cities.

There is one other thing. We remember that just recently there was a shooting in connection with a robbery here in the District. In that instance two dealers were shot by gunmen. One of the victims was carrying a gun because of the need to protect the assets in his store because he could not get insurance. If he could have gotten insurance, he would not have had to risk his life to protect his assets. We would have two more people alive today.

For economic reasons and for humane reasons the amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I would like to take this opportunity to commend our distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO) for the outstanding work he has done in the field of crime insurance.

As has been mentioned here before, for many, many years such things as flood insurance and riot insurance were not available. Today they are available because, in effect, the private insurance companies and the Federal Government have formed a partnership.

I understood the gentleman from Illinois (Mr. ANNUNZIO) to say that he has approached the insurance companies in an effort to get them to be partners with the Federal Government in this crime insurance program.

I would like to ask my distinguished colleague if he plans to continue his efforts, with the assistance of the other members of the Committee on Banking and Currency, and if the gentleman thinks such efforts might be successful?

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

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

Mr. ANNUNZIO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his outstanding work on the Committee on Banking and Currency. As the gentleman has pointed out, I am going to continue to press the insurance companies to cooperate in an effort to make insurance available as I did under my insurance plan so they can cooperate with the Government and provide this needed insurance.

Mr. WILLIAMS. I thank the gentleman from Illinois.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. BLACKBURN) to the amendment in the nature of a substitute offered by the

gentleman from Georgia (Mr. STEPHENS). The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLACKBURN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BLACKBURN and Mr. ANNUNZIO.

The committee divided, and the tellers reported that there were—ayes 48, noes 84.

So the amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. WIDNALL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. WIDNALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. WIDNALL to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 55, after line 13, insert a new section 218, as follows:

"STATE FUNDING OF SECTION 236 INTEREST REDUCTION PAYMENTS

"SEC. 218. (a) Section 236 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(n) The Secretary is authorized to enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make interest reduction payments, subject to all the terms and conditions specified in this section and in rules, regulations and procedures adapted by the Secretary under this section, with respect to all or a part of a project covered by a mortgage insured under this section. Any funds provided by a State or agency thereof for the purpose of making interest reduction payments shall be administered, disbursed and accounted for by the Secretary in accordance with the agreements entered into by the Secretary with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this subsection the Secretary shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of interest reduction payments for the full period specified in the interest reduction contract."

"(b) The first sentence of section 236(1) of such Act is amended by inserting 'by the Secretary' immediately following 'entered into'."

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

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

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

Mr. BARRETT. Mr. Chairman, we have no objection to the amendment; we know the gentleman's amendment.

Mr. WIDNALL. I appreciate the statement of the gentleman from Pennsylvania. However, I would prefer to just briefly summarize the amendment:

Mr. Chairman, this amendment authorizes the joint funding by HUD and State governments of interest reduction payments under section 236. The State

would make its own money available, on a basis satisfactory to the Secretary, to augment the section 236 funds allocated by the Federal Government to that State. Therefore, if such a program were established, the State would provide the Secretary with interest reduction funds along with the section 236 funds allocated to such State. This program would have the effect of making more money available to the 236 program in participating States without establishing parallel and duplicate State housing authorities because HUD would merely have additional 236 money provided by the States to distribute and administer under HUD's 236 program.

The attached amendment to section 236 would authorize the Secretary to enter into agreements with the States where the Secretary receives adequate assurances that the State will provide sufficient funds for the making of the interest reduction payments for the full period specified in the interest reduction contract.

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

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

Mr. REUSS. Mr. Chairman, I fully support the amendment offered by the gentleman from New Jersey, and I wish to associate myself with the remarks of the gentleman from New Jersey, and I hope the amendment is agreed to.

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

Mr. WIDNALL. I yield to the gentleman.

Mr. STEPHENS. Mr. Chairman, I appreciate this amendment. I would like to say I would accept it to my substitute amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

Mr. BARRETT. Mr. Chairman, we have had almost two days of debate on the bill, and I wonder if we cannot agree on a time to terminate debate on the pending amendment and all amendments thereto at 4:30 o'clock.

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

Mr. WYLIE. Mr. Chairman, reserving the right to object, how many more amendments are there?

The CHAIRMAN. The Chair would like to inform the gentleman that there are seven amendments at the Clerk's desk.

Mr. WYLIE. That is 35 minutes, and it does not leave any Member who may have an amendment much time to explain his own amendment. Therefore, Mr. Chairman, I object.

MOTION OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I move that all debate on the pending amendment, and all amendments thereto, close at 4:30 o'clock p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARRETT).

The motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing seeking recognition under the limitation of time and each Member will be recognized for 2 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

AMENDMENT OFFERED BY MR. BRADEMAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BRADEMAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The Clerk read as follows:

Amendment offered by Mr. BRADEMAS to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 86, line 12, redesignate section 803 as section 804 and insert after section 802 a new section as follows:

"SEC. 803. Title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"MOBILE HOMES

"SEC. 525. (a) As used in this title, the term "housing" shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes.

"(b) With respect to mobile homes financed under this title, the Secretary shall—

"(1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which it is to be located, and

"(2) obtain assurances from the borrower that the mobile home will be placed on a site which complies with standards prescribed by the Secretary and with applicable local requirements. The financing for the purchase of mobile homes under this bill shall be limited to the guarantee of loans on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes."

Mr. BRADEMAS. Mr. Chairman, last year, during consideration of the Housing and Urban Development Amendments of 1969, I offered an amendment which I felt would do much to bring decent housing within the reach of low- and middle-income families. This amendment, which was accepted on a voice vote, authorized the Federal Housing Administration to insure loans for the purchase of mobile homes, which constitute one of the few forms of low-cost housing available in the United States today.

Today, I offer an amendment which will help residents of rural areas to purchase low-cost, decent housing. My amendment would allow the Secretary of Agriculture to make purchasers of mobile homes eligible for participation in the rural housing program administered by the Farmers Home Administration. The terms and conditions for financing purchases of mobile homes through the Farmers Home Administration would be identical to those which now apply to insured loans for mobile home purchases under the Federal Housing Administration.

Mr. Chairman, both the Federal Housing Administration and the Veterans' Administration allow purchasers of mobile homes to receive assistance under their housing program. My amendment would allow the Farmers Home Admin-

istration to offer the same kinds of assistance to those who wish to buy mobile homes.

I wish to emphasize, however, that my amendment would not allow loans to be made to mobile home buyers at subsidized interest rates, nor would it authorize direct loans by the Farmers Home Administration. The language of my amendment specifically states—and I quote:

Financing for the purchase of mobile homes under this title shall be limited to the guarantee of loans on the same terms and conditions as are applicable under section 2 of the National Housing Act to obligations financing the purchase of mobile homes.

This means that direct loans by the Farmers Home Administration for the purchase of mobile homes would not be permitted. The amendment is limited to the guarantee of loans for the purchase of mobile homes, and this authorization would parallel existing authority under the Federal Housing Administration.

I would also like to point out that my amendment is compatible with section 902 of the Senate-passed version of the Housing and Urban Development Amendments of 1970, a provision championed in the Senate by Senator HOLLINGS of South Carolina. The report of the Senate Committee on Banking and Currency on the housing bill states:

The committee recognizes that there is an urgent need for housing in rural America and that some families may prefer mobile homes.

My amendment, like section 902 of the Senate bill, tries to put mobile homes on an equal footing with other forms of housing available to rural residents.

Mr. Chairman, we are all painfully aware of the tremendous housing crisis our country now faces. In 1968, Congress fixed as our housing goal for the following decade the construction of 26 million housing units, or 2,600,000 units a year. In the 2 years since we set that goal, we have fallen far behind the proposed rate of housing construction. This year the Nation will produce only 1,500,000 housing units, barely 60 percent of the rate Congress recommended in 1968.

Our national housing deficit is most dramatically evident in our urban slums, and the housing crisis is therefore often equated with the urban crisis. Yet, the majority of substandard housing units in this country are not in our cities, but in rural areas. The National Commission on Urban Problems recently found at least 11 million substandard and overcrowded housing units in the United States. The Commission estimated that three-fifths of these inadequate units are located in rural areas. Thirty percent of all rural housing is substandard, compared with only 10 percent of urban housing units.

Not only are housing problems more severe in rural areas, but the average rural resident, because of the lower level of income in rural areas, is less able than his urban or suburban counterpart to finance a new home. Census figures show that more than half the 13 million American families earning less than \$5,000 per year are located in rural areas, James Smith, Administrator of the Farmers

Home Administration, testified before the Banking and Currency Committee in February of this year that half the rural families with incomes of less than \$3,000 in 1959 were living in houses that needed replacement or major repairs to make them habitable. This group includes a high percentage of the 7 million elderly persons who live in rural areas.

The answer to the housing problems of the rural resident has often been the mobile home. For the low- and middle-income person in rural areas, the mobile home is the only form of new housing available. The average cost of a mobile home is \$6,300. For fixed-site housing, the median price is \$27,000. In 1969, of all new homes sold for less than \$15,000 94 percent were mobile homes, 79 percent of homes under \$20,000 and 6 percent of those under \$25,000 were provided by the mobile home industry.

Most of the 412,690 mobile homes produced in 1969 were sold to residents of rural areas. Twenty-eight States in the Middle West, Southeast, and Southwest received about 75 percent of mobile home deliveries. These States contain 72 percent of the national rural population and 84 percent of our farm population. In this same group of States, 34 percent of existing housing units is deteriorating, dilapidated, or lacking in adequate plumbing facilities. It is obvious therefore, that mobile homes have an important role to play in meeting the housing needs of our rural areas.

Congress in recent years has recognized the potential of mobile homes by making those who purchase mobile homes eligible for participation in various housing programs.

In 1968, Congress enacted a housing law which authorized federally chartered savings and loan associations to make loans on the security of mobile homes.

In 1969, Congress approved the amendment extending the FHA mortgage insurance program to include mobile homes. Mobile home parks had been eligible for FHA mortgage insurance for several years.

Just 2 months ago, the House unanimously approved a bill extending the home loan program of the Veterans' Administration to include mobile homes.

The only Federal housing program which does not apply to purchases of mobile homes is the rural housing program administered by the Farmers Home Administration. This is indeed ironic, because the constituency of the Farmers Home Administration includes those very persons who would most benefit from increased access to purchases of mobile homes. Rural residents need low-cost housing; mobile homes provide low-cost housing. The Farmers Home Administration should be given the authority to bring the two together.

My amendment would give the Administrator of the Farmers Home Administration precisely this authority by allowing him to extend loan guarantees to purchasers of mobile homes. Under the present system, rural residents who wish to purchase mobile homes are at a serious disadvantage. They must either pay unreasonably high interest rates to finance a low-cost mobile home, or they

must buy a higher priced fixed-site home with FHA assistance. My amendment would end this discrimination against purchasers of mobile homes.

I wish to emphasize that this amendment involves no Federal subsidy to the mobile home industry. The rate of interest in this program would be the same as the rate which applies to the FHA mortgage insurance program. The Federal Government would not be subsidizing the interest rate for mobile home purchasers.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman's name does not appear on the list.

(By unanimous consent, Mr. BARRETT yielded his time to Mr. ASHLEY).

The CHAIRMAN. The gentleman from Ohio (Mr. ASHLEY) is recognized.

Mr. ASHLEY. Mr. Chairman, it is with very real reluctance that I rise to oppose this amendment. I and the other members of the Subcommittee have sought to be very cooperative and helpful to the gentleman from Indiana. Our opposition is in two parts. In the first place, the amendment would add a new section as follows:

Sec. 803. Title V of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"MOBILE HOMES

"SEC. 525. (a) As used in this title, the term 'housing' shall, notwithstanding any other provision of this title and to the extent deemed practicable by the Secretary, include mobile homes."

Mr. Chairman, the change proposed is very sweeping and one that the subcommittee is not prepared to accept at this time.

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

Mr. ASHLEY. I yield to the gentleman from Georgia.

Mr. STEPHENS. I would like to point out to the House that I have checked the proposal that has been made today with the Farmers Home Administration, and they are opposed to this particular amendment. I would like to point out that they do not have enough money now for permanent type standard housing, and the amendment would restrict them a little further.

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

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

Mr. BRADEMAs. I feel I ought to make clear that, at least as I understand the objections that have just been voiced, there may be some misapprehension that direct loan authority would be made possible under my amendment. I tried, by reiterating the point as often as possible, to make clear that this is only a guarantee loan authority and one which is on all fours with the present authority that we have in the FHA and Veterans' Administration to guarantee loans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BRADEMAs) to the amendment in the nature of a substitute

offered by the gentleman from Georgia (Mr. STEPHENS).

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

The CHAIRMAN. The Chair now recognizes the gentleman from Ohio (Mr. WYLIE).

AMENDMENT OFFERED BY MR. WYLIE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. WYLIE. Mr. Chairman, I offer an amendment to the Stephens substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE to the amendment in the nature of a substitute offered by Mr. STEPHENS: On page 55, line 16, through page 56, line 4, strike out:

"Sec. 301. Section 103(b) of the Housing Act of 1949 is amended—

"(1) by striking out 'and by \$1,700,000,000 on July 1, 1970' in the first sentence and inserting in lieu thereof 'by \$1,700,000,000 on July 1, 1970, and by \$1,500,000,000 on July 1, 1971'; and

"(2) by striking out 'and July 1, 1970' in the second sentence and inserting in lieu thereof 'July 1, 1970, and July 1, 1971'."

Mr. WYLIE. Mr. Chairman, this is an easily understood amendment, so I will not gild the lily—not that I have the time to do so anyhow—but the amendment I offer would simply delete the \$1.5 billion increase in the urban renewal grant authorization that would be provided by the Stephens substitute bill beginning July 1, 1971. This enormous increase almost doubles the current urban renewal legislation and is not necessary at the present time and, in my judgment, is not desirable.

HUD officials tell me that it is unnecessary because at the end of this current fiscal year an estimated \$1.2 billion in unused money authorizations will still be available for urban renewal programs. This amount is more than sufficient to support the current program at its present level, meanwhile permitting completion of the current reevaluations of the program being carried out by the House Banking and Currency Committee and the administration.

It is further undesirable because such an enormous dollar authorization promises our hard-pressed cities much more than they can either rationally or responsibly be delivered, given our current economic situation.

For these reasons, Mr. Chairman, a dollar increase of such magnitude at this time is clearly undesirable, and I strongly urge approval of my amendment.

Mr. BRASCO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems each year we come here professing a real understanding for the need to begin to do something about the critical housing conditions in our cities. And the gentlemen on that side of the aisle and in this administration have professed their dedication to this end the loudest. But I tell you, Mr. Chairman, a program without money is like an automobile without a motor: It just will not go any place.

We started with a bill that had much more money than this involved in urban renewal, some \$3 billion. The Stephens

substitute cut it to \$1.5 billion, and now with the Wylie amendment to the Stephens substitute, seeks to cut all moneys out.

Let me tell you this. There are some 50 States in our Union, and each and every one of them, is a distinguished Member of that Union and a taxpaying member, and each and everyone of them is going to ask to draw on urban renewal moneys, to provide their inhabitants with sorely needed housing. I suggest when we tell them there is no money available they will understand clearly that this Congress has abandoned its commitment to improve the housing needs of the American people.

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

Mr. BRASCO. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I agree. We have already cut it in half. We cannot cut it more.

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

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

Mr. ASHLEY. Mr. Chairman, the gentleman makes a very good point. Is it not also true there is some \$3 million in urban renewal applications at this time in the way of backlog?

Mr. BRASCO. That is absolutely correct. The really interesting situation is, if anyone from local government asks for urban renewal money, the reply is, "There is none."

I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 30, noes 65.

Mr. WYLIE. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the amendment in the nature of a substitute was rejected.

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

Mr. GROSS. Mr. Chairman, I take this time to ask the gentleman from Georgia if section 905 of his print, which I obtained only this afternoon, is under consideration?

Mr. STEPHENS. Mr. Chairman, if the gentleman will yield, that section 905 provision was not in my original substitute. It has never been before the House. It was stricken out. It was never introduced and it is not before us now.

Mr. GROSS. According to this, copy of the print is very much before the House.

Mr. STEPHENS. It is not the print that went to the desk.

Mr. GROSS. It is not the print that went to the desk?

Mr. STEPHENS. And not the print that is in the CONGRESSIONAL RECORD.

Mr. GROSS. Can the gentleman give me any idea as to how this salary increase proposal got into this print?

Mr. STEPHENS. I do not know, because it is not in the bill.

Mr. GROSS. I beg pardon?

Mr. STEPHENS. It is not in the bill.

Mr. GROSS. How did it get in the print?

Mr. STEPHENS. I do not know.

Mr. GROSS. Somebody had to put it in. It is on page 97, section 905.

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

Mr. GROSS. I yield further.

Mr. STEPHENS. I repeat again, we are not considering that at all. I do not see that it is germane to anything we are doing. It is not in the bill and has never been in my substitute.

Mr. GROSS. Now we get down to the nitty-gritty of this business of considering a substitute that was made available only this afternoon to Members of the House. It is further evidence of the poor homework done by this committee, in my opinion.

What does the official copy show, if it does not show section 905?

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

Mr. GROSS. I yield further.

Mr. STEPHENS. On page 39492 of the CONGRESSIONAL RECORD for yesterday, there is a reprint from the official copy, and it shows that that section was not in my bill and has never been in my bill.

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

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

AMENDMENT OFFERED BY MR. ULLMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. ULLMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ULLMAN to the amendment in the nature of a substitute offered by Mr. STEPHENS: Page 113, after line 15, insert the following new section:

"Sec. 920, Section 2(a) of the Act of April 12, 1926 as amended (16 U.S.C. 617(a)), is amended by striking out '1971' and inserting in lieu thereof '1973'."

Mr. ULLMAN. Mr. Chairman, this legislation establishes important priorities for the national effort to provide adequate housing in the coming decade. But we will not be successful unless we are assured of an adequate supply of lumber. Softwood timber is the basic raw material of the housing industry. The export of softwood logs has risen dramatically in recent years. To check this trend, Congress in 1968 placed a ceiling of 350 million board feet as the maximum allowable volume of log exports annually from Federal forests.

The amendment that I propose would simply extend this law, which expires next year, for 2 more years until 1973.

The situation that prompted the log export amendment of 1968 is very pertinent. At that time, exports of softwood logs, particularly to Japan, were increasing by more than 50 percent a year. At the same time, a housing boomlet at home was creating strong demand on the

timber industry. As a natural result, the price of timber for the home market rose to exorbitant levels, and supply was drastically short. The 1968 legislation helped ease this situation.

Today we face the same prospect. Softwood log exports are running 20 percent ahead of last year, which was one of the 2 peak years in the past decade. As this legislation anticipates, we are ready for a new housing boom in the next few years. If we are to begin to meet housing demand, this could be one of the biggest periods of housing development in our history.

We have to prepare for this. We must ensure an adequate supply of lumber. We could easily find ourselves by next year with a shortage of supply, and with softwood lumber prices back up out of control.

Mr. Chairman, in 1968 the Congress restricted the export of logs and limited the export from public lands to 350 million board feet a year. The expires next year, and all this amendment would do is extend it for 2 additional years.

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

Mr. ULLMAN. Yes. I yield to the distinguished chairman of the subcommittee.

Mr. BARRETT. Mr. Chairman, we have gone over this, and I think the opposite side has, also. This side has no objection to the gentleman's amendment.

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

Mr. ULLMAN. Yes, I am happy to yield to the distinguished ranking member on the other side of the aisle.

Mr. WIDNALL. We are thoroughly familiar with the amendment and understand the emergency situation involved, and we accept the amendment.

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

Mr. ULLMAN. I yield to my colleague from Oregon.

Mr. DELLENBACK. I commend my colleague for offering this amendment. I strongly back him in it.

Mr. Chairman, I am pleased to join my colleague, the gentleman from Oregon (Mr. ULLMAN), in cosponsoring this amendment. I am strongly in favor of extending the present restriction on log exports from Federal forests.

The current restriction, an amendment to the Foreign Assistance Act of 1968, expires at the end of 1971.

The export of logs continues to create severe problems for the homebuilding industry. For the first three quarters of 1970, log exports have totaled 1,848,663,000 board feet compared with 1,598,362,000 for the same part of 1969. Every quarter of 1970 has exceeded the previous quarter in volume. In September log exports were 203,304,000 board feet with all but 20 million feet of that amount going to Japan.

We cannot afford to risk an increase in those exports in coming years. Our Nation is falling far short of meeting its goal to provide decent housing for all of its citizens. It will take a concerted effort on the part of a concerned Congress to make sure that we do not fail in this important objective.

When inflation eases and the housing market recovers, there will be an even greater demand for lumber and plywood. The Pacific Northwest—and particularly Oregon—must be prepared to supply the building materials to meet the Nation's tight housing needs. Because the Federal forests will have to provide a large portion of the raw resources, this is the time to make sure that an unlimited amount of our lumber and plywood supplies are not marked for export.

By adopting this amendment we further protect the jobs of individuals who are dependent upon the forests for their livelihoods. We make sure that we will not be exporting jobs in lumber and plywood mills and processing plants to Japan and other nations.

I am pleased that my colleague from Oregon (Mr. WYATT) joins in sponsoring this amendment and I hope that the Members of the House will support this critically important measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. ULLMAN) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENTS OFFERED BY MR. CRANE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. CRANE. Mr. Chairman, I have two amendments to the Stephens substitute, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. CRANE in the nature of a substitute to the amendment offered by Mr. STEPHENS. Strike out all of section 217.

On page 61, line 24, strike out section 401 and insert in lieu thereof a new section 401 to read as follows:

"SECTION 401, Section 111 (c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out '1971' and inserting in lieu thereof '1972.'"

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

Mr. CRANE. Yes, I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Is the gentleman in his amendments referring to the Mitchell-Lama program in New York?

Mr. CRANE. I am referring to section 217. Is the gentleman from Pennsylvania referring to that section?

Mr. BARRETT. I do not know to what the gentleman is referring.

Mr. CRANE. I do not have anything specific in mind, but section 217 appears in the CONGRESSIONAL RECORD of Wednesday, December 2, 1970, at page 39486, column 3.

Mr. BARRETT. This was known as the Mitchell-Lama program?

Mr. CRANE. I do not know about that specific project.

Mr. BARRETT. I think the gentleman ought to be directed as to what he is trying to offer an amendment to.

Mr. CRANE. Mr. Chairman, this provision runs counter to the purpose of the

236 rental assistance program, a most needed and popular program. It would divert the limited subsidy funds available for this program to support rental projects already in existence. However, this program was enacted to generate new rental units because there are just not enough units to meet the housing demand.

There are countless urban needs which compete for the dollars available. We must continue to spend the subsidy funds we have in the most productive manner possible, and on the 236 program this means building new projects or rehabilitating unusable projects.

Mr. Chairman, I strongly urge the rejection of this unwise diversion of 236 subsidy funds.

Mr. Chairman, the other amendment is designed to delete the \$250 million increase in authorizations provided for in the bill for model cities supplementary grants for fiscal year 1972. Such an increase, given the current stage of development of the model cities program, is unnecessary at this time. There will be an estimated carryover in unused authorization for this program of \$837.5 million which my amendment would make available for appropriation in fiscal year 1972.

Mr. Chairman, such an amount would provide for the continuation of a substantial model cities program, and would give all cities assisted further time during which to achieve the high level of coordination and efficiency they need if the major purpose of the program, the demonstration of the truly effective utilization of Federal funds by locality, is to be achieved.

Mr. Chairman, I urge the membership to support these important and desirable amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, the committee bill as reported carried the sum of \$500 million but in the spirit of compromise the Stephens substitute cut that in half, to \$250 million.

Mr. Chairman, this is a program that should go on. We do this as inexpensively as possible under the Stephens substitute.

Therefore, Mr. Chairman, I urge defeat of the Crane amendments.

Mr. RYAN. Mr. Chairman, I vigorously oppose the amendment offered by the gentleman from Illinois (Mr. CRANE) to strike section 217 of the Stephens substitute housing bill. Section 217 embodies my bill H.R. 49—companion bill H.R. 4308—which makes pre-1968 State and locally financed limited profit housing projects eligible for section 236 rental assistance and for rent supplements. An example of such projects are those constructed under the New York City and New York State Mitchell-Lama programs.

On June 3, I appeared before the Subcommittee on Housing, to testify in support of H.R. 49, which was cosponsored when I reintroduced it as H.R. 4308 by Messrs. BIAGGI, CONYERS, FARBERSTEIN, GAYDOS, HALPERN, HELSTOSKI, JOELSON, KOCH, MCCARTHY, NIX, and ROSENTHAL. Subsequently, H.R. 49 was incorporated as

section 209 in the Housing and Urban Development Act of 1970—H.R. 19436—to which the Stephens amendment is a substitute. In the Stephens substitute, what was section 209 of H.R. 19436 has become section 217.

Yesterday, when the House began consideration of H.R. 19436, and prior to the offering of the Stephens substitute, I undertook an extensive discussion of my bill, and this appears at pages 39469-39470 of the December 2 CONGRESSIONAL RECORD.

I do not want to undertake another extensive discussion of my bill—section 217 of the Stephens substitute—but would note only that it offers relief to many Mitchell-Lama tenants in New York.

Under current law, State and locally financed limited profit housing programs are eligible for section 236 rental assistance and for rent supplements, provided they were constructed or rehabilitated subsequent to the enactment of the 1968 Housing and Urban Development Act. This is due to a previous bill of mine incorporated in the Housing and Urban Development Act of 1968. Section 217 expands existing law to make pre-1968 projects eligible for the same interest subsidies and rent supplements.

The need for this change in the law is readily apparent. When projects which are currently under temporary financing go into permanent financing, they must do so at the present high interest rates. And following from this circumstance are tremendous increases in rentals to the tenants.

For example, the generally accepted rule of thumb is that for every percentage point of interest, there is an increase in rental of \$4.50 per room per month. Now, 5 or 6 years ago, State and locally financed limited profit projects in New York—constructed under the Mitchell-Lama programs—were coming in at 3.5 percent and 4 percent interest rates, plus 0.5 percent for service charges. Today, the total is up to 7.7 percent—7.2 percent interest, and 0.5 percent service charge. Thus, there is an increase of from 3.2 to 3.7 points. And this means rental increases of from \$14.40 to \$16.65 per room per month. A family of two living in a four-room, one bedroom apartment thus faces a monthly increase of from \$57.60 to \$66.60 per month.

It simply makes no sense to construct new housing, when good, decent existing housing already exists, but the exorbitant rentals are forcing people out. My amendment, by making available the section 236 subsidy to pre-1968 projects, alleviates this situation.

I want to stress that this problem is not one solely of New York concern. Programs similar to that in New York exist in several other States, including Connecticut, Delaware, Illinois, Massachusetts, Michigan, New Jersey, Pennsylvania, and West Virginia.

I also want to stress that such a program is less expensive for the Federal Government than the straight section 236 subsidy. It would cost less to subsidize the interest rates on State and locally financed housing programs down to 3 percent or 2 percent than it would

to do the same for privately financed projects. This is because the interest rates on such projects are already below the regular market price.

But most importantly, we simply cannot abandon thousands of families. They need help, and section 217 provides it. The case is as clear cut as that. I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. CRANE) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendments to the amendment in the nature of a substitute were rejected.

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

AMENDMENT OFFERED BY MR. CASEY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. CASEY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. CASEY to the amendment in the nature of a substitute offered by Mr. STEPHENS: Page 55, after line 13, insert the following new section:

"REQUIREMENT OF LOCAL APPROVAL FOR SECTION 236 PROJECTS

"Sec. 218. Section 236(h) of the National Housing Act is amended by inserting '(1)' after '(h)', and by adding at the end thereof the following new paragraph:

"(2) No interest reduction payments may be made or insurance granted under this section with respect to any project unless such project either is a part of an approved workable program for community improvement or has otherwise received local official approval for participation in the program under this section."

Mr. CASEY. Mr. Chairman, this is a very simple amendment. The purpose is to see that the projects under section 236 are approved either under the terms of a workable community improvement program or by the local officials. In most cities you have some type of commission which designates the areas where a project may be built.

But in some cities you do not, and it is only right that if we are going to have orderly growth in our cities, large and small, that there should be some local approval as to the location of these various projects.

The reason I offer this is that we have had occasion in my own home city of having a large unit of, say 200 units, approved, and the location of the area is not an area where there is bus service, it is not an area where schools are adequate, it is not an area where there is any need, really, for some of these projects, because it is not near where the people might work.

So I would hope that the Committee would adopt this amendment.

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

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

Mr. HALL. Mr. Chairman, I wonder if the gentleman from Texas has had any experience with local or even regional multicounty zoning commissions

that have been self-established, or under OEO or some other community action program, who have become derelict in determining what should be done under this perhaps otherwise excellent program?

Mr. CASEY. No, I have not had any experience of that kind, because what we have at home is no zoning commission at all; the people themselves have voted it down.

Mr. HALL. I would simply say to the gentleman that it may be a two-edged sword, because there are some of these that are multicounty in nature that have assumed prerogatives of other departments of the Government that are usually appointed by the Governor, and cannot be removed by the Secretary of the Department of Housing and Urban Development.

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

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. CASEY).

May I ask the Chairman if it would be proper for me to take part of the time allocated to me to discuss this amendment?

The CHAIRMAN. If the gentleman would like to use one half of his 2 minutes he may do so.

Mr. WIDNALL. I thank the Chairman.

Mr. Chairman, as I said, I rise in opposition to the amendment. It seems to me that if this amendment were to be adopted so as to try to cover a special situation that occurs because of no zoning in the home district of the gentleman from Texas (Mr. CASEY), it would mean that section 236 rental housing could not be provided in a community without the majority approval of the city council. This would inevitably subject the program to political influence and coercion. Therefore, I feel very much against the amendment.

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

Mr. WIDNALL. I yield to the distinguished gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I certainly wish to associate myself with the remarks of the gentleman from New Jersey, and to oppose this amendment for the reasons the gentleman has given.

Mr. WIDNALL. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CASEY) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

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

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEPHENS

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. STEPHENS: After title II, add the following new section:

"INCOME LIMITATION FOR FAMILIES OCCUPYING RENTAL HOUSING ASSISTED UNDER SECTION 236"

"Sec. —, Section 236 (1) of the National Housing Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) None of the interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made with respect to families, occupying rental housing projects assisted under this section, whose incomes at the time of the initial renting of the projects exceed such limits as may be established by the Secretary. The Secretary shall establish and administer such limitations so as to accord a preference to those families whose incomes are within the lowest practicable limits for obtaining rental accommodations in projects assisted under this section. The Secretary shall report annually to the respective Committees on Banking and Currency of the Senate and House of Representatives with respect to the income levels of families living in projects assisted under this section."

Mr. BINGHAM (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment, and that it be printed in the RECORD.

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

There was no objection.

Mr. BINGHAM. Mr. Chairman, this amendment would give the Secretary of Housing and Urban Development authority to establish income limitations for families occupying rental housing assisted under section 236. These limitations are presently fixed by statute, which makes for an unduly rigid system. The Secretary ought to be able to set the limits in such a way as to give preference to families who really need the help. The amendment further specifies that the Secretary shall report annually to the Congress the income levels of families occupying housing projects assisted by section 236.

This amendment is similar to a proposal made by the administration which would have recognized the need for area differentials in income limitations. First, section 209 of this bill and the corresponding section of the Stephens substitute makes assistance under section 236 of the National Housing Act available to existing housing, a very important section for which I want again to commend the committee. I am the sponsor of legislation—H.R. 402 introduced January 3, 1969—which proposed the same thing. Unfortunately, in high-cost areas, many people living in 236 projects now have incomes which exceed the statutory limits, thus making them ineligible for needed assistance. If section 209 of the bill is to have the full impact for New York City which I am sure the committee intended, it is important to allow the Secretary of Housing and Urban Development to adjust the income limits.

This amendment would allow the Secretary an important element of flexibility in establishing income limitations to reflect varying costs of living in different parts of the country. This would enable him more effectively to fulfill the objectives of this legislation for cities such as New York. Let me also point out that this amendment does not affect congress-

sional control since it requires that the Secretary report annually to the Banking and Currency Committees of both bodies with respect to the income levels of persons living in 236 housing projects. If the committee feels that the Secretary has set improper limits, the Congress can reestablish income limits by statute at such time.

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

Mr. BINGHAM. I yield to the gentleman.

Mr. BARRETT. Mr. Chairman, I am sorry I have to rise in opposition to the gentleman's amendment.

This amendment would give people who initially go into a project, even though they have four or five children and they have reached the age of being substantial wage earners and who desire later to purchase property under the 235 or 236 program to use the initial income in order to qualify for one of those properties, even though their income; that is, their family income, has increased 5 or 10 percent.

Mr. BINGHAM. Mr. Chairman, if I may have my time back, this amendment simply gives the Secretary of Housing and Urban Development the authority to fix income limitations which are now fixed by statute and which are, therefore, unduly rigid. It does not propose the type of alteration which the gentleman suggests.

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

Mr. RYAN. Mr. Chairman, the amendment offered by my distinguished colleague and friend from New York (Mr. BINGHAM) is important. I know of his concern for the housing needs of New Yorkers, and this amendment is addressed to a very critical problem.

The amendment proposes to rectify the present rigid income eligibility standards of section 236. It is essential that this rectification be undertaken, and, in fact, I testified for just such action before the Subcommittee on Housing on June 3, when I appeared in support of the housing legislation which I have introduced.

At that time, I discussed with the Subcommittee members my bill, H.R. 17885, which is very similar to the pending amendment.

Currently, section 236 sets income eligibility limits for all but 20 percent of the families in a subsidized building at 135 percent of the maximum income limits for public housing in the area, or 90 percent of the limits set for section 221 (d) (3) housing. In New York City, these formulas come out quite close.

As I testified, the simple fact of the matter is that these eligibility limitations are too stringent. There are many families who need section 236 subsidization, yet whose incomes exceed the present limits. This problem can be met by abolishing the present rigid statutory limits and by substituting in their stead the administrative discretion of the Secretary of Housing and Urban Development to set income limits in light of the housing costs of the area in which the project receiving subsidization is located.

Obviously, in the high-cost metropolitan areas, such as New York City, these limits would be set at a level reflecting the needs of the citizens there.

I think that the example which I presented to the Subcommittee on Housing when I testified on H.R. 17885 aptly—albeit tragically—demonstrates the need for the adoption of the amendment before us. The example I used was a widow with an income of \$6,000.

Under present adjusted maximum annual income limits for the section 236 subsidized housing, a single person—to be eligible for the subsidy—can only have a maximum income of \$5,835. So, the hypothetical widow I posited—all too sadly replicated in real life by many thousands of individuals—would not be eligible for the subsidy. Yet, if she were living in an efficiency apartment in a Mitchell-Lama project at the current rates in some buildings of \$48 per room per month, she would be paying \$1,728 a year for rent, or 28.8 percent of her income. This is because an efficiency apartment with a balcony is figured as constituting, under present rules, a three-room apartment. And, if she is not living in a Mitchell-Lama unit and could move into one being constructed at the current rates of \$65 per room per month, she would be paying \$2,340 in rent a year.

Obviously, the people of New York City and other metropolitan centers need help. I know that the Subcommittee on Housing is concerned. Following my testimony before the subcommittee, the chairman of the subcommittee informed me that three panels were to be established by the subcommittee, one of which would look into the very problem of income eligibility standards. Should the amendment before us not be adopted, I am sure that the subcommittee will diligently pursue this matter.

In closing, I should like to commend the gentleman from New York (Mr. BINGHAM) for offering this amendment, and I hope that our efforts, whether today on the floor, or via the vehicle of the subcommittee panel, will produce quick and effective relief. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS).

The amendment was rejected.

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

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. WIDNALL) for the balance of his time.

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

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS) for 2 minutes to close debate.

Mr. STEPHENS. Mr. Chairman, I believe everyone who wanted to say something has had a chance to say something—perhaps not as much as each of us

would like to have had an opportunity to say, but I do not think anybody has been cut off without at least having raised his voice and expressed his opinion on the measure that is before us.

I know that there are some good amendments made to my substitute. I know we have some amendments that have been made that I would prefer not to have in my substitute.

I would like to urge all the Members of the House now to conclude this debate and to vote for the substitute as it now stands. Since we have been on this so long, I will not take the whole 2 minutes, but I will say, I thank the Members of the House for the courtesy and kindness that they have shown in letting me present the substitute that I have presented.

The CHAIRMAN. All time on the Stephens amendment in the nature of a substitute has expired.

Are there additional amendments to be offered at this time?

If not, the question is on the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. STEPHENS), as amended.

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

Mr. RYAN. Mr. Chairman, the fate of the Housing and Urban Development Act of 1970—H.R. 19436—has not been a particularly happy one. Several of the provisions of the bill, which I commended in my statement yesterday before the Stephens substitute was offered, have been seriously compromised.

In particular, I regret the decreased authorizations embodied in the Stephens substitute, as well as the deletion of title I which would provide for a national urban growth policy and for new community development. The hard work and diligence of our distinguished colleague from Ohio (Mr. ASHLEY) produced legislation of major importance. This legislation has been stricken from the Stephens substitute by virtue of the adoption of the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS). I think this event a very serious mistake.

However, I should make very clear that it is because of the dedication and ability of the distinguished chairman of the Subcommittee on Housing, Mr. BARRETT, that the bill has survived in as good condition as it has. I think that all of us who share the chairman's concern for the housing problems of our cities—and of all Americans—owe him a special debt of gratitude and respect.

It is too soon for us to be able to thoroughly analyze the consequence of some of the amendments to the Stephens substitute bill which were adopted today. However, I do want to make mention of two provisions of the bill which passed the Senate on September 23—S. 4368—and urge the conferees, who will be appointed, to insure their retention in the final bill which emerges from the Senate-House conference.

Included in S. 4368 are provisions making effective the so-called Brooke amendment, which was embodied in the Housing and Urban Development Act of 1969. This amendment authorized the Department of Housing and Urban Development to contract with local hous-

ing authorities to make payments to eliminate operating deficits; to assure sufficient funds to maintain adequate operating and maintenance services and reserve funds; and to make up the loss in rental revenues caused by reducing tenants' rents to 25 percent of their incomes.

The Department of Housing and Urban Development subjected the Brooke amendment to a restrictive interpretation. To overcome this hostility of the Department to an extremely important public law, S. 4368 embodies new provisions. These must be retained.

Second, I want to note the adoption by the Senate of an amendment offered by the junior Senator from New York (Mr. GOODSELL). This amendment, which constitutes section 505 of S. 4368, as it passed the Senate, authorizes the Secretary of Housing and Urban Development to make grants for demonstration programs to fight housing abandonment. I commend the junior Senator for this fine amendment; I think it will demonstrate the real and vital concern he has shown for the housing needs of, not only New Yorkers, but all Americans.

The problem of housing abandonment must be dealt with. As an article in the March 16, 1970, issue of Time magazine reports, no one knows exactly how many abandoned dwellings there are in the United States. It has been estimated that there are 13,000 houses and apartment buildings standing empty in New York City alone. Twenty thousand have been abandoned in Philadelphia, 5,000 in Baltimore, and at least 1,500 in Detroit.

The depiction of a neighborhood which has fallen victim to this urban malaise is a stark one, as portrayed in the Time magazine article:

In ghost neighborhoods, the symptoms are depressingly the same. Brooklyn's wastelands in Bedford-Stuyvesant resemble those along Penn Avenue in Pittsburgh and 14th Street in Washington. Each of the half-forgotten neighborhoods has a bombed-out, end-of-a-war appearance; about all of them lingers the stale odor of moldering plaster and rotting wood. Peeling paint is everywhere; streets glisten with shards of glass from broken windows. Front doors have been ripped from their hinges, and human excrement often litters the stairwells. Interior partitions are punched through, floors broken up and obscene pictures scrawled on the walls.

Building abandonment is not a sporadic problem. Dr. George Sternlieb, director of the Urban Studies Center of Rutgers University, has pointed out.

It is no longer just the poor buildings that are going. In New York, when bad buildings are abandoned, good houses nearby are abandoned, too.

And the epidemic of building abandonment is spreading. Buildings are being abandoned in Detroit at the rate of 10 a week. The annual rate in Cleveland is 800 houses and abandoned buildings. In Chicago, the monthly rate is 150 structures.

Dr. Frank S. Kristof, chief housing economist for the New York State Urban Development Corp., has estimated that New York City is now losing apartments through owner abandonment at a rate of 30,000 apartments a year. Calculating 2.7 persons per apartment, this means space accommodating 81,000 people.

Over the last 3 years, housing for some 275,000 persons in New York City has been abandoned—a loss greater than that caused by demolition through slum clearance over 20 years.

The problems following abandonment of a building are manifold. The structure itself becomes a health and safety hazard. The neighborhood begins to deteriorate as the disease of abandonment spreads out. Families and individuals desperate for decent housing are forced to pay exorbitant rentals for lack of sufficient available dwellings. And, as Ivan B. Gluckman, Philadelphia's assistant director of housing pointed out in the U.S. News & World Report article of January 26, 1970:

There is no question that a vacant house is part of the crime problem, too. Even if it isn't as bad as the community around the house thinks it is, just the fact that it is vacant makes it harder to keep the rest of the neighborhood stable. Once a house in the block is vacant, it becomes harder for the others to get insurance. The whole block starts going downhill.

The reasons for building abandonment are complex. The causes have variously been ascribed to crime, shifting populations, unprofitable operations, economic squeeze, militant tenants demanding services the landlord is unable to provide, greedy slumlords. But the experts do agree that in many instances, the structures which are abandoned are essentially sound.

Thus, in an article by Alan S. Oser, entitled "Housing Supply in City Eroding Amid Construction Standstill," which appeared in the February 8, 1970, edition of the New York Times, Mr. Oser writes of "vacant buildings, many of them solid, six-story structures—appearing in the West Bronx, in East Flatbush, in South Brooklyn, in areas of Park Slope, in additional areas of East New York and Williamsburg, and even in places on the West Side of Manhattan." And Robert Alden, in an article entitled "Crisis in Housing Demands Action," which appeared in the same edition, notes:

In other instances buildings of substance are boarded up and their entrances sealed. Although these cannot be inspected, they seem sound from the outside and their loss appears a grim waste.

One clear conclusion emerges from this situation. Something must be done. Most Federal housing programs have concentrated on the production of new housing. But there simply is not money enough to provide new housing for everyone, particularly when some of that money could be so wisely used to rehabilitate abandoned buildings, thereby meeting the housing needs of our metropolitan areas, as well as helping to stabilize and upgrade deteriorating neighborhoods.

The amendment adopted by the Senate provides an authorization of \$25 million for the purpose of making grants to demonstrate effective and prompt methods of counteracting abandonment of housing. These grants, for up to 90 percent of the net project costs, would be made to localities in which there already exist numerous abandoned structures, or in which a wave of abandonment appears to be imminent. Not more than one-third of the funds could go to any locality.

Section 505 of the Senate bill directs the Secretary of Housing and Urban Development to pursue various approaches in determining how best to combat the blight of abandonment. Thus, grants could be made to localities to acquire buildings; to repair and rehabilitate the facilities of the neighborhood—such as parks and sidewalks; to demolish unsafe structures; to establish community facilities; to rehabilitate both privately and publicly owned real property; and to establish locally controlled non-profit housing management corporations and municipal repair programs.

A particularly important component of section 505, I believe, is subsection (c), providing for the transfer of ownership to tenants or occupants of rehabilitated buildings. Subsection (c) provides in relevant part:

Subject to such conditions as the Secretary may prescribe, real property held as part of a project assisted under this section may be available to (1) a limited dividend corporation, non-profit corporation, or other approved purchaser or lessee . . .

Tenant control is essential—it is an answer to the rightful demands of tenants, and to the absentee ownership which is so deleterious.

I urge the conferees to accept section 505 of the Senate bill. It sets up a modest program—I wish a more intensive one were possible at this time—to assault a growing problem. Both the individuals and families of our inner cities will benefit, and the Department of Housing and Urban Development will benefit. The former will obtain decent housing, and the Department will obtain needed, pragmatically proved information essential for combatting the decay of our cities.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, 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. 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, pursuant to House Resolution 1271, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the amendment.

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.

MOTION TO RECOMMIT OFFERED BY
MR. BLACKBURN

Mr. BLACKBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLACKBURN. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLACKBURN moves to recommit the bill, H.R. 19436, to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Georgia.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

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

Mr. BARRETT. 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 328, nays 30, answered "present" 1, not voting 75, as follows:

[Roll No. 381]

YEAS—328

Adams	Carter	Ford,
Addabbo	Casey	William D.
Albert	Cederberg	Forsythe
Alexander	Celler	Fountain
Anderson,	Chamberlain	Fraser
Calif.	Chappell	Frelinghuysen
Anderson, Ill.	Chisholm	Frey
Anderson,	Clark	Friedel
Tenn.	Clausen,	Fulton, Pa.
Andrews,	Don H.	Fulton, Tenn.
N. Dak.	Clay	Fuqua
Annunzio	Cleveland	Gallifanakis
Arendts	Cohelan	Gallagher
Ashley	Collier	Garmatz
Ayres	Collins, Ill.	Gaydos
Baring	Colmer	Gettys
Barrett	Conable	Glaimo
Beall, Md.	Conte	Gibbons
Belcher	Conyers	Goldwater
Bell, Calif.	Corbett	Gonzalez
Bennett	Coughlin	Goodling
Betts	Cowger	Gray
Bevill	Culver	Green, Ore.
Biaggi	Daniel, Va.	Green, Pa.
Biester	Daniels, N.J.	Griffin
Bingham	Davis, Ga.	Griffiths
Blanton	Davis, Wis.	Gubser
Boggs	Delaney	Gude
Brademas	Dellenback	Hagan
Brasco	Dennis	Haley
Bray	Diggs	Halpern
Brock	Dingell	Hamilton
Brooks	Donohue	Hammer-
Broomfield	Downing	schmidt
Brotzman	Duiski	Hanley
Brown, Calif.	Duncan	Hansen, Idaho
Brown, Ohio	Dwyer	Hansen, Wash.
Broyhill, N.C.	Eckhardt	Harrington
Broyhill, Va.	Edwards, Calif.	Harsha
Buchanan	Edwards, La.	Harvey
Burke, Fla.	Eilberg	Hastings
Burke, Mass.	Erlenborn	Hathaway
Burlison, Mo.	Esch	Hawkins
Burton, Calif.	Eshleman	Hays
Bush	Evans, Colo.	Hechler, W. Va.
Byrne, Pa.	Evins, Tenn.	Heckler, Mass.
Byrnes, Wis.	Feighan	Helstoski
Cabell	Fish	Henderson
Caffery	Fisher	Hicks
Camp	Flood	Hogan
Carey	Flowers	Hollifield
Carney	Flynt	Howard

Hull	Mosher	Sikes
Hungate	Moss	Sisk
Hunt	Murphy, Ill.	Skubitz
Ichord	Myers	Slack
Jacobs	Natcher	Smith, Calif.
Jarman	Nedzi	Smith, N.Y.
Johnson, Calif.	Nelsen	Snyder
Johnson, Pa.	Nichols	Springer
Jonas	Nix	Stafford
Jones, Ala.	Obey	Staggers
Jones, N.C.	O'Hara	Stanton
Jones, Tenn.	Olsen	Steed
Karsh	Patman	Steele
Kastenmeier	Patten	Steiger, Ariz.
Kee	Pelly	Steiger, Wis.
Keith	Pepper	Stephens
Kleppe	Perkins	Stokes
Koch	Phillbin	Stratton
Kuykendall	Pike	Stubblefield
Kyl	Pirnie	Stuckey
Kyros	Poage	Symington
Latta	Podell	Taft
Leggett	Poff	Taylor
Lennon	Preyer, N.C.	Teague, Calif.
Lloyd	Price, Ill.	Teague, Tex.
Long, Md.	Pryor, Ark.	Thompson, N.J.
Lowenstein	Pucinski	Thomson, Wis.
Lukens	Quie	Tiernan
McCarthy	Rallsback	Udall
McClory	Randall	Ullman
McCulloch	Rees	Van Deerlin
McDade	Reid, Ill.	Vander Jagt
McDonald,	Reid, N.Y.	Vanik
Mich.	Reifel	Vigorito
McEwen	Reuss	Waggoner
McFall	Rhodes	Wampler
McKneally	Riegle	Watts
Macdonald,	Roberts	Weicker
Mass.	Rodino	Whalen
Madden	Roe	Whalley
Mahon	Rogers, Colo.	White
Mailliard	Rogers, Fla.	Whitehurst
Mann	Rooney, N.Y.	Whitten
Marsh	Rooney, Pa.	Widnall
Mathias	Rosenthal	Williams
Matsunaga	Rostenkowski	Wilson, Bob
Mayne	Roth	Wilson,
Meeds	Roybal	Charles H.
Melcher	Ruppe	Winn
Mikva	Ruth	Wold
Miller, Calif.	Ryan	Woff
Mills	St Germain	Wylie
Minish	Sandman	Wyman
Mink	Satterfield	Yates
Minshall	Schadeberg	Yatron
Mizell	Scherle	Young
Mollohan	Scheuer	Zablocki
Monagan	Schneebell	Zion
Moorhead	Schwengel	Zwack
Morgan	Scott	
Morse	Shipley	

NAYS—30

Abernethy	Derwinski	Martin
Andrews, Ala.	Devine	May
Ashbrook	Dickinson	Michel
Blackburn	Edwards, Ala.	Miller, Ohio
Bow	Findley	Mize
Brinkley	Gross	Montgomery
Burleson, Tex.	Hall	O'Neal, Ga.
Clawson, Del.	Hosmer	Passman
Crane	Huthinson	Rousselot
Denney	Landgrebe	Schmitz

ANSWERED "PRESENT"—1

Quillen

NOT VOTING—75

Abbutt	Ford, Gerald R.	Pickle
Adair	Foreman	Pollock
Aspinall	Gilbert	Powell
Berry	Grover	Price, Tex.
Blatnik	Hanna	Purcell
Boland	Hébert	Rarick
Bolling	Horton	Rivers
Brown, Mich.	Kazen	Robison
Burton, Utah	King	Roudebush
Button	Kluczynski	Saylor
Clancy	Landrum	Sebelius
Collins, Tex.	Langen	Shriver
Corman	Long, La.	Smith, Iowa
Cramer	Lujan	Sullivan
Cunningham	McCloskey	Talcott
Daddario	McClure	Thompson, Ga.
de la Garza	McMillan	Tunney
Dent	MacGregor	Waldie
Dorn	Meskill	Ware
Dowdy	Morton	Watson
Edmondson	Murphy, N.Y.	Wiggins
Fallon	O'Konski	Wright
Farbstein	O'Neill, Mass.	Wyatt
Fascell	Ottinger	Wyder
Foley	Pettis	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Raab against.

Until further notice:

Mr. Hébert with Mr. Adair.
Mrs. Sullivan with Mr. Gerald R. Ford.
Mr. Edmondson with Mr. Clancy.
Mr. Blatnik with Mr. Grover.
Mr. Abbitt with Mr. Berry.
Mr. Kluczynski with Mr. Brown of Michigan.
Mr. Turphy of New York with Mr. Pettis.
Mr. Dorn with Mr. Burton of Utah.
Mr. Dent with Mr. Ware.
Mr. Daddario with Mr. Meskill.
Mr. Pickle with Mr. Collins of Texas.
Mr. Fascell with Mr. Button.
Mr. Foley with Mr. Foreman.
Mr. Purcell with Mr. Talcott.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Landrum with Mr. Thompson of Georgia.

Mr. W. J. J. with Mr. Horton.
Mr. Wright with Mr. Cunningham.
Mr. Aspinall with Mr. King.
Mr. Corman with Mr. Wiggins.
Mr. Hanna with Mr. Lujan.
Mr. Rivers with Mr. Robison.
Mr. Smith of Iowa with Mr. Saylor.
Mr. McMillan with Mr. Sebelius.
Mr. Boland with Mr. Wyder.
Mr. de la Garza with Mr. Price of Texas.
Mr. Dowdy with Mr. Watson.
Mr. Fallon with Mr. Morton.
Mr. Farstein with Mr. Wyatt.
Mr. Kazen with Mr. Langen.
Mr. Tunney with Mr. Shriver.
Mr. Ottinger with Mr. McCloskey.
Mr. McClure with Mr. O'Konski.
Mr. Gilbert with Mr. Pollock.
Mr. Roudebush with Mr. MacGregor.

Mr. DICKINSON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the bill (S. 4368) to extend and amend laws relating to housing and urban development, and for other purposes, a bill similar to H.R. 19436 which was just passed by the House, and ask for its immediate consideration.

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

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I did not understand the explanation given by our distinguished colleague from Pennsylvania (Mr. BARRETT) and I would like to ask him to repeat his explanation of what he is doing.

Mr. BARRETT. I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the bill (S. 4368) to extend and amend laws relating to housing and urban development, and for other purposes, a bill similar to H.R. 19436, just passed by the House, and ask for its immediate consideration.

Mr. WILLIAMS. In other words, all you are suggesting is that we take the necessary steps to authorize the con-

ference of the House to go to conference supporting the Stephens substitute.

Mr. BARRETT. That is correct.

Mr. WILLIAMS. In that case, Mr. Speaker, I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, I object.

GENERAL LEAVE TO EXTEND

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill H.R. 19436.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will state that there is further legislative business to come before the House.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE A REPORT ON H.R. 19888 UNTIL MIDNIGHT TOMORROW

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tomorrow to file a report on H.R. 19888.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to have the gentleman repeat his request.

The SPEAKER. Will the gentleman from Kentucky take the microphone?

Mr. HALL. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE A REPORT ON H.R. 19885 UNTIL MIDNIGHT SATURDAY

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday to file a report on the bill H.R. 19885.

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

There was no objection.

AUTHORIZING ENROLLING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 19436, THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that in the engrossment of the House bill, H.R. 19436, the enrolling clerk may make such changes in section numbers and cross references and such other technical and conform-

ing changes, as may be necessary to reflect the action of the House.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 19855, DISTRICT OF COLUMBIA REVENUE, ON WEDNESDAY OR ANY FOLLOWING DAY NEXT WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it shall be in order, on Wednesday or any following day next week, to call up for consideration under the general rules of the House the bill (H.R. 19855) to provide additional revenue for the District of Columbia, and for other purposes.

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

There was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, I was unavoidably absent on rollcall 381 on the bill just passed. If I had been present, I would have voted "yea."

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT, DECEMBER 4, TO FILE REPORTS ON HOUSE RESOLUTION 1282 AND S. 4187

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Friday, December 4, to file reports on House Resolution 1282, support for efforts made to rescue American prisoners of war incarcerated in North Vietnam, and on S. 4187, to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

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

There was no objection.

CONFERENCE REPORT ON H.R. 10634, STATE INCOME TAX WITHHOLDING FOR INTERSTATE TRANSPORTATION EMPLOYEES

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence:

CONFERENCE REPORT (H. REPT. NO. 91-1666)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10634). To amend the Interstate Commerce

Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"Sec. 26. (a) No part of the compensation paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee (1) who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, or (2) who is engaged principally in maintaining roadways, signals, communications, and structures or in operating motor-trucks out of railroad terminals in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this subsection.

"(b) (1) For the purposes of subsection (a) (1), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

"(2) For the purposes of subsection (a) (2), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.

"(c) For the purposes of this section the term 'State' also means the District of Columbia; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

Sec. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after "Nothing in this part" a comma and the following: "except as provided in section 226A."

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"Sec. 226A. (a) No part of the compensation paid by any motor carrier subject to the provisions of this part, or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivisions of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence, and the State or subdivision for which the withholding of such tax has been required under this subsection.

"(b) For the purposes of subsection (a), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

"(c) For the purpose of this section the term 'State' also means any possession of the United States or the Commonwealth of Puerto Rico; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

Sec. 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 324 as section 325 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM REPORTING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"Sec. 324. (a) No water carrier subject to the provisions of this part nor any water carrier or class of water carriers operating on inland or coastal waters under an exemption provided therein shall file any information return or other report for income tax purposes with respect to the compensation paid to any employee who performs his regularly assigned duties as an employee of such carrier in more than one State with any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision in which such employee earned more than 50 per centum of the compensation paid him by such carrier during the preceding calendar year. The provisions of this section shall also apply with respect to the compensation paid to any master, officer, or seaman who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal or noncontiguous trade or in the fisheries of the United States.

"(b) For the purposes of subsection (a), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the time worked by him in such State or subdivision is more than 50 per centum of

the total time worked by him in the calendar year while so employed.

"(c) For the purpose of this section the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 324. Separability of provisions."

and inserting in lieu thereof:

"Sec. 324. Exemption of certain compensation of employees from reporting for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned.

"Sec. 325. Separability of provisions."

Sec. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

"EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

"Sec. 1112. (a) No part of the compensation paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this subsection.

"(b) For the purposes of subsection (a), an employee shall be deemed to have earned 50 per centum of his compensation in any State or subdivision in which his scheduled flight time in such State or subdivision is more than 50 per centum of his total scheduled flight time in the calendar year while so employed.

"(c) For the purposes of this section the term 'State' also means the District of Columbia and any of the possessions of the United States; and the term 'compensation' shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Title XI—Miscellaneous" is amended by adding at the end thereof the following:

Sec. 1112. Exemption of certain compensation of employees from withholding for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned."

Sec. 5. The amendments made by this Act shall become effective on the first day of the

first calendar year beginning after the date of enactment of this Act.

SEC. 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or other circumstances shall not be affected thereby.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the House bill, insert the following: "An Act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain compensation of employees from withholding for income tax purposes under the laws of the States or subdivisions thereof other than the State or subdivision of residence or the State or subdivision wherein more than 50 per centum of compensation is earned, and for other purposes."

And the Senate agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
SAMUEL DEVINE,
DAN KUYKENDALL,

Managers on the Part of the House.

WARREN G. MAGNUSON,
VANCE HARTKE,
HOWARD W. CANNON,
WINSTON PROUTY,
HOWARD BAKER, Jr.,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill, with an amendment which is a substitute for both the title of the House bill and the Senate amendment to the title of the House bill.

The differences between the text of the House bill and the substitute agreed to in conference are noted below, except for clerical corrections, and minor drafting and clarifying changes.

MULTIPLE TAX LIABILITY

The House bill dealt only with the withholding and reporting for income tax purposes of compensation paid to transportation employees. The subject of tax liability has been considered in another bill which passed the House of Representatives on June 25, 1969, after being reported from the Committee on the Judiciary (see H.R. 7906, 91st Congress, 1st Session).

The Senate amendment provided that the tax liability of transportation employees should be limited to not more than two States, the State of the employee's residence and the State wherein the employee earned more than 50 percent of his compensation.

The conference substitute follows the House bill and omits any reference to tax liability.

MULTIPLE WITHHOLDING

The House bill provided that only the State of the employee's residence should be permitted to require withholding for income tax purposes.

The Senate amendment provided that the State in which the employee earned more than 50 percent of his compensation could require withholding for income tax purposes, except that, if he did not earn more than 50 percent of his compensation in any one State, then the State of his residence could require withholding for income tax purposes.

The conference substitute follows the Senate amendment and permits either the State in which the employee earned more than 50 percent of his compensation or the State of his residence to withhold for income tax purposes.

FILING INFORMATION RETURNS

The House bill provided that only the State of the employee's residence could require the filing of information returns for income tax purposes.

The Senate amendment provided that both the State of the employee's residence and the State in which he earned more than 50% of his compensation could require the filing of information returns for income tax purposes.

The conference substitute follows the Senate amendment.

COVERAGE OF TRANSPORTATION EMPLOYEES

I. The House bill did not cover certain employees of water carriers operating under exemptions contained in part III of the Interstate Commerce Act (such as barge operators operating under the exemption contained in section 303(b) of such Act).

The Senate amendment provided that employees of water carriers operating under the exemptions referred to above should be covered.

The conference substitute follows the Senate amendment.

II. The House bill provided that employees of fishing vessels and vessels engaged in intercoastal and coastwise trade should be covered.

The Senate amendment did not cover such employees.

The conference substitute follows the House bill.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
SAMUEL L. DEVINE,
DAN KUYKENDALL,

Managers on the Part of the House.

PERMISSION TO FILE A CONFERENCE REPORT ON S. 3418, FAMILY PHYSICIANS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have permission to file a conference report until midnight tonight on the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family

medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped.

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

There was no objection.

PERMISSION TO FILE A CONFERENCE REPORT ON S. 2108, FAMILY PLANNING

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on 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.

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

There was no objection.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1411) correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970, 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 15, insert:

"(6) The last sentence of section 134(c) of the Legislative Reorganization Act of 1946, as amended by section 117(a) of the Legislative Reorganization Act of 1970, is amended by striking out 'paragraph 5' and inserting in lieu thereof 'paragraph 7.'"

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

Mr. SMITH of California. Mr. Speaker, reserving the right to object—and I shall not object, because the distinguished gentleman from California (Mr. Sisk) and I both know this is the last time we will have to correct these errors in the reorganization bill—will the gentleman explain that we have had to rewrite something?

Mr. SISK. I appreciate the gentleman's question. This has to do with a paragraph number in connection with an amendment in the other body. The other body apparently found an error and has passed the necessary language, and we seek to do so likewise.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CERTAIN ALLOWANCES OF MEMBERS, OFFICERS, AND STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PEPPER. Mr. Speaker, on behalf of the distinguished gentleman from Massachusetts (Mr. O'NEILL), and by direction of the Committee on Rules, I call up House Resolution 1272 and ask for its immediate consideration.

The Clerk read the resolution as follows:

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 or without instructions.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. PEPPER. Mr. Speaker, House Resolution 1272 provides an open rule with 1 hour of general debate for consideration of House Resolution 1147 relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and all points of order are waived against sections 2(a) and 3(a) of the resolution because they require the payment of certain funds without an appropriation.

The purpose of House Resolution 1147 is to permit a Member, upon leaving the service of the House of Representatives and who is not eligible for an immediate annuity under the retirement laws, to retain health and life insurance benefits he had as a Member. The resolution also allows him to qualify for admission to Government hospitals in addition to continuing his life insurance and health benefits plans available in the Government's programs. Incorporated within the resolution are certain criteria which must be met by the former Member be-

fore he can avail himself of the programs contained in the resolution.

The three sections in the resolution pertain, respectively, to hospital admissions, retention of health insurance, and retention of life insurance, by former Members of the House.

With respect to hospital admission to former Members, no costs will accrue to the Government because of the provision in the resolution requiring payment by the former Member of the standardized daily rate for hospital care and treatment.

In connection with the health and life insurance segments of the resolution, costs for the programs will be minimal. It is anticipated that of those Members having 6 or more years of service, an average of 26 per year will leave the service of the House. This figure is predicated on average Member turnover per year covering the last six Congresses. It is estimated that annual expenditures for the programs by the Government will approximate \$10,000.

Mr. Speaker, I urge the adoption of House Resolution 1272 in order that House Resolution 1147 may be considered.

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

Mr. Speaker, in my opinion the distinguished gentleman from Florida (Mr. PEPPER) has adequately explained the resolution and the resolution which this resolution will provide can be considered for 1 hour.

I concur in the gentleman's remarks, and I urge the adoption of the rule.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FRIEDEL. 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 resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes.

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 resolution (H. Res. 1147) with Mr. MCFALL in the chair.

The Clerk read the title of the resolution.

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

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. FRIEDEL) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. DICKINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. FRIEDEL).

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

The purpose of House Resolution 1147 is to allow a Member, upon leaving the

service of the House of Representatives, to retain health and life insurance benefits he had as a Member. The resolution also allows former Members to qualify for admission to Federal Government hospitals.

To become eligible for the provisions of this resolution, a former Member must have at least 6 years of continuous or intermittent Federal service and his last service must have ended as a Member of the House.

In connection with hospital admissions, we are going to offer an amendment which eliminates the reference to hospitals of the Veterans' Administration.

With respect to hospital admissions, it will not cost the Government one penny. The Member pays for his daily hospitalization, whatever it may be. If he goes to Bethesda, it will be \$58 per day and he pays that.

However, under sections 2 and 3, where a Member will be able to have his health insurance and life insurance continue, costs to the Government if it went into effect today would be \$7,000 a year. Beginning next year, because of the increased contributions of the Federal Government, it will cost about \$10,000 a year.

That is the whole purpose of the resolution. It is a good resolution. It is much needed.

I assure you I never dreamed for 1 minute when I introduced this resolution I would be one of the former Members involved. I thought I would still be a Member of the House.

This is a much needed resolution. I am very much in favor of it, and I recommend it be adopted.

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

Mr. FRIEDEL. I yield to the gentleman.

Mr. HALL. I would like to join with the gentleman in saying that I never dreamed for one instant that he would be a beneficiary at any time of this legislation and express my personal regrets that he finds himself in that unhappy position. I know it was out of the greatness of his heart that he allowed himself to drift into this position, because he and I have spoken about his dilemma personally. However, having associated myself with affection with the gentleman's lucid declarations of intent and his exemplary postulation of bills on the floor and even realizing that this is his swansong, I rise with great temerity to ask him a few delving questions about the content of the resolution.

Mr. Chairman, with the permission of the gentleman and with the greatest respect and personal friendship in my heart, my first question is where are the departmental reports in his outstanding committee report? I ask that because obviously this will affect the Veterans' Administration, it is going to affect the armed services, it is going to affect the U.S. Public Health Service. I think we, as a Committee of the Whole House on the State of the Union, have a great right to know whether or not they feel that the staff, after this onslaught of similarly graciously retired gentlemen to

these various hospitals throughout the length and breadth of the land, will be sufficient.

Mr. FRIEDEL. Mr. Chairman, I would like to say first that I want to thank the distinguished gentleman from Missouri for the very kind remarks which he has made in my behalf. I will state further to the gentleman that we have an amendment that will remove Veterans' Administration hospitals from the provisions of the resolution.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I could not hear the gentleman's usual lucid tongue awhile ago because of noise in the House when the gentleman explained what his amendment was going to be.

Do I understand that unless we have a veterans rating or service-connected or non-service-connected disability just because we are former Members, if his amendment is adopted, we will not be able to go en masse into veterans hospitals; is that correct?

Mr. FRIEDEL. That is correct.

Mr. HALL. What does the gentleman mean when he says it will clear it up?

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

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

Mr. THOMPSON of New Jersey. The original legislation had in it a provision that veterans hospitals could be used. That was stripped out. These are public health hospitals.

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

Mr. FRIEDEL. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, the veterans hospitals are not included. With respect to departmental reports, I might remind my distinguished friend from Missouri that with reference to housekeeping matters relating only to ourselves in the House of Representatives it is not and has not been the custom to ask for departmental reports.

Mr. HALL. Would the distinguished gentleman from New Jersey yield?

Mr. THOMPSON of New Jersey. Yes; I yield to the gentleman from Missouri.

Mr. HALL. I appreciate my warm-blooded friend's explanation, but this does not relate just to Members of the House. This relates to those on whom we will impinge ourselves by legislative action and, therefore, I think departmental reports as to their capability are necessary. Indeed, Public Law 910 requires that any report involving new legislation must list not only the money expended but the personnel used. Therefore, this resolution does not comply with that law.

Mr. FRIEDEL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to try to clear this up as I understand the resolution. Once we adopt the amendment, it will be clear that we will not be permitted to go to veterans hospitals. As a Member of Congress now you can only go on a space-available basis. The same thing will be true for any former Member, on a space-available basis. If they do not have it, we do not get it.

Mr. HALL. And Members would have to pay their way in accordance with the going rates?

Mr. FRIEDEL. That is correct. If the rate is \$59 a day or \$80 a day, the Members would have to pay that.

Mr. HALL. The Members will not be entitled to veterans preference or benefits which ordinarily are reserved by a grateful Government for those who have participated in the defense of their country. In other words, under this resolution will they be able to enter a Public Health Service hospital or a military hospital operated by the armed services on a space-available basis?

Mr. FRIEDEL. Yes.

Mr. HALL. Is the gentleman not worried that if this legislation passes we are establishing a precedent and all other Government employees will demand the same right that we as legislators have by voting ourselves into these various hospitals?

Mr. FRIEDEL. Personally, I do not think so. Although that possibility did occur to me, they have not done so during all the years when Members of the Congress were accepted at Bethesda and Walter Reed. Nobody raised a furor about that.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I rise to express my utter amazement at this last-minute effort in the form of House Resolution 1147 to feather the nests of former Members of the House. And, speaking of feathers, this resolution emphasizes that this is a lameduck session of the Congress. You can hear the squawks of the ducks and see the feathers flying in this resolution.

I am at a loss, Mr. Chairman, to perceive any possible justification for this raid on the Treasury. It is simply an effort to give bonuses to former House Members above and beyond the lucrative benefits to which they are already entitled.

According to the committee report on House Resolution 1147, the purpose of this measure is to permit a Member, upon leaving the House of Representatives and who is not eligible for an immediate annuity under the retirement laws, to retain the health and life insurance benefits he had as a Member, and to further qualify him for admission to Government hospitals. Government hospitals, under the language of this resolution, include the U.S. Armed Forces hospitals, Veterans' Administration hospitals, and Public Health Service hospitals.

This proposed bonanza for hospital care not only runs counter to existing law, but it piles inequity upon inequity.

First of all, Veterans' Administration Hospitals are for veterans of military service. The priorities for admission are: First, those veterans for treatment of conditions upon which service-connected compensation is based—

Mr. HAYS. Mr. Chairman, will the gentleman yield on that point?

Mr. GROSS. In just a moment I will yield to the gentleman.

Second, those veterans for treatment of conditions unrelated to their service-connected disabilities; and

Third, needy veterans having no compensable disabilities. Nonveterans may be treated in cases of emergency or other unusual circumstances.

Now I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to inform the gentleman from Iowa that there will be a committee amendment, which was unanimously agreed to, to strike the veterans hospitals from this, so there is no use wasting our time on that.

Mr. GROSS. Mr. Chairman, I would say to the gentleman from Ohio that I am dealing with House Resolution 1147, and not with some proposed amendment.

The amendment has not been adopted. The House might see fit not to adopt it. And I think it ought to be explained to the House what takes place if the amendment is not agreed to. I am a little surprised that the committee put Veterans' Administration hospitals in the resolution in the first place.

The irony of this resolution is that it would make former House Members, who are nonveterans, eligible for veterans hospital care, which is denied incumbent Members of the House who are nonveterans. I am not advocating that this privilege be extended either to former or incumbent Members of the House, but I do point out the inconsistency to highlight the absurdity of this resolution.

Further, this resolution deals only with former Members of the House, and does nothing for former Members of the other body of Congress—not that I am so much concerned about them, but some of whom may also wish to indulge in the delicacies of this particular brand of Christmas turkey.

It is my understanding that under general authority the Department of the Navy is to be responsible for the hospital care and treatment of Members of Congress. This resolution goes a step further by creating a legal entitlement for all former Members of the House to hospital care in all Armed Forces hospitals.

Mr. Chairman, the two other provisions in this resolution are equally brazen in carving out special treatment for individuals who served the absolute minimum as a Member of the House of Representatives.

These provisions allow a departed House Member, if he does not yet qualify for an immediate annuity, to continue under the Federal life insurance and health benefits program, just as though he were still a Member of the House. Aside from the fact of whether or not this is justified, I submit that if any changes in the laws governing Federal employees' life insurance and health benefits programs are to be considered, such proposals properly belong before the Committee on Post Office and Civil Service.

But be that as it may, any ordinary Federal employee who leaves the Federal service prior to his entitlement to any immediate annuity is not treated so lav-

ishly as this resolution treats former House Members. The only advantage such persons have on leaving the Federal service is that they can convert their life and health insurance to private plans without taking a physical examination, and so they have to shop around for health and life insurance coverage. By what criteria is a departed Member of the House of Representatives entitled to superior treatment?

Mr. Chairman, so far as I can ascertain from the committee report on House Resolution 1147, there were no public hearings nor were the views of any administrative agencies solicited. There is no record of justification for a resolution of this sort and we would do a disservice to the House of Representatives itself by foisting on the public this self-serving package.

Mr. Chairman, I urge the rejection of House Resolution 1147 and suggest that it be committed to limbo where it properly belongs.

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

Mr. GROSS. I yield to my friend.

Mr. ANDREWS of Alabama. Does the gentleman have any guess as to how many former Members of the Congress are now living in the Washington area?

Mr. GROSS. I will say to the gentleman that I did not produce this monstrosity and the report provides no information on that score.

Mr. ANDREWS of Alabama. Well, I think there are enough to overflow Bethesda Naval Hospital and Walter Reed Army Hospital if this bill becomes law.

Mr. GROSS. I thank the gentleman for his observation, and agree with him.

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

Mr. GROSS. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I would point out insofar as the bill is written, the one we have under consideration, it applies not only in the metropolitan area of the Greater District of Columbia and Washington, D.C., but the length and breadth of the land and, indeed, all around the world where we might have installations.

Second, I would like to ask a question—if the gentleman has divined from the bill itself or the report—or if he has any idea, from his usual excellent intelligence apparatus, as to whether or not this would apply to the Old Soldiers' Home?

Mr. GROSS. It would apply to any Government operated hospital.

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

Mr. GROSS. I yield to the gentleman.

Mr. BYRNES of Wisconsin. The gentleman referred to former Members. I agree that the bill, as reported to the House relates to former Members but they are entitled to these benefits only if they are a Member of the 91st Congress, or some subsequent Congress.

Members who, let us say, retired or were defeated 2 years ago are not eligible to these benefits as I understand it. It is only those from this Congress and from hereon. That certainly is also discriminatory.

I also cannot understand how the committee calculated the cost as contained in the committee report when they use only 1 year. As I understand it, that

may be the cost for the first year or two of \$10,000, as the gentleman suggests, but let us remember that this subsidization of health insurance is going to be cumulative and that will continue as long as the individual participates in the subsidized health insurance and each year or each 2 years there will be additional Members eligible for this insurance.

The cost has to be figured on a cumulative basis and, certainly, that is not done in this report.

I concur entirely with the judgment of the gentleman from Iowa. There is no justification for this legislation. It should be soundly defeated.

Mr. GROSS. I thank the gentleman.

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

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported resolution as an original resolution for the purpose of amendment.

The Clerk read as follows:

H. RES. 1147

Resolved, That (a) a former Member of the House shall be entitled to medical and hospital care, treatment, and services in hospitals of the United States Armed Forces, where appropriate medical and hospital facilities are available, to the same extent and on the same basis as Members of the House of Representatives.

(b) A former Member of the House shall be deemed to meet eligibility requirements for admission to, and shall be entitled to medical and hospital care, treatment, and services in, hospitals of the Veterans' Administration and of the Public Health Service. The charge for such hospital care shall be in accord with the standardized rates as prescribed by the Office of Management and Budget. This subsection shall not be construed to be in lieu of any greater benefit to which any such former Member is entitled under any other provision of law.

(c) For the purposes of this section, "former Member of the House" means a person—

(1) who shall have held the office of Member of the House of Representatives or of Resident Commissioner from Puerto Rico but is not an incumbent in such office; and

(2) whose last service in the Federal Government shall have ended, other than by expulsion, before, on, or after the date of enactment of this section as permanent law, while he held the office of Member of the House of Representatives or Resident Commissioner from Puerto Rico, after he has performed an aggregate of at least six years of continuous or intermittent service in the Federal or District of Columbia Government (active service, as defined in section 101 of title 37, United States Code, relating to the Armed Forces, service as a Member of the House, and civilian service other than as a Member of the House).

(d) This section shall be effective on and after the date of its enactment as permanent law.

SEC. 2. (a) A former Member of the House who is not an "annuitant" as defined by section 8901(3)(A) of title 5, United States Code, may elect to continue, for those periods in which he is not eligible for coverage under chapter 89 of such title as an "employee" as defined by section 8901 of such title, his health benefits enrollment under such chapter, by filing with the Sergeant at Arms of the House of Representatives within thirty days immediately following his separation from the service as a Member of the House, his written notice to that effect. A former Member making such election shall

transmit to the Sergeant at Arms of the House of Representatives his employee contributions under chapter 89 of title 5, United States Code, on a quarterly or semiannual basis as the Sergeant at Arms shall prescribe. The Sergeant at Arms shall transmit these employee contributions and, in addition, the Government contributions which would be payable if the former Member were in a pay status as a Member of the House, to the Employees Health Benefits Fund. The Government contributions shall be paid out of the appropriation or fund used to pay the salaries of Members of the House.

(b) For the purposes of this section—

(1) "Member of the House" means a Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(2) "former Member of the House" and "former Member" means a person—

(A) who shall have held the office of Member of the House of Representatives or of Resident Commissioner from Puerto Rico but is not an incumbent in such office; and

(B) whose last service in the Federal Government shall have ended, other than by expulsion, on or after the date of adoption of this resolution while he held the office of Member of the House of Representatives or Resident Commissioner from Puerto Rico, after he has performed an aggregate of at least six years of continuous or intermittent service in the Federal or District of Columbia Government (active service, as defined in section 101 of title 37, United States Code, relating to the Armed Forces, service as a Member of the House, and civilian service other than as a Member of the House).

(c) This section shall be effective on and after the date of its enactment as permanent law.

SEC. 3. (a) A former Member of the House who is not within the purview of section 8706(b) of title 5, United States Code, may elect, in lieu of conversion to an individual policy of life insurance under section 8706(a) of such title, for those periods for which he is not eligible for coverage under chapter 87 of such title as an "employee" as defined by section 8701 of such title, to have his group life insurance and group accidental death and dismemberment insurance continued, on the same basis as if he were in a pay status as a Member of the House, until he attains the age of sixty years or until he becomes entitled to a deferred retirement annuity under section 8338(b) of title 5, United States Code, whichever is later, by filing with the Sergeant at Arms of the House of Representatives within thirty days immediately following his separation from the service as a Member of the House, his written notice to that effect. A former Member making such election shall transmit to the Sergeant at Arms of the House of Representatives his employee contributions under chapter 87 of title 5, United States Code, on a quarterly or semiannual basis as the Sergeant at Arms shall prescribe. The Sergeant at Arms shall transmit these employee contributions and, in addition, the Government contributions which would be payable if the former Member were in a pay status as a Member of the House, to the Employees' Life Insurance Fund. The Government contribution shall be paid out of the appropriation or fund used to pay the salaries of Members of the House. When any such former Member becomes entitled to a deferred retirement annuity under section 8338(b) of title 5, United States Code, he shall be entitled to have his life insurance coverage continued on the same insurance cost and reduction basis as is provided by section 8706(b) of title 5 United States Code. The Sergeant at Arms promptly shall transmit a copy of the written election notice of a former Member under this section to the United States Civil Service Commission, which shall prescribe special regulations to carry out this section.

(b) For the purposes of this section "Member of the House", "former Member of the House", and "former Member" have the meanings provided by section 2(b) of this resolution.

(c) This section shall be effective on and after the date of its enactment as permanent law.

Mr. FRIEDEL (during the reading). I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENTS OFFERED BY MR. FRIEDEL TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. FRIEDEL. Mr. Chairman, I offer three committee amendments.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Amendments offered by Mr. FRIEDEL to the committee amendment in the nature of a substitute: On page 9, line 15, strike out "Veterans' Administration and of the".

On page 12 strike out lines 12 through 24 and insert in lieu thereof the following:

"SEC. 3. (a) A former Member of the House, whether or not within the purview of section 8706(b) of title 5, United States Code, may elect, in lieu of conversion to an individual policy of life insurance under section 8706(a) of such title, for those periods for which he is not eligible for coverage under chapter 87 of such title as an "employee" as defined by section 8701 of such title, to have his group life insurance and group accidental death and dismemberment insurance continued, on the same basis as if he were in a pay status as a Member of the House, by filing, with the Sergeant at Arms of the "

On page 13, line 13, strike out the word "When" and all that follows down through the period on line 18.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. FRIEDEL. Mr. Chairman, the first amendment would strike out reference to the Veterans' Administration all the way through the resolution. The other two amendments are technical amendments, relating to a Member's payment for life insurance. This would apply from the 91st Congress on. I would like to mention that the cost would be, if it were to pass, about \$7,000. The next year it would run around \$10,000. To arrive at that figure we went back to the last six Congresses and found that there was an average of 52 turnovers in each Congress, which comes to 26 a year. There are almost that many deaths of former Members. So, with 26 Members, the additional cost would run approximately \$10,000 a year.

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

Mr. FRIEDEL. I yield to the gentleman from Massachusetts.

Mr. KEITH. Do your figures, as far as cost is concerned, take into consideration the increased age of the group? By keeping these Members who are retired in a group, you would increase the cost to the other Members. You would have increased the premium for the group as a whole.

Mr. FRIEDEL. The premium cost is not based on a particular group, but is predicated on the number of participating Federal employees covered by each of the various insurance carriers.

Mr. KEITH. Yes, but it would be an increased cost to those of us who are in the Congress to support that.

Mr. FRIEDEL. No.

Mr. KEITH. I want to say, Mr. Chairman, I really cannot go along with the amendment that we have before us today.

Mr. HAYS. Mr. Chairman, I have been advised by the staff that made a study of this that that is not true. It would not increase the cost.

Let me say one other thing lest and before the idea gets around that a Member is going to get into one of these hospitals for nothing. He is going to pay, or his insurance, if he has insurance, is going to pay whatever the rate is set by the General Accounting Office as the cost of a stay in a Government hospital, a military hospital. When I first came here it was \$17 a day. At the last account I had of it, it was either \$57 or \$59 a day.

So this is not a free ride. The Member has to pay, or if he does not pay, if he has insurance, that would pay it.

Mr. KEITH. It is not the cost to the balance of the House that concerns me, if the gentleman will yield. It is the fact that once we serve as a Member and serve sufficiently to qualify, from that time when we have served until age 60, we have insurance without any qualification, without medical examination, and it is an advantage to have, but it seems to me all other Federal employees would be asking for it on the next go-round in the labor negotiations.

Mr. HAYS. With the way the thing is set up and with the new postal corporation, and with the history of labor negotiations, labor is going to get whatever they ask anyway, so I would not get too upset over that.

Mr. KEITH. I do not think we should lead the way.

Mr. HAYS. I do not think we are leading the way. I think we are lagging behind.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland (Mr. FRIEDEL).

The amendments were agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, 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. McFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 1147) relating to certain allowances of Members, officers, and standing committees of the House of Representatives, and for other purposes, pursuant to House Resolution 1272, he reported the resolution back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

CALL OF THE HOUSE

Mr. DINGELL. 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. 382]

Abbt	Ford, Gerald R.	Pollock
Adair	Foreman	Powell
Addabbo	Fulton, Tenn.	Price, Tex.
Ashbrook	Gilbert	Purcell
Ashley	Griffiths	Quillan
Aspinall	Grover	Rarick
Baring	Gubser	Reid, N.Y.
Barrett	Halpern	Rivers
Berry	Hanna	Robison
Blatnik	Harsha	Roe
Boland	Hébert	Roth
Bolling	Heckler, Mass.	Roudebush
Brasco	Hogan	Rousselot
Brook	Horton	St Germain
Brooks	Hull	Sandman
Broomfield	Hunt	Saylor
Brotzman	Jarman	Scheuer
Brown, Calif.	Johnson, Pa.	Sebelius
Brown, Mich.	Kazen	Shriver
Burton, Utah	King	Smith, Calif.
Button	Kluczynski	Smith, Iowa
Byrne, Pa.	Koch	Snyder
Celler	Landrum	Springer
Chisholm	Langen	Sullivan
Clancy	Long, La.	Taft
Clark	Lujan	Talcott
Cohelan	McCloskey	Teague, Tex.
Collins, Tex.	McClure	Thompson, Ga.
Corbitt	McDonald,	Tieman
Corman	Mich.	Tunney
Cowger	McMillan	Vander Jagt
Cramer	MacGregor	Waggonner
Cunningham	Martin	Walde
Daddario	May	Ware
de la Garza	Meskill	Watson
Delaney	Mize	Weicker
Dent	Mollohan	Whitten
Devine	Morgan	Whitell
Diggs	Morton	Wiggins
Dorn	Mosher	Wilson, Bob
Dowdy	Murphy, N.Y.	Wilson,
Dwyer	Nichols	Charles H.
Edmondson	O'Konski	Wold
Edwards, La.	O'Neill, Mass.	Wright
Evans, Colo.	Ottinger	Wyatt
Fallon	Patman	Wydler
Farbstein	Patten	Wylie
Fascell	Pelly	Zion
Findley	Pettis	Zwach
Fish	Pickle	

The SPEAKER. On this rollcall 286 Members have answered to their names, a quorum.

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

CERTAIN ALLOWANCES OF MEMBERS, OFFICERS, AND STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. The question is on the resolution, as amended.

MOTION TO RECOMMIT OFFERED BY MR. KYL

Mr. KYL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. KYL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KYL moves to recommit House Resolution 1147 to the Committee on House Administration.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the resolution, as amended.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 194, answered "present" 1, not voting 150, as follows:

[Roll No. 383]

YEAS—89

Abernethy	Fraser	Matsunaga
Albert	Frelinghuysen	Melcher
Anderson,	Friedel	Miller, Calif.
Calif.	Fulton, Pa.	Mink
Anderson,	Gallagher	Moss
Tenn.	Garmatz	Murphy, Ill.
Annunzio	Gibbons	Nedzi
Bingham	Gonzalez	O'Hara
Blanton	Gray	Olsen
Boggs	Gruber	Fassman
Bow	Hansen, Idaho	Pepper
Brademas	Hansen, Wash.	Philbin
Brooks	Harrington	Podell
Burke, Fla.	Hathaway	Price, Ill.
Burke, Mass.	Hawkins	Pucinski
Burton, Calif.	Hays	Rees
Carey	Hechler, W. Va.	Reifel
Carney	Helstoski	Rogers, Colo.
Clay	Hicks	Rooney, N.Y.
Collins, Ill.	Hollifield	Rooney, Pa.
Conyers	Howard	Rosenthal
Daniels, N.J.	Johnson, Calif.	Rostenkowski
Davis, Ga.	Jones, N.C.	Roybal
Dingell	Kee	Ryan
Eckhardt	Landgrebe	Sisk
Edwards, Calif.	Lennon	Steed
Eilberg	Lowenstein	Steiger, Ariz.
Feighan	McCarthy	Stokes
Flood	McEwen	Thompson, N.J.
Ford,	Macdonald,	Udall
William D.	Mass.	Wolff

NAYS—194

Adams	Daniel, Va.	Hogan
Alexander	Davis, Wis.	Hungate
Anderson, Ill.	Dellenback	Hutchinson
Andrews, Ala.	Denneny	Ichord
Andrews,	Dennis	Jacobs
N. Dak.	Derwinski	Jonas
Arends	Dickinson	Jones, Ala.
Beall, Md.	Downing	Jones, Tenn.
Bell, Calif.	Dulski	Karth
Bennett	Duncan	Kastenmeier
Betts	Edwards, Ala.	Keith
Biester	Erlenborn	Kleppe
Bevill	Esch	Kuykendall
Blackburn	Eshleman	Kyl
Bray	Fisher	Kyros
Brinkley	Flowers	Latta
Brotzman	Flynt	Lloyd
Brown, Ohio	Foley	Long, Md.
Broyhill, N.C.	Forsythe	Lukens
Broyhill, Va.	Fountain	McClory
Buchanan	Frey	McDade
Burleson, Tex.	Fuqua	McFall
Burlison, Mo.	Gallfanakis	McKneally
Bush	Gaydos	Madden
Byrnes, Wis.	Gettys	Mahon
Cabell	Gialmo	Mailliard
Caffery	Goldwater	Mann
Camp	Goodling	Marsh
Carter	Green, Oreg.	Mathias
Casey	Green, Pa.	Mayne
Cederberg	Griffin	Meeds
Chamberlain	Gross	Michel
Chappell	Gude	Mikva
Clausen.	Hagan	Miller, Ohio
Don H.	Haley	Mills
Clawson, Del	Hall	Minish
Cleveland	Hamilton	Minshall
Collier	Hammer-	Mizell
Colmer	schmidt	Monagan
Conable	Hanley	Montgomery
Conte	Harsha	Moorhead
Coughlin	Harvey	Morse
Crane	Hastings	Myers
Culver	Henderson	Natcher

Nelsen
Nichols
Obey
O'Neal, Ga.
Pelly
Perkins
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Pryor, Ark.
Quie
Rallsback
Randall
Reid, Ill.
Reuss
Riegler
Roberts
Rodino
Rogers, Fla.
Roth

Ruppe
Ruth
Satterfield
Schadeberg
Scherle
Schmitz
Schneebeil
Schwengel
Scott
Shipley
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stanton
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield

Stuckey
Symington
Taylor
Teague, Calif.
Thomson, Wis.
Ullman
Van Deerlin
Vanik
Vigorito
Wampler
Watts
Whalen
Whalley
White
Whitehurst
Williams
Winn
Wyman
Yates
Yatron
Zablocki

LEGISLATIVE PROGRAM

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

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to ask the majority leader if he can advise us as to the legislative program for the remainder of this week and what may be contemplated next week.

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

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

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman from Illinois, we have finished the program for this week.

The program for next week is as follows: Monday is Consent Calendar Day.

There are 25 bills to be taken up under suspension of the rules and among them is included the omnibus rivers and harbors bill.

Mr. Speaker, I ask unanimous consent that the list of the bills to be taken up on Monday may be inserted in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, the bills to be considered under suspension of the rule are as follows:

S. 437, survivor annuities under civil service;

H.R. 19877, omnibus rivers and harbors and flood control bill;

H.R. 19846, Animal Welfare Act of 1970;

H.R. 17582, to amend peanut marketing quota provisions;

House Resolution 1282, support for efforts to rescue American prisoners of war;

S. 4187, to convey certain lands at Fort Ruger Military Reservation, Hawaii;

Senate Joint Resolution 230, extending the duration of copyright protection;

S. 1079, Susquehanna River Basin compact;

H.R. 18012, to amend the Foreign Service Buildings Act;

S. 1, equitable land acquisition policies;

H.R. 19363, Library Services and Construction Amendments of 1970;

H.R. 19401, to Extend the Vocational Rehabilitation Act;

S. 4083, demonstration elementary school for the deaf;

House Resolution 1264, relating to employees of Members of the House;

S. 336, increasing Securities Act exemption for small businesses;

S. 3431, to amend the Securities Exchange Act of 1934;

S. 2162, Poison Prevention Packaging Act;

H.R. 17750, nonnavigable waters in Boston Harbor;

H.R. 15041, to provide a national boating safety program;

H.R. 16498, to permit the sale of the vessel *Atlantic*;

H.R. 212, to provide for officers of the Environmental Science Services Administration;

H.R. 15188, penalty for shooting from an aircraft;

ANSWERED "PRESENT"—1

Cohelan

NOT VOTING—150

Abbitt	Fish	Powell
Adair	Ford, Gerald R.	Price, Tex.
Addabbo	Foreman	Purcell
Ashbrook	Fulton, Tenn.	Quillen
Ashley	Gilbert	Rarick
Aspinall	Griffiths	Reid, N.Y.
Ayres	Grover	Rhodes
Baring	Halpern	Rivers
Barrett	Hanna	Robison
Belcher	Hébert	Roe
Berry	Heckler, Mass.	Roudebush
Boggs	Horton	Rousselot
Blaggi	Hosmer	St Germain
Blatnik	Hull	Sandman
Boland	Hunt	Saylor
Bolling	Jarman	Scheuer
Brasco	Johnson, Pa.	Sebellius
Brock	Kazen	Shriver
Broomfield	King	Smith, Iowa
Brown, Calif.	Kluczynski	Snyder
Brown, Mich.	Koch	Stafford
Burton, Utah	Landrum	Staggers
Button	Langen	Sullivan
Byrne, Pa.	Leggett	Taft
Celler	Long, La.	Talcott
Chisholm	Lujan	Teague, Tex.
Clancy	McCloskey	Thompson, Ga.
Clark	McClure	Tieman
Collins, Tex.	McCulloch	Tunney
Corbett	McDonald,	Vander Jagt
Corman	Mich.	Waggonner
Cowger	McMillan	Walde
Cramer	MacGregor	Ware
Cunningham	Martin	Watson
Daddario	May	Weicker
de la Garza	Meskill	Whitten
Delaney	Mize	Widnall
Dent	Mollohan	Wiggins
Devine	Morgan	Wilson, Bob
Diggs	Morton	Wilson,
Donohue	Mosher	Charles H.
Dorn	Murphy, N.Y.	Wold
Dowdy	Nix	Wright
Dwyer	O'Konski	Wyatt
Edmondson	O'Neill, Mass.	Wydler
Edwards, La.	Ottinger	Wyllie
Evans, Colo.	Patman	Young
Evins, Tenn.	Patten	Zion
Fallon	Pettis	Zwach
Farbstein	Pickle	
Fascell	Pollock	
Findley		

So the resolution was rejected.

Mr. RODINO changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PUCINSKI). The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, was the vote by which the resolution failed to pass the House reconsidered and that motion laid on the table?

The SPEAKER. Yes; it was.

H.R. 17436, to provide a national environmental data bank;

H.R. 19576, to establish the National Advisory Committee on the Oceans and Atmosphere; and

Senate Concurrent Resolution 2, acceptance of a statue of the late Senator E. L. Bartlett.

For Tuesday and the balance of the week:

H.R. 19911, to amend the Foreign Assistance Act of 1961, subject to a rule being granted;

H.R. —, supplemental appropriation bill, fiscal year 1971, subject to a rule being granted;

H.R. 19868, Excise, Estate, and Gift Tax Adjustment Act of 1970, subject to a rule being granted;

H.R. 19885, District of Columbia Revenue Act of 1970, under general rules of the House;

H.R. 18582, to amend the Food Stamp Act of 1964, open rule, 2 hours of debate;

H.R. 11547, to increase the limitation on certain Farmers Home Administration loans, open rule, 1 hour of debate;

S. 3070, Plant Variety Protection Act, open rule, 1 hour of debate; and

H.R. 13956, to authorize additional appropriations to the Smithsonian Institution, open rule, 1 hour of debate.

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

ADJOURNMENT OVER TO MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, we are embarked into the month of December. Can the distinguished majority leader give us any information as to when we might expect an end to this lameduck session of Congress?

Mr. ALBERT. Of course, we hope to beat Santa Claus.

Mr. GROSS. You hope to be Santa Claus?

Mr. ALBERT. We hope to beat Santa Claus. If my friend will go over the list of bills that are programmed for next week, he will understand that the House will have completed most of the major bills outstanding before it. We do have to depend upon another body for completion of bills before we can deal with conference reports and final action. I hope we will get out soon. I will say that to the gentleman.

Mr. GROSS. That is the best the gentleman can say?

Mr. ALBERT. I am sure my hope is as strong as that of the gentleman from Iowa. I really hope we will get out soon.

Mr. GROSS. After this ambitious program for next week, I would hope that the gentleman could give us a little more hope that the week following would find an end to this session.

Mr. ALBERT. We have never been in more agreement than we are now.

Mr. GROSS. I thank the gentleman. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

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

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

There was no objection.

PASSENGER RAIL SERVICE—TOO LITTLE TOO LATE?

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

Mr. VAN DEERLIN. Mr. Speaker, the Los Angeles Times this morning published a strong editorial appeal for a truly national passenger rail system.

The Times believes the tentative proposals set forth earlier this week by Transportation Secretary Volpe fall far short of meeting present and future needs along the rapidly growing west coast.

Omitted altogether from Mr. Volpe's preliminary plan is any north-south service for the Western States, although five such routes are proposed for the eastern portion of the country. The only routes recommended for California, the Nation's most populous State, would link San Francisco and Los Angeles to Chicago but not to each other, while the present inadequate service in the thickly populated San Diego-Los Angeles corridor would be totally eliminated.

The editorial, from today's Los Angeles Times, follows:

U.S. RAILROAD PLAN IS NOT ENOUGH

The proposal by Congress and the Administration to save what's left of the nation's rail passenger service may be too late. It certainly is too little.

As announced this week, the plan could have an adverse effect upon existing north-south service in California and along the entire West Coast. Los Angeles-Chicago and San Francisco-Chicago are the sole California routes initially included in the government-sponsored network.

Only 14 major U.S. cities would be linked by passenger lines in the system to be operated by a quasi-public corporation known as Railpax. More than half of the 366 passenger trains now in operation had to be dropped from the badly under-funded proposal.

"I wish the system could be bigger, more all-encompassing," said Transportation Secretary John A. Volpe. But to salvage diminishing passenger service and help deficit-ridden railroads, Congress provided a mere \$40 million in grants plus another \$300 million in loans and loan guarantees.

In contrast to the billions spent on subsidizing motor vehicle and air traffic, the money allocated to save passenger trains seems ridiculously low.

It can be argued that the railroads are primarily to blame for their loss of passengers. Since carrying freight is far more profitable, rail companies have allowed service on passenger trains to deteriorate or have abandoned the trains altogether.

The passenger train, though, is far too valuable a national resource to be allowed to die, particularly at a time when intercity airliners are crowding the skies and their passengers are jamming surface routes to and from airports. And intercity highways are also becoming increasingly crowded.

Trains can move people at comparable cost, with less air pollution, and more directly from downtown to downtown than can aircraft.

The Metroliner operating between New York and Washington is an example of fast, comfortable service that has generated ever-increasing patronage.

High-speed trains operating in the heavily traveled corridor between Los Angeles and San Francisco would certainly have passenger appeal. But under the initial Railpax plan, no provision is made for them or even for preserving the existing service.

Under the legislation enacted this year, railroads would be able to unload their passenger service by "buying" into Railpax, the National Railroad Passenger Corp., according to a formula based upon their passenger service deficits. An estimated \$200 million, helped out by federal loans, would thus be raised to allow Railpax to purchase the railroad's equipment and to operate the limited number of routes.

Other intercity and interstate routes serving California were not included, a Transportation Department spokesman told The Times, "because the service wouldn't make money . . . not even reach a break-even point over a five-year period."

Yet there are a total of 7,483 miles of railroad track in California, and the Southern Pacific's commuter service along the San Francisco Peninsula carries almost 5.5 million passengers annually.

At least one member of the California Public Utilities Commission deplores the threatened extinction of rail passenger traffic within the state. "We must do everything possible," A. W. Gatov told The Times, "to maintain existing rail facilities so that mass transportation can effectively replace the motor vehicle monopoly of surface travel."

The Times concurs.

We believe that Congress must invest more money in preserving and improving rail passenger service, if we are to achieve a rational transportation policy for the nation.

A STANDING COMMITTEE ON TRANSPORTATION

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

Mr. HOWARD. Mr. Speaker, with transportation—in all forms—being one of the most crucial problems facing this Nation today, it strikes me as unfortunate that the House does not have a standing Committee on Transportation.

Several years ago, a Department of Transportation was set up in the executive branch. New Jersey, and many other States have set up departments of transportation at the State level. Yet, the Congress has failed to keep pace with this progressive action.

Mr. Speaker, I am planning to have legislation drafted which will create a standing Committee on Transportation in the House. I will introduce that measure when the 92d Congress convenes.

In many ways, the proposed Committee on Transportation will be met with opposition. I am not, for instance, unaware of the political realities of what my proposal would do. In some cases, it would take away the authority of some very outstanding men, some of them my very good friends. Yet, on balance, I believe that the formation of such a committee will be best for the Nation.

Each form of transportation has its proper place in a balanced and orderly transportation system. I believe that the Congress is partly responsible for the erratic system of transportation we have now because each form of transportation is dealt with by a separate committee.

As an example, merchant marine legislation goes to either the House Committee on Interstate and Foreign Commerce, or the Committee on Merchant Marine and Fisheries. Legislation dealing with mass transit and commuters goes to either the Committee on Banking and Currency, or the Committee on Interstate and Foreign Commerce. Railroad legislation is under the jurisdiction of the Interstate and Foreign Commerce Committee, while the House Committee on Public Works, of which I am a member, deals with the Interstate Highway System and other road matters. This divided jurisdiction means that each committee is working without knowing what the others involved in transportation legislation are doing.

Mr. Speaker, there is no coordinated, rational way for the Congress to decide how best to spend the transportation dollar. No one committee has an overall picture of our Nation's transportation situation.

Therefore, because I believe that all transportation legislation should be dealt with by a new standing Committee on Transportation, appropriately staffed and equipped to make proper decisions about transportation priorities, I have decided that during the 92d Congress, I will introduce the legislation necessary to create a Committee on Transportation in the House.

The addition of this committee will be a simple but important change. It is important because the committees of the House do the basic legislative work and make the basic decisions. The committee structure is vital to the legislative process. Just as we have a unified Department of Transportation, we must have a committee with jurisdiction over all modes of transportation.

There is no doubt in my mind that a single Committee on Transportation will be a vital asset to the country and to the Congress.

THE CRITICAL SITUATION IN AGRICULTURE: INCREASED PRODUCTION BOOMERANGS ON THE FARMERS AGAIN

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

Mr. MELCHER. Mr. Speaker, in the month of October 1970, hog producers in this Nation marketed 126 million pounds more live hogs than they did in October 1969 and received \$110 million less for

those hogs than they were paid for the smaller supply last year.

The marketing of hogs was up 6.8 percent. The price was down 23.2 percent. Here is a fine example, Mr. Speaker, of how the administration's basic farm philosophy and policy works, and why we are rushing toward an economic crisis in agriculture.

We have been lectured since the 1950's that farm income is made up of units sold, times price, and that the farm problem would be solved by letting prices fall so more units could be sold.

Well, it is happening in hogs right now, and instead of spelling a bright new future for hog producers, it has plunged them into an economic quagmire.

The Livestock Slaughter report for October shows that the live weight of hogs marketed for slaughter during October this year was 1,993,193,000 pounds. The price averaged \$18.21 per hundredweight. Farmers got \$362,778,000 for the pigs at that price.

In October last year, live weight of hogs slaughtered was 1,865,803,000 pounds, the price was \$25.32 per hundredweight, and the farmers collected \$472,421,000 for the smaller supply.

The differences are what I stated: hogs marketed weighed 126 million pounds, in round numbers, more than last year. Farmer proceeds were down \$110 million.

When figures for November are available, they will reflect a much worse situation. Hog prices advanced in November last year. They have dropped \$2.50 per hundred in November this year, down around \$15.50. The price differential will be close to \$10, or 35 to 40 percent down as a result of increased hog marketings.

This is an opportune time for Secretary of Agriculture Hardin to go to Europe on a marketing tour. We have plenty of agricultural surplus products to sell. It is an equally fine time for Chief Economist Don Paarlberg to call a press conference and give the processors and retailers a public scolding for not reducing the retail prices of pork.

The Secretary and his advisers must become aggressive because farm returns are now the worst they have been since December 1933—away back 37 years ago.

Farm prices were at 68 percent of parity on November 15 this year, the lowest they have been since December 1933, when they stood at 67 percent of parity. Price trends indicate that by December 15 this year the ratio will be back at the 1933 level for December, which was 67 percent.

The vice president of the National Farmers Organization quoted White House Economist Henry Houthakker in my State recently as saying that the Department of Agriculture has been assigned a mission of wiping out family agriculture and getting farming concentrated in big corporations.

Mr. Houthakker denied it, but whether he said that, or anything similar to that, really is not very important.

The fact is that farmers are being bankrupted by the tens of thousands every year, and the numbers are going to rise as the administration's deliberate lower farm price policies drive prices and the parity ratio down to the levels of the great depression of the thirties.

We have a depression right now in agriculture, Mr. Speaker, and Mr. Hardin is not going to find markets enough in Eastern Europe to end it, nor will Mr. Paarlberg solve it by scolding processors and retailers. It will take more than these acts to reverse the farm price to-boggan. Secretary Hardin and his advisers and Mr. Houthakker are fixing to be the chief pallbearers at the economic funerals of many thousands of farmers and people in and dependent on agriculture unless fair prices for producers are available at the markets. Sales promotion in Europe and "jaw-boning" the retail and processing food trade are fine, but it will take stronger medicine than that to reverse the parity slide, Secretary Hardin, Mr. Paarlberg, and the astute Mr. Palmby need to refigure their policy of units times price to recognize that when the price factor gets below cost the farmer cannot stay in business regardless of how many units he produces.

The Department of Agriculture is this week launching a new "set-aside" farm program intended to extend its gospel of more production at lower prices into the field crop segment of agriculture. Positive acreage controls are being abandoned and no one really knows how many phantom acres of cropland, which have been outside both allotments and conserving base acreage in past years, will be brought into production. No new regulations have been adopted to prevent these phantom acres from being cropped, or to adjust conserving base inequities.

Congress has written some minimum price support levels into the new program, but they are not high enough to halt the liquidation of farms and end the depression in agriculture, which is on right now.

I am disappointed and shocked that there is no sign of tightening the conserving base program to prevent a vast overproduction, or to correct the inequities in that program between the States. The Department's failure to institute reforms which would make the set-aside scheme considerably more certain to control production is pretty conclusive proof that this Congress made a serious mistake in accepting any compromise with the administration farm policy.

Members of this Congress who represent the rural areas which are already in trouble, and the urban areas where a new wave of migrants may be expected, can well spend their merry Christmas-happy New Year season this year considering just how long we can continue to let this type of farm policy bankrupt farmers, weaken the whole national economy, and add flames to the recession fires which could easily become another farm-led, farm-fed depression.

FREEDOM OF THE PRESS IN CUBA

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

Mr. CAFFERY. Mr. Speaker, my good friend and able journalist, Robert Angers, Jr., of the Acadiana Profile magazine in Lafayette, La., has brought to my

attention a matter of importance, not only to those in journalism, but to every person in our land and throughout the world. Mr. Angers was in attendance at the Inter-American Press Associations'—IAPA—26th annual meeting in Mexico City earlier this fall when that organization adopted a resolution regarding freedom of the press in Cuba. This resolution brings to our attention a deplorable situation where a neighboring nation's people are deprived of a free press and where more than 40 journalists remain in prison.

It is praiseworthy that the Inter-American Press Association should not forget its fellow journalists in prison, and I am firm in my opinion that we as a Nation cannot ignore the rights of all men to freedom of the press, especially here in our own hemisphere. I, therefore, would like to bring the resolution of the IAPA to the attention of my colleagues and place it in the RECORD:

RESOLUTION OF THE INTER-AMERICAN PRESS ASSOCIATION, XXVI ANNUAL MEETING

Whereas, Freedom of the Press is still non-existent in Cuba and more than 40 journalists remain in prison,

Be it resolved—

1. To ratify as a high priority matter for the IAPA the continuation of efforts to achieve the freedom of the heroes of the press still in jail in Cuba.

2. To launch a wide international campaign aimed at gaining the liberation of these prisoners.

3. To request once more that all members of the IAPA comply with a prior agreement under which they will permanently publish, in each of their editions, a box in which it is stated that there is no freedom of the press in Cuba and that 40 Cuban newspapermen are still in Castro's prisons.

4. Direct the Special Committee on Cuba to carry out these efforts and to promote the contacts necessary to the achievements of this end.

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

Mr. HUNT. Mr. Speaker, I want to call to the attention of the Members of this House, a matter that is of vital importance to all Americans. In September 1969, the school board at Netcong, N.J., instituted a voluntary prayer exercise, before regular school hours, consisting of a reading of the prayer that appears in every issue of the CONGRESSIONAL RECORD. At this point, it is interesting to note that just yesterday the House approved a concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document. In any event, subsequent to the action of the Netcong School Board, the then attorney general of the State of New Jersey, Arthur J. Sills, ruled that this voluntary prayer exercise was in contravention of the U.S. Supreme Court's 1965 ban on prayers in the public schools.

Despite this ruling, the school board voted overwhelmingly to continue the exercise, and well they should so that the attorney general's words would not have to stand as the gospel truth. Unfortunately, the legal battles that followed in the State courts at the instigation of the State department of educa-

tion were lost by the school board. I am pleased to report, however, that as of yesterday, the board voted to carry the fight to the U.S. Supreme Court. I trust the Court will hear this case and will respond to the large majority of Americans who have felt that the Court's prior prayer decisions have gone a long way toward imposing a "religion" of secularism.

On its face, it is extremely difficult to comprehend how this innocuous exercise—the voluntary reading from the CONGRESSIONAL RECORD of the Chaplain's prayer before school hours—violates the spirit of the Constitution. In my estimation, it is the denial of this right that is a gross distortion of the ideals and aspirations of our Founding Fathers. I commend the Netcong School Board for its determination and its unequivocal belief that its position is in the best of American traditions.

ROGERS SCORES NAVY FOR OIL DUMPING—CALLS FOR HALT

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

Mr. ROGERS of Florida. Mr. Speaker, for the second time in less than a year the Department of Defense has used the ocean off the coast of Florida for a dumping ground. This has dismayed and angered the people of Florida and if reports of the prevailing tides and winds hold, it will mean damage to the beaches of northeast Florida and destruction to the marine environment of this area.

Earlier this year the Army dumped nerve gas coffins off the coast of Cape Kennedy.

Monday the Navy dumped between 500,000 and 625,000 gallons of oil, sludge, and bilge off the coast of Jacksonville and this floating ecological disaster is scheduled to hit Florida beaches later today.

I would make one point very clear—this was not an accident, a spill or some unpremeditated act. The Navy deliberately dumped this in the ocean.

In a time when the Congress and the Federal Government is supposed to be finding ways to halt pollution and the destruction of our environment, I find it incredible that such an arm of the Government as the Navy is carrying on such a countereffort.

The official Navy response to the situation is that the Navy was completely within its legal rights because the dumping was accomplished 50 miles from shore.

Such logic in the light of the potential environmental loss is astonishing, and frightening.

The United States is a signatory of the 1954 international convention for "the prevention of pollution of the sea by oil" which forbids the dumping of oil. But the Navy, apparently, is exempt from this because of a minor clause.

So now we see the Navy talking of their legal position as if the matter is a question between the best interests of the Navy versus the best interests of the State of Florida and the United States in

general. I find this both shortsighted and offensive.

The Navy has said it will not get "legalistic" if the oil hits the beach. This means the Navy will not debate the rightness or wrongness of its action, but will "bend every effort to help the local communities with their problem."

This is a master stroke of reverse thinking—the Navy helping Florida with Florida's problem. The problem of oil on the beaches of Florida is a direct result of Navy neglect and shortsightedness.

I personally feel that the State of Florida and the individual citizens adversely affected by the oil have rights under law to sue the Navy and/or the Federal Government for damages.

I am, therefore, calling for a complete and immediate investigation into the matter by the Committee on Merchant Marine and Fisheries and wiring the Secretary of Defense and the Secretary of the Navy asking that any other such dumping, either off Florida or any other State, be immediately suspended until the hearings are concluded.

RETURN OF LITHUANIAN REFUGEE

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

Mr. BIAGGI. Mr. Speaker, the return of the Lithuanian refugee Simas to the Russian trawler last week was outrageous. The entire action was completely contrary to the American principles and ideals that we profess to believe in. I sincerely hope that the investigation headed by our colleague from Ohio (Mr. HAYS) will reveal just what kind of misguided policies can lead to such an incident.

I am personally disgusted at the ball-bouncing between the State Department and the Coast Guard over just who is at fault in this incident. Frankly, those persons on the vessel must share in the fault, but those in Boston and in Washington who obviously issued the final order to release the refugee must certainly bear the major load of the blame. As soon as a person asks for refuge there should be no question about its being granted, either at the point of action or at policy setting level.

Moreover, the fact that it was a Lithuanian on a Russian ship is significant. This nation has not recognized the illegal Soviet occupation of the Baltic States. To this day, there are diplomatic delegations in Washington from Estonia and Latvia as well as Lithuania. Yet Lithuania's charge d'affaires here was not even notified.

The President has called for an investigation and has deplored the incident. However, the likely result of this type of report will be just a weak claim that bad judgment was used or policies were misunderstood. Hopefully, the able subcommittee members will get to the bottom of this despicable incident. I strongly suspect that they may discover another case of the bureaucratic bungling resulting from an overstuffed State Department.

DRIFTING TOWARD POST-CONSTITUTIONAL AMERICA

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

Mr. GALLAGHER. Mr. Speaker, during the past 6 years, I have been chairman of the Privacy Subcommittee within the Committee on Government Operations. My concern, expressed simply, is that many trends today seem to be leading our Nation away from the vision enunciated by the Founders and into what I term "post constitutional America." Many news items fill the papers and the television each day about the gradual erosion of human values we in the Congress have permitted to take place. Most often, I must say, the legislative and executive branch proposals are not designed to repress our citizens; they are offered merely as an efficient and economical way to deal with a pressing social problem. The net effect of these incremental additions to the arsenal of anti-human forces, however, is that a structure is being constructed which places a powerful temptation in the path of those who would maliciously alter the intricate social cohesiveness guaranteed to our society by the Bill of Rights.

Mr. Speaker, many fine books have been written on this subject and many magazine articles as well. One of the most impressive treatments of the entire problem was published in the *Christian Science Monitor* last month. Its author, Robert Hey, blends the awesome amount of supporting material into a splendid five-part series. I believe his work lends solid evidence to my continuing call for a major, fully funded, and fully staffed Select Committee on Privacy, Human Values, and Democratic Institutions here in the House of Representatives. I am pleased to insert it in the *RECORD* at this point:

WHAT THEY KNOW ABOUT YOU

(By Robert P. Hey)

WASHINGTON.—The privacy of individual lives in America is being invaded and entangled by information gathered secretly, and often inaccurately.

Bernard Wilkoff knows all about it. When he applied for a major medical policy for himself, his wife, and his three children 12 years ago, the insurance company said fine—but it would not cover his wife.

Why? The company refused to say. He tried another company. Same answer. Finally he learned why.

A retail-credit company insisted his wife was an alcoholic. Mr. Wilkoff was outraged. His wife, he said, did not take more than five drinks a year.

Yet today, 12 years later, his wife is still without medical and life insurance. The credit company has not replied to Mr. Wilkoff's letters. Legal action is too expensive for him.

This was one of several accounts a subcommittee of the Senate Committee on Banking and Currency heard in its probe into how information is collected on individual Americans.

Another case involved a man who couldn't get credit for more than 15 years because a credit bureau had him tagged with failure to pay a divorce settlement. Actually, he had settled what he owed within two months.

These and other stories paved the way for Congress to pass a bill reining the power of

credit bureaus and to give the individual recourse if false reports are made.

But the broader issue in the United States still is not solved—the issue of how to protect privacy and due process in a period in which more and more information about individuals is gathered, stored, and made available to others who seek it.

Potentially the most serious threat to individual privacy in America is government. Chances are the government knows a good deal about you—more than you realize.

In fact, it's very unlikely you're not on some government list:

If you're a taxpayer, the Internal Revenue Service (IRS) has you. And the IRS sells segments of its lists to 30 states and the District of Columbia. So that's 31 sublists.

You're also a number in Social Security Administration files.

Then there's the Department of Transportation. It has you listed if your license has ever been revoked or if you have ever complained to government officials about your car. (Some 5,500 Americans are in the Interstate Complaint file.)

The Civil Service Commission has a list of some 10 million people it has investigated for possible government employment.

The Secret Service has a list stuffed in computers of people who might cause potential harm to a president. Included are professional gate-crashers, and people who "insist upon personally contacting high government officials for the purpose of redress of imaginary grievances."

The Justice Department has a list of 13,200 people whose names have turned up in reports on civil disturbances. Information sources include newspaper clippings and wire-service reports.

The Army admitted early this year it had lists of people who have taken part in anti-war meetings and other occasions that concerned it for some reason. It says it has destroyed the master list, but many civilians aren't so sure.

There are other kinds of lists, too.

During the mid-1960's a Senate subcommittee piloted by former Sen. Edward V. Long of Missouri minutely investigated the number of times government had access to the names of its citizens. It announced that federal investigators had access to 264 million police records and 323 million medical histories. That's a lot of records for a country with about 200 million people.

If you've answered an ad somewhere, you might have been "fortunate" enough to wind up on a mailing list for vacation homes—or pornographic literature.

And if you've registered the car you drive you might live in a state that sells its registration lists to people who want to send you third-class mail you might not want.

These and a lot of other lists have very legitimate uses, of course. And nobody really thinks most of them are being misused—now. But Sen. Sam J. Ervin Jr. (D) of North Carolina and an increasing number of other Americans are concerned that too many people are getting on government lists and aren't told they're on. They charge many Americans' present privacy is being invaded by their inclusion on the lists—and by the handing out of information for some of those lists to other government and private agencies.

Concern is being voiced about something else, too. The push is on in government—and out of it, for that matter—to computerize these lists. Misuse of computer-stored information, it is alleged, could open the way to dictatorship in the United States.

Senator Ervin is gravely concerned about the lack of public reaction to much of this potential for misuse of information.

"I don't think the public generally knows what's going on. Americans don't realize what's being stored up on them," he said.

HEARINGS SCHEDULED

The Senator has announced that comprehensive hearings on computers and data banks will begin in January. He wants controls to be put on what information is put into data banks, whom it is about, and who is to have access to it.

He warns: "Unless new controls are enacted, new legal remedies are provided . . . we stand to lose the spiritual and intellectual liberty of the individual which have been so carefully nourished and so valiantly defended and which our founding fathers so meticulously enshrined in the Constitution."

Similar sentiments are voiced by Rep. Cornelius E. Gallagher, a New Jersey Democrat who since 1965 has been leading the privacy fight in the House of Representatives: "If we don't preserve human values, then we are less than men. And we have less than liberty."

The American historical and legal notion of privacy stems from interpretations of several articles in the Bill of Rights, the ten original amendments to the United States Constitution. Particularly important are the First, Fourth, and Fifth Amendments.

In this increasingly complex society, both government and the private sector seek—and often need—much information on which to base decisions about the needs of Americans. It is to provide this information that computers and other sophisticated means have come into increasing use.

But too often the kind of protective approaches necessary to protect individual privacy have been lacking.

FEDERAL COMPUTERS CAN BE GOSSIPY

(By Robert P. Hey)

WASHINGTON.—In his Midwestern high school he was a rugged football player, a happy-go-lucky sort. Like a lot of other kids he sometimes drank too much and wasn't too serious of purpose.

After graduation he thought of joining government as a civilian—even had the necessary personnel investigation. Instead he signed up with the Air Force, met the girl for him, and started to settle down.

After discharge, came college, then earnest preparation for a professional career.

But a not-so-funny thing happened on the way to that career.

One of the criteria for entry into his chosen field was membership in a professional organization. That organization thumbed him down.

Somehow it had gotten corporate hands on the old, supposedly confidential government personnel investigation. It dwelt heavily on neighbors' gossip recollections of his high-school years. The organization didn't like what it read. The result, he couldn't practice his prepared-for profession. He considers his life shattered.

RIGID REGULATIONS URGED

It's a true case. And it's the kind that could be repeated again and again unless somebody takes firmer steps than taken so far to limit the information that computers can collect, data banks can store, and people can siphon out of storage.

Says one privacy specialist—who wishes to retain his own privacy: "Technological progress in the past decade now has made it feasible to store great amounts of information about people, and hand it out to those who ask it. What we have not done is develop rules for what information should be stored, who should be allowed access to it—and to how much of it."

Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, long has been concerned with the privacy question.

He says the most important—and ominous—area of privacy invasion today is "a combination of increased efficiency in sur-

veillance techniques and mechanisms, and the increased efficiency in storing and distributing information about privacy—computerization. That's the new factor that we haven't quite come to grips with and quite figured out how to handle."

USE OF COMPUTER STRESSED

But everyone agrees that the computer of itself does not invade privacy. Rather, it is the way it is used—or abused.

In fact, many insist that the computer if properly used actually can help individuals retain their privacy—and, specifically, keep the information which they surrender about themselves more confidential than was possible in precomputer days.

Dr. Alan Westin, Columbia University professor and author on privacy, is conducting a two-year study of computers and privacy. Sponsored by the National Academy of Sciences, it is to be completed next April.

Dr. Westin believes the computer can be harnessed to increase privacy. In the April/June issue of IBM's Think magazine he wrote:

"It is possible to keep sensitive personal information to the proper minimum; store it more securely; and disseminate it according to a more self-conscious concept of the citizen's right to privacy under computerized data systems than has really been the case under the leaky, easily reached, and readily consolidated filing cabinets of the precomputer system."

But not everyone is so optimistic. The rapid growth in computer use by the government worries many privacy experts.

Earlier this year the federal government's General Services Administration surveyed federal agencies to determine how many computers they owned or rented. It found that on June 30, 1970, the government was using—owner or rented—5,277 computers. Back in 1959, there were only 403.

JANUARY HEARINGS PLANNED

The GSA found the military services had the most computers: as of last June 30 the Air Force had 1,210, the Army 927, the Navy 894. Next: the Atomic Energy Commission 754 and NASA 692.

Sen. Sam J. Ervin Jr. (D) of North Carolina is so concerned about government storage and computerization of information that he has scheduled hearings on the issue in January.

Already his staff spadework bears out the GSA survey and indicates that in many cases little thought has been given to the need for firm controls on what information is stored and who has access to it.

Many people had thought the issue was laid to rest in the late '60's, when the 1965 proposal of the Budget Bureau that there be a national computerized data center was quashed.

Congressional testimony at that time raised the specter of such a national center's knowing just about everything there was to know about every American—Big Brother come nearly to life.

Specialists in the privacy field, however, charge that there is something akin to a de facto national data center anyway:

"What's happened," say Mrs. Speiser, "is that you computerize information, and then you connect [the computers in different agencies] by telephone lines."

In a view subscribed to by others similarly concerned about encroachment on privacy, he says that if records different agencies hold about the same individuals are ever keyed together—for instance, through use of social security numbers—the result could in fact be one grandiose federal data center.

That is why privacy watchers again are sounding the alarm.

Senator Ervin's investigators—who are still collecting information—have found that in several federal programs names of Americans are put into various data banks. The indi-

vidual is not notified, nor are there any firm restrictions on who may see the information and who may not.

The Justice Department, for example, told Senator Ervin that "there are no written comprehensive guidelines governing disclosure of data" in its 13,200-name civil-disturbance file.

ACCESS "SEVERELY LIMITED"

Justice officials insist that access to information in the file is "severely limited" and is granted only "on a need to know basis" to law-enforcement officials.

Justice aides describe this as a "full-automated" file. It contains names of people who were mentioned in connection with civil disorder or with events which have had potential for such a disorder.

The Justice Department's letter to Senator Ervin said: "The data maintained in this system is collected pursuant to established investigative procedures, from files of the Department of Justice and from various public sources such as the wire services."

Privacy specialists say that public records, such as wire service and newspaper clippings, are not always accurate and that innocent as well as guilty people might be included in reports on civil disturbances.

Therefore, they hold, a file which includes information from these sources particularly needs carefully thought-out guidelines as to who should have access to its contents. In the wrong hands they could be unfairly and dangerously used.

One of the problems with computer-divulged information, a privacy specialist notes, is that the mere fact the data spews from a computer gives it an aura of accuracy. People who look at it often forget that even though a computer may be infallible, the person who puts information into it is not. Nor are the people who give the judgments about a subject, which then is put in his computer file.

MORE SHARING ANTICIPATED

Increasing government use of computers increases the likelihood that computers in one agency will "talk" with those in another—share information, which may be of dubious or outdated accuracy. The result can be devastating to the person involved—and, possibly, he will not know why his life suddenly went askew.

One of the subjects Senator Ervin wants to scrutinize most carefully at his January hearing is the military data banks on activities of civilians—and of military men.

Christopher Pyle, a former Army counter-intelligence officer, caused a nationwide furor by writing in the January issue of Washington Monthly that the Army had 1,000 counter-intelligence agents in the United States collecting and putting in data banks information about various politically active civilians.

The jurisdiction for this activity was that in time of major civil disturbance, the military would have responsibility for keeping order.

The Army subsequently admitted it had been engaged in gathering such information. After public pressure it said it was destroying the computerized tapes containing such information, kept at Fort Holabird, Md.

Mr. Pyle then wrote in the July issue of Washington Monthly that despite assurances to the contrary, Army surveillance of civilians had resumed. He also charged that regional data banks containing this information remained.

BANKS LINKED TO NETWORK

It was enough to make Senator Ervin say with alarm that the Army data banks "appeared to be part of a vast network of intelligence-oriented systems which are being developed willy-nilly throughout our land, by government and by private industries."

"I believe that in these systems, where

they contain the record of the individuals' thoughts, beliefs, habits, attitudes, and personal activities, there may well rest a potential for political control and for intimidation which is alien to a society of free men."

One of the things the Senator particularly asked for in a letter to the Department of Defense this past July was information on a May memorandum to personnel of Sheppard Air Force Base in Texas. It was signed by a high officer on the base.

Headed "Reporting subversive activities," it instructed base personnel that because it was possible—though "remote"—that civil demonstrators might try to disrupt activities at the base, everyone should be alert for several kinds of activities, which should be reported to high authorities at the base.

The 11 activities included: Congregation of unauthorized persons, persons making statements with racial overtones, personnel making statements which indicate disloyalty to the United States, personnel making statements in support of the antiwar demonstrators.

PENTAGON INVESTIGATING

These criteria seemed vague and personally intrusive to some. The Department of Defense replied to Senator Ervin that it didn't know of hand of any similar memos, but that it was thoroughly investigating to see if any had been written at other bases.

It reported that the Sheppard Air Force Base memo had been rescinded but admitted that it had been replaced by another that was similar in purpose and questions.

Some of the situations requiring reporting under the second memo seemed nearly as vague and intrusive as those in the first. They included: persons unlawfully making provoking statements with racial overtones and persons attempting to attack morale and incite disorder by spreading antiwar sentiments in public places on Sheppard Air Force Base.

That memo, too, has since been rescinded. But in the opinion of several privacy specialists here, the mere fact that either memo was written illustrates how potential invasions of privacy and due process can occur from local interpretation of too-general guidelines—in this case, keeping an eye out for potential civil disturbances.

HOW SECURE IS YOUR CASTLE?

(By Robert P. Hey)

WASHINGTON.—Armed with pistols the sheriff's deputies smashed down the door with a sledgehammer. "We're looking for drugs," they told the terrified woman who stumbled sleepily from the bedroom.

They didn't find any. They had crashed their way unannounced into the wrong apartment. They apologized and hurried off in search of the right apartment to smash into.

The episode happened earlier this year in Prince Georges County, a Maryland suburb of the nation's capital. By almost everyone's admission it is an extreme example.

But civil libertarians warn that unless present trends are checked, this and other types of physical invasion of innocent people's privacy are likely to occur with rising frequency. They charge that several laws recently enacted in an effort to solve grave social problems also permit the infringement of personal privacy. They believe the net effect is negative—a dangerous erosion of individual liberties.

LEGISLATION SPELLED OUT

Their principal concern is that in the hands of the wrong men—malevolent men—these laws could become instruments of a governmental Big Brother—a police state.

Involved are:

A law passed by Congress this year which permits District of Columbia police to enter dwellings without announcing themselves—so-called "no knock" action. Police must

have prior approval from a judge for the raid. They're required to ask him for approval to stage a "no knock" raid if they expect one will be necessary. But they can act on their own if they later find circumstances so dictate. This legislation also expands wiretap authority of D.C. police.

A law passed two years ago which legalized wiretapping by police for several kinds of crime.

A bill passed this year by Congress and signed into law by the President Oct. 27 which permits "no knock" raids—but requires prior judicial approval—to be conducted in federal drug cases.

ABUSES FORECAST

Critics charge that such laws open the door to abuse. They say that mistakes will be made carrying them out—witness the Prince Georges County 2 a.m. raid on the wrong apartment.

More important, they warn, these laws may serve as models for state and local laws. (Last year Attorney General John N. Mitchell spoke of the D.C. crime bill as "this model anti-crime program [which] will point the way for the entire nation.") Critics are concerned that a proliferation of such laws will result in a proliferation of privacy invasions.

Perhaps the sternest warning of dire long-term consequences of "no knock" came from Sen. Sam J. Ervin Jr., the North Carolina Democrat who long has been the Senate's leading defender of the individual's rights of privacy.

During the debate on the D.C. crime bill the Senator read a newspaper clipping of the Prince Georges County raid. Then he quoted 18th-century English statesman William Pitt as having said during parliamentary debate:

"The poorest man may, in his cottage, bid defiance to all the forces of the crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement."

MAN'S HOME HIS CASTLE?

"In these words," said Senator Ervin, "William Pitt was proclaiming what has always been one of the proudest boasts made by our law, that every man's home is his castle. That has been the law of the United States, not only at the federal level but also at the state level ever since George Washington took his first oath of office as President of the United States.

"Mr. President, here we have a proposal, made in the good year of our Lord 1970, that a man's home shall no longer be his castle, that any officer of the law having the power to make an arrest or to execute a search warrant, shall have the legal power to enter the home of any citizen of the District of Columbia, in like manner in which a burglar now illegally enters the homes of people to rob them—in other words, by threat or stealth or by force."

Congress chose to disregard the Senator's warning.

Defenders of these recently passed laws say critics lose their perspective. They say that although individual mistakes will be made, there won't be wholesale violations of privacy—for instance, no plethora of "no-knock" raids—because for one thing police realize they're dangerous to the raiders, too. Some householders would shoot on sight anyone who burst in.

PROVISIONS LISTED

But civil libertarians are unconvinced. They point to provisions of the "no knock" laws.

The D.C. crime bill permits police in the District—with a warrant from a judge—to enter buildings and apartments without first identifying themselves if they have "prob-

able cause to believe" that identifying themselves "is likely to" result in:

Destruction of evidence.

Danger to their lives or someone else's.

Escape by the person to be arrested.

A needless exercise because the people inside know police are coming in.

If one of these four circumstances is known in advance, police are to inform the judge who issues the warrant, in order to conduct a "no-knock" entry. However, they may enter without knocking anyway if—possession with a regular warrant—they discover at the last minute that one of the four conditions does exist.

Rep. Cornelius E. Gallagher (D) of New Jersey listened to much of the debate on the D.C. crime bill. Included in defense of "no knock" was the argument that in narcotics cases guilty parties flush any narcotics—the necessary evidence—down the toilet before they answer an officer's knock.

AMENDMENT OFFERED

So the New Jersey Democrat sarcastically offered an amendment to the bill: "Whoever owns a building or other structure in the District of Columbia which contains indoor plumbing shall be fined \$5,000."

"As I sat here through the debate," he said with tongue only halfway in cheek, "it struck me how terrible it was that the invention of indoor plumbing has become the apparatus to cause the Fourth Amendment to disappear." (This constitutional amendment protects "the rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.")

Mr. Gallagher said he had "no argument with the intention of this bill" but that he felt it raised enormous problems for personal liberty.

"It seems that we really have not carefully considered the aggregate effect of the legislation we are so eagerly and totally embracing. When you restrict one freedom today, it becomes that much easier to restrict another tomorrow."

His amendment didn't win, of course—but the bill did, 294 to 47, its "no knock" provision intact.

PROVISION DIFFERS

The drug law, like the D.C. crime law, permits "no knock" entry—but with an important difference. It flatly requires the federal agent who stages the raid to have obtained "no knock" permission in advance from the judge who issued the warrant to permit the raid. The agent is forbidden to decide for himself, at the scene of the raid, to stage a "no knock" entry.

As with the D.C. crime measure, the drug law requires the agent to convince the judge that if he knocks, evidence might be destroyed or that his life or someone else's would be endangered.

But "no knock" is only one of the modern battering rams hammering away at the citizen's castle of privacy. A second takes the form of the electronic wiretap. It is less violent, but is of no less concern to civil libertarians.

The D.C. bill expanded the authority of district police to wiretap and eavesdrop. Under it they can install wiretaps in an effort to combat a range of crimes now including: arson, abortion, blackmail, bribery, burglary, destruction of property worth more than \$200, gambling, grand larceny, kidnapping, manslaughter, murder, obstruction of justice, receiving stolen property worth more than \$100, and robbery.

Critics charged this is all-too-wide a scope for wiretapping and electronic surveillance—that it comes too close to being carte blanche for an invasion of many people's privacy.

Defenders of the section pooh-poohed the criticism, saying tapping is a useful police tool—and that it need not lead to overuse.

Most people who have looked at the prob-

lem think the use of wiretapping is definitely up since the '68 law—but no one is sure just how much.

Attorney General Mitchell told a convention of the International Association of Chiefs of Police this year that federal wiretapping, authorized by the 1968 Omnibus Crime Control and Safe Streets Act of 1968, has proven a valuable tool in combating organized crime.

He reported that during 1969, 30 federal wiretaps and 241 state wiretaps were made. He said 80 percent of the messages heard through these wiretaps contained incriminating evidence and that the taps resulted in 139 arrests.

Between February 1969, and July 13, 1970, he reported 133 federal wiretaps were put into effect, and arrests resulted from all but 12 of the taps.

PREJUDICE SEEN

He said the arrests and resulting indictments proved the government was not using its taps as "fishing expeditions."

He went on to say that the subject of wiretapping "is charged with emotion and prejudice. Wiretap triggers in many people all manner of bogeys—flagrant invasion of privacy, thought control, and repression. . . ."

"In reviewing our use of wiretapping in the past year and a half, I think you will agree that the only repression that has resulted is the repression of crime."

Not everybody is so sure. Several privacy specialists cite loopholes in the law which allow many—perhaps even most—wiretaps to go unreported.

Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, says that the record-keeping required by the law "has been pretty sketchy." He says there are two major holes in the collection of statistics:

Tapping done in the interests of national security doesn't have to be reported. "I really think that's most of the tapping done by the federal government," says Mr. Speiser. This category encompasses tapping of foreign embassies—such as the Soviet, which everyone assumes is somehow tapped—to the presumed tapping of domestic organizations—like the Black Panthers or civil-rights organizations.

Emergency wiretaps can be installed if there isn't time to get court permission. Or they can be installed anyway, provided court permission is obtained within 48 hours.

LIMITS PROPOSED

"My hunch is," says Mr. Speiser, that a lot of taps are put in, then taken out within 48 hours if they haven't proven fruitful—and thus need not be reported.

Dr. Alan Westin, a Columbia University professor who has conducted several studies of privacy, praises several aspects of the law. But he similarly objects to the 48-hour emergency wiretapping provision ("unclear," he says) and the fact that in national-security investigations tapping is permitted "against any other clear and present danger to the structure or existence of the government" (he calls it "vague").

Writing in the May-June, 1969, issue of IBM's Think magazine, Dr. Westin recommends that wiretaps be confined to a few very dangerous crimes—national security, murder, kidnapping, or "crimes directly imperiling human life."

Bernard Fensterwald Jr. is particularly cynical about the 48-hour provision, claiming it "guts all the restrictions" in the bill. He was a counsel to former Sen. Edward Long, who held extensive wiretapping hearings during the mid-1960's.

Mr. Fensterwald says the 48-hour emergency provision "means that anyone who's caught tapping simply says that he intended to go down in the morning and get a court order." Thus, he charges, any law-enforcement officer really can use it "for any pur-

pose he wants to. . . . The limit on it is manpower, and the fact that it's not terribly productive for most types of criminal detection."

HOW MANY CHINKS IN YOUR PRIVACY WALL? (By Robert P. Hey)

WASHINGTON.—Jim S. is a friendly midwesterner who's good with figures—one of his company's really promising accountants. In nine years he's risen with abnormal speed through seniority-laden ranks.

But a month ago he nearly lost his job. His employer kept insisting that he buy U.S. savings bonds through payroll deductions—and he kept saying "No." He felt it was an invasion of privacy—whether he bought bonds was his business, not his employer's.

The concern he works for is a major government contractor. With the Vietnam war winding down, it foresees fewer contracts for all. It figures if it can boast to "Washington" that "100 percent of our employees buy government bonds," that just might help land some juicy contract.

Jim still can't quite believe what happened. This summer his supervisor asked him—and everyone else in the department—to buy bonds. Only Jim refused (citing high family expenses at the time).

Next the supervisor's supervisor tried. Then someone higher up the ladder pressured him. By this time Jim was more adamant than ever.

(Jim, incidentally is no professional rebel. He can't stand long hair, hippies, or demonstrations. He voted for Mr. Nixon in '68; applauds Mr. Agnew's speeches today.)

SUMMONED TO FRONT OFFICE

Finally the chief accountant summoned him. (It was the first time in his nine years with the company that Jim had met him.)

When Jim entered the office, the boss erupted in a five-minute spiel on the virtues of government bonds; then mentioned that due to shortage of orders the company would have to let some accountants go. Finally he looked hard at Jim: "Now—you will buy bonds, won't you?"

"When he said that," Jim recalls dourly, "I realized my job really depended on whether I joined that bond drive." He signed up—and has kicked himself ever since for capitulating.

Jim reflects wryly that "one of the supposed purposes of buying U.S. bonds is to protect freedom. I wonder whose?"

The incident has become nothing more to Jim than an annoying invasion of his privacy. But what if he'd stuck to his guns and been fired? On recommendations for future jobs, would his employer have given as reason for firing "refusal to buy U.S. bonds"—or would the company have trumped something up?

In any case, Jim's experience is but one illustration of the pervasiveness of invasions of Americans' privacy. Some of them can ruin lives—like psychological and lie-detector tests and the credit reports that occasionally victimize the innocent.

Privacy experts say that in addition to "no-knock" laws and wire taps (discussed previously in this series), several areas bear watching. They include:

Psychological testing—there's more in industry in recent years, less in government. (But the latter could reemerge.)

Sale of mailing lists—by government and private industry.

Questionnaires from government—the required census questionnaires; the voluntary ones sent out on behalf of other agencies—in which participation so often is assumed to be equally required.

Administering of drugs to some schoolchildren to calm them. The subject raised congressional hackles this year. Some observers said the potentials for abuse are frightening.

Credit investigations—a problem which may be nearing solution. Congress this year

passed a bill which gives consumers a chance to have their side of the story told in credit agency reports—and a legal comeback if agency negligence hurts them.

Coercion for "good causes"—as in the case already cited. There's much less in government, thanks to congressional publicity; an unknown amount remains in private industry.

Rep. Cornelius Gallagher is quite concerned about the frequency of psychological and lie-detector testing in private industry. In a view endorsed by others who have devoted much time to the privacy issue, he says industry's use of psychological testing is "growing rather rapidly." He readily concedes to industry "a need to know aptitude, skills, reliability. All of these things are part of a question of employment. But not the sex life. Not the religious life. . . ."

Of lie-detector tests he says: "It's booming in industry as a way of life, as enforced honesty . . . giving no benefit of the doubt to any employee."

"One of the great shoe chains in America—and many other chains, I might say—give lie-detector tests to their employees every two weeks to see if they're stealing a pair of their shoes or a pair of socks."

He and many others also are concerned about what they consider the prying nature of some aspects of psychological oriented tests and questionnaires given schoolchildren. He is concerned that there are such questions as, "How do your parents get along?" and "Do you have a vacuum cleaner in the house?"

"Not only do they invade privacy, but the presumed confidentiality of the answers is often broken. I used to teach school. The answers often become common gossip in the teachers' smoker. And before you know it, people's reputations are totally destroyed. And they don't even know why."

MANY TEACHERS CONCERNED

Some teachers are pretty concerned about another point. The answers and resulting interpretations of home life or the child—right or wrong—can follow and limit a child throughout his school years.

For government employees, however, the picture is somewhat brighter. Far fewer of them nowadays face lie-detector or psychological tests than during the mid-'60's—largely as the result of pressure brought to bear by Congress, and especially by Sen. Sam J. Ervin Jr. (D) of North Carolina.

Several egregious cases of gross invasion of employees' privacy, well publicized, helped pressure federal agencies into limiting this kind of testing.

One particularly well-known 1968 case involved the 2½-hour lie-detector interview of a young government clerk who was asked questions such as: Was she homosexual? Did she use birth control pills? Had she ever had an abortion?

She said she felt she had been "mentally raped" by the interview—as the result of which her security clearance was removed and she was fired on vague grounds of "immorality." (In time this verdict was reversed.)

Senator Ervin, however, is under no illusion that the congressional heat of the moment will prove longlasting. He is pressing a measure which has been called a "bill of rights" for government employees. Except for the FBI and, to some extent, national security agencies, it would prevent federal agencies from asking employees about personal subjects such as their religion and sexual lives.

The Senator feels this is particularly important because industry and state and local governments look to the federal government to set the pace.

In recent years the federal government's investigation system has been changed to safeguard the right of privacy of anyone

who applies for a government job. The questions asked do not range back so far in time, for instance. Routine questions about race and religion are out. And on the criminal front, the applicant now is only asked about convictions, not arrests.

But once a person becomes a government employee, as things now stand, he often feels—in the words of one—"disenfranchised. Once you're in the system, you discover that the best way to survive is not to make waves—which means not to bring up controversial ideas."

Last May some 250 State Department and AID employees signed form letters to Secretary of State William P. Rogers expressing respectful personal opposition to the Cambodian incursion.

Word was leaked to the press. Subsequently, some 50 of the foreign service officers who signed—mostly young—were called in to chat with Undersecretary of State for Administration U. Alexis Johnson. They were reminded they had a duty to support administration policy but that there would be no reprisals. Many present nevertheless felt they had been reprimanded and resented what they considered an implication of disloyalty.

Later Clark Mollenhoff, then a White House aide, requested the names of the letter signers, and got them from undisclosed sources within the department. (The White House subsequently denied any "dossiers" were being prepared on the signers.)

There is some concern among government employees that the signing in fact will be "remembered" by the government.

MAILS A TOUCHY POINT

Important as this whole area is to many here in Washington, the public at large is more excited by privacy issues which touch them directly—such as sale of mailing lists and government questionnaires, specifically census.

Several bills have been filed in Congress this year to prevent—or control—government sale of mailing lists for commercial use, generally to bulk mailers. A House committee held hearings on the subject in July, during which Rep. Ken Hechler (D) of West Virginia laid out the problem.

"Every congressman has received hundreds of letters from shocked constituents whose names somehow have turned up on mailing lists sold to purveyors of pornographic literature. . . ."

"One of the chief offenders in the sale of mailing lists is Uncle Sam. It is incomprehensible to me that the federal government, which requires by law the licensing or registration of airplane pilots, ham radio operators, boats, and hundreds of other items and people, systematically turns around and sells those names and addresses without the consent of those forced to register. And when this is done for commercial purposes, I think it is wrong."

Rep. Frank Horton (R) of New York asked 50 federal agencies whether they sold mailing lists. He found some did, some did not. He found the Internal Revenue Service sold a list of 143,000 names of persons registered as gun collectors or dealers.

"The Federal Communications Commission," he said, "sells the names of 265,000 amateur radio operators, and the Federal Aviation Administration sells a list of 680,000 licensed pilots. The Coast Guard also sells the names of motorboat owners who are registered in New Hampshire, Washington, Alaska, the District of Columbia, and Guam."

"Since starting my investigation, I have received letters from individuals all over the country. Almost all these letters complain about invasion of privacy through the mailbox."

A year ago Congress was being flooded with letters complaining about questions proposed for the 1970 census. While the issue of census questions didn't have anywhere

near the long-range potential for misuse of a lot of other privacy issues, it was still an issue that touched almost everybody.

One of the most bizarre—and chilling—examples of potential privacy invasion concerns drug-research programs involving children judged overactive. A congressional hearing was held on the matter this fall. During it a government official estimated that from 150,000 to 200,000 children today are being treated in school with calming drugs.

While research officials who were questioned denied that parents were coerced to have their children participate in such programs, one mother, Mrs. Daniel Youngs of Little Rock, Ark., told a hair-raising story:

"One of the first things we had to take care of after arriving in Little Rock was the enrollment of our third-grade daughter and first-grade son [in school]. . . . The principal . . . took our children's report cards and studied them for a few minutes, and then made an astonishing diagnosis: 'Your daughter, Mr. and Mrs. Youngs, has minimal brain dysfunction' [a form of mild brain damage].

"This diagnosis, by the principal, was made solely on a report card. She had never laid eyes on our daughter. We protested strongly, but to no avail. . . ."

That was the beginning, Mrs. Youngs said, of great pressure to have the children entered in a drug-research program—supposedly so they would learn better.

PRESSURE KEPT BUILDING

"The pressure kept building. My son was not allowed to have recess with the other children because it was too stimulating. . . . [One] day my son came home crying hysterically. After I calmed him down I found out the problem. He had been put in a cardboard box for two weeks. I went down to the school in a rage. The box was gone. [The principal] said the box was removed because some of the parents were going to build wooden partitions to replace the box. They did not deny that the cardboard box had been used for him. 'He was easily distracted.' I was told this way he could learn without distraction.

"Near the end of the school year I received the final and decisive call from the school principal. At the meeting, [the principal] said my children were failing and since we wouldn't do anything about it, the school officials were very seriously considering taking it out of our hands . . . that the school officials were contemplating using our children in a trial court case, to see if children could be put in this program without the parents' consent."

To escape the situation, the Youngs family moved to another state.

Beside the issue of coercion, the hearing raised two serious questions:

Do schools label pupils hyperactive who are merely exuberant—or bored with what the school is offering?

What kind of credibility does an adult achieve when on the one hand he warns the child against the use of amphetamines and on the other encourages their use?

A week after the Gallagher hearing the Nixon administration said it soon would bring together a panel of top-level scientists to warn physicians and school officials against overuse of drugs to calm hyperactive children.

The list of privacy invasions goes on. Sometimes it seems there isn't very much that can be done about it—at least, not by the average American. But specialists on the subject say individual action can be taken—and results obtained.

HOW YOU CAN FIGHT BIG BROTHER (By Robert P. Hey)

WASHINGTON.—Prof. Allan M. was provoked—and disturbed. He sat right down and fired off a letter to Sen. Sam J. Ervin Jr.

He told the Senate's leading privacy exponent that he had sought a government grant from the National Science Foundation for a scientific research project he wanted to do. The application form the NSF sent included blanks for the usual data—purpose of research, expected result, and so on.

But then came this one: project director's social-security number. The form also asked for the social-security numbers of the director's four top aides.

The professor concluded that the NSF wanted the social-security numbers so its computer could communicate with somebody else's—either to take or give information about the five individuals. He didn't feel the government needed to know these numbers.

Professor M.'s letter prompted the North Carolina Democrat to ask Health, Education, and Welfare Secretary Elliot L. Richardson about the use of social-security numbers—were they being used too often, with potential dangers of privacy invasion?

(The grant for this scientific research would come from Secretary Richardson's department.)

CLEAR IDENTITIES SOUGHT

In September Mr. Richardson wrote back that the government uses social-security numbers on its forms "as a means of clearly identifying individuals and avoiding the confusion and mistakes which can arise when a number of individuals have common or similar names." He spoke of severe restrictions on their use, to prevent any agency in most cases from "obtaining information from social security about an individual without his prior consent."

But Mr. Richardson did say he is concerned about possible abuses of individual privacy through misuse of social-security numbers. "Because of this concern," he reported, "the Social Security Administration is currently reviewing the policies governing the issuance, maintenance, and usage of the social-security number."

Too often when a person feels his privacy has been invaded he feels powerless. But Lawrence Speiser, director of the Washington office of the American Civil Liberties Union, points out that one person can effect change if only he knows whom to contact—as the professor did:

AUTOMATIC SIGNING DISCOURAGED

"There's a wide range of actions individually he might take which at least will raise the issue with someone. For example, there are a lot of questions on government forms that most people sign automatically"—like the NSF form.

People shouldn't sign automatically, says Mr. Speiser. They should raise the specific privacy issue with someone—their senator, representative, the American Civil Liberties Union. If these persons take up this issue with the appropriate government agencies, they very well may get action.

"But it requires somebody to raise the question. It doesn't always require a lawsuit—just an inquiry."

Senator Ervin offers similar advice, though he isn't quite so optimistic about the chances of success:

"About all the individual can do is to call the attention of people" to the specific privacy invasion he is facing. "And also ask his senator and representative to do something about it."

Rep. Cornelius E. Gallagher, the primary privacy specialist in the House of Representatives, gives similar advice—write your elected representatives, including the President. Mr. Gallagher has an additional suggestion:

"I think the average guy has to, somewhere along the line say 'no' to all of the encroachments in his private life." He speaks specifically of the privacy invasions many industrial employees face from their employers—

overly personal interviews, and in some cases the use of psychological testing, lie detectors, clandestine on-the-job surveillance.

LAXITY BY UNIONS CHARGED

The New Jersey Democrat comes down hard on unions on this issue: "I think that the unions are extremely lacking in any collective kind of approach to this problem . . . they all feel it. They all are aware of it. They all want to do something about it."

"But I haven't seen any big movement on the part of labor to become involved in this issue. . . ."

Some are flat-out pessimists about the possibility that anyone can take effective action to combat privacy invasions. One is Bernard Fensterwald Jr. During the '60's he was a staff counsel for former Sen. Ed Long's subcommittee, which exhaustively investigated wiretapping.

What can the individual do about privacy encroachments? "Adjust," says Mr. Fensterwald glumly. "Stay out of it and adjust. Look the other way. . . . I frankly think that privacy is dead and everybody better quit worrying about it."

But his view doesn't prevail among most privacy specialists. They have a host of suggestions for steps that should be taken to safeguard the rights of privacy, confidentiality, and due process for all Americans:

Establish a new federal agency "to control federal data banks on behalf of the privacy and due-process rights of citizens." This proposal is strongly advocated by Senator Ervin, not normally a man who wants to add yet another federal agency.

Set up commissions—with members representing many segments of society—to periodically review information that government and private computers and data banks are asking, collecting, storing, and dispersing. Some would give the commission power to write guidelines.

Authorize a broadly based House of Representatives committee to delve thoroughly into the entire privacy issue—the needs of society, the choices that must be made between some of society's needs and individuals' requirements for privacy. Representative Gallagher advocates such a study to determine what the nation's "course shall be, and what laws may be necessary in order to protect our freedom. . . . We ought to look at the problem from every angle, and then determine where we want to go."

Develop stronger presidential leadership and more positive action from presidential commissions. Last month Senator Ervin voiced sharp criticism on both scores:

CURB ON MAILING LISTS

"The President has thus far offered no constructive solutions to the constitutional-rights issues raised in these hearings [during 1969 when the topic was privacy, the census, and federal questionnaires]. The administration has taken the easy way out. It has appointed a presidential commission to study the problem of government questionnaires. So far we have heard nothing from it. . . ."

"Another commission, appointed over a year ago by Secretary of Commerce [Maurice H.] Stans, has also not been heard from so far."

Forbid the government from selling mailing lists to anyone for any commercial purpose. This would prevent the government from giving your name to third-class mailers. Rep. Frank Horton (R) of New York introduced such a bill in the House this past year. He will push again next year. Others are demanding the same thing. Public indignation is rising over the unbidded smut being sent through the mails. Mailing lists provide smut peddlers with innocent targets.

End the increasingly frequent requirement that people who fill out questionnaires and surveys put their social security numbers on the forms. Most privacy specialists suspect that the only purpose for this re-

quest is to enable various governmental—and nongovernmental—computers to exchange information which ought to be confidential.

Build more technical safeguards into computers and computerized data banks to preserve the confidentiality of information stored within them. In a recent issue of NAM Reports, put out by the National Association of Manufacturers, Robert P. Henderson mentioned some possibilities. He is vice-president and general manager, electronic data processing division, Honeywell, Inc.

SAFEGUARDS ON INPUT AND OUTPUTS

Said Mr. Henderson: "We can make it possible to limit those who are allowed to put information into a system. We can even have machines check data against a given set of values and reject questionable information. In fact, all input could be classified as it is received, ranging from material of public record to top secret. Sensitive information then could be encoded during the input process.

"Similarly, there can be ingenious safeguards in the delivery of information. The computer can require a password or answers to a series of questions before printing it. It could require several persons to be present, each possessing separate parts of a code. According to the password a person possessed, the computer could limit access to a specific type of information. . . . It could be constructed to read badges and other forms of physical identification—or even compare the user's voice to a 'voice print' stored within it."

More broadly, he also suggests:

New legislation: "Perhaps the most important new legal safeguard would provide a citizen with the ability to challenge in court the release of private data about him without his consent."

"BILL OF RIGHTS" FOR EMPLOYEES

Senator Ervin is pushing hard for a more specific piece of legislation:

A bill of rights for government employees. Designed to prevent government from invading the personal lives of its employees, it passed the Senate this Congress but did not get anywhere in the House. Senator Ervin intends to push again next year. One reason he will—government practices often are copied by defense contractors, later other industry.

Senator Ervin and Mr. Gallagher—the two leading privacy exponents in Congress—are not optimistic that Congress will be in any hurry to pass laws dealing with the fundamental problems of privacy.

Says the Senator:

"It takes a whole lot to move Congress . . . and if you're going to educate Congress, you've got to educate the news media first."

Mr. Gallagher is more openly pessimistic: "I see no real action" by Congress toward solving the overall privacy problem. "I see isolated battles, such as the ones we put on and Senator Ervin puts on. But I see no great awareness among my colleagues that this is a great issue."

RECENT STEPS SUMMARIZED

In the past few years several steps have been taken toward coming to grips with parts of the privacy vs. society problem, among them:

A 1968 federal law to bar private wiretapping and other electronic eavesdropping and to require a warrant for police wiretaps.

A federal law to regulate credit bureaus.

Increased attention to confidentiality in some computerized data banks. New York's identification and intelligence system for law enforcement is one frequently mentioned.

Despite these advances, privacy specialists are worried.

Representative Gallagher warns:

"I think the race is whether or not people will reassert themselves in time. Because the pendulum is being programmed out. The

pendulum will not swing back [toward privacy] this time. Times have changed."

Dr. W. Alan Westin warns that the problem is not confined to American shores—that it exists in varying degrees throughout the Western world.

In his book "Privacy and Freedom" (New York: Atheneum), written in 1967, he said:

"The setting—the marvels of microminiaturization and circuitry, chemical synthesis and projective psychiatry—is new. But the choices are as old as man's history on the planet.

"Will the tools be used for man's liberation or his subjugation? In the density, complexity, and tight interrelation of 20th-century life, can we preserve the opportunities for privacy without which our whole system of civil liberties may become formalistic ritual?"

A STATEMENT TO PROTEST THE JUDICIAL BAN ON PUBLICATION OF A REPORT BY HOUSE INTERNAL SECURITY COMMITTEE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, it is of the most direct and urgent concern to every Member of this House that on October 13 Judge Gerhard A. Gesell, a U.S. district judge for the District of Columbia, issued a temporary order restraining publication of a report made by the Internal Security Committee to the House, and that on October 28 Judge Gesell issued a final order forbidding the Superintendent of Documents and the Public Printer to publish this report.

Judge Gesell's actions directly violate the right of the House to conduct its legislative process free of judicial interference. It is utterly without precedent that a court should prevent publication of a congressional report. Such interference contradicts the speech and debate clause of article 1, section 6, clause 1 of the Constitution and violates the separation between the legislative and judicial powers which our Constitution is designed to maintain.

At a time when both Members and the public demand new legislation to counteract the wave of revolutionary violence in our country, the Internal Security Committee—in accordance with its mandate—has undertaken investigation and hearings regarding groups such as Students for a Democratic Society and the Black Panthers which would alter our form of government by violence or which would obstruct the execution of public law and policy by violence. In order to determine whether new legislation is needed for the internal security of this country, the committee aimed to find out about the extent, character, objectives, and activities of revolutionary and violent groups—and this means to find out, among other things, how these groups get their funds.

Acting on the probable hypothesis that large honoraria paid to advocates of revolutionary violence for speaking on college campuses help to fund the activities of extremist groups, the committee compiled a list of such speakers and what they were paid for speaking. The committee—in accordance with its mandate—planned to report this information

to the House in a report entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." The report listed 69 speakers cited as "members, or participants in the activities of Communist, Communist-front, or Communist-infiltrated organizations, and/or militant, radical, or extremist groups, or self-proclaimed revolutionaries."

In his final order enjoining its publication, Judge Gesell said that the report is without legislative purpose and violates the rights of speech and assembly.

This report and any other report which would give Congress inside information about revolutionary groups would serve a most urgent legislative purpose. To assert otherwise in face of the violence which threatens the internal security of the United States would be absurd.

And the committee by publishing this report would exercise not the least compulsion to prevent anyone from speaking anywhere.

Judge Gesell has directly violated article 1, section 6, clause 1 of the Constitution which provides that "for any speech or debate in either House, they—Senators and Representatives—shall not be questioned in any other place."

The courts have clearly established that the "speech" and "debate" which are not subject to judicial interference include written reports made by its committees to the House. Such reports are an essential part of the legislative process, and the separation between the legislative and judicial powers which the Constitution is designed to maintain means that the legislative process is not subject to judicial interference. In particular, the courts have no authority to interfere with publication of a committee report because they judge it not pertinent to a legislative purpose—and in this case the report is most pertinent to the legislative duties of the House.

The courts can interfere in the legislative process only to safeguard individuals from abuse of compulsory process. The courts, for example, can require that a question put to a witness before a committee be relevant to a legislative purpose only when the committee uses its subpoena power to compel the witness to answer on pain of citation for contempt of Congress. No compulsory process is involved in the present case.

Every Member has a vital concern that the court of appeals throw out Judge Gesell's order, which attacks the independence and authority and dignity of this House.

THE INTOLERABLE DEFICIT IN FEDERAL FINANCES FOR THE CURRENT FISCAL YEAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. BOW) is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, there is growing concern throughout the country at the prospect of an intolerable deficit in Federal finances for the current fiscal year. I share that concern, and believe it is a subject to which this House should turn its attention during the remaining

days of this session. Many measures are said to be urgent and many issues have been labeled as high priority. To me, nothing is more urgent and nothing can have higher priority than a program to hold the fiscal 1971 deficit within reasonable limits.

Such a limit would be established under the Fiscal Responsibility Act of 1970—H.R. 18876—which I introduced on August 10 and which has as yet been given absolutely no consideration. My bill would bind Congress as well as the President to a spending ceiling of \$205.6 billion in this fiscal year and it would be far more effective than the limitation previously adopted by the House. It is too late to act on this legislation.

Two experts on Federal financial matters have recently published articles on this subject, including recommendations that the Bow bill be given consideration. I include with my remarks an article from NAM Reports by M. Merle Harrod, vice chairman of the NAM Government Expenditures Committee, who is an industrialist from Wapakoneta, Ohio, and an article by Eugene F. Rinta, research director of the Council of State Chambers of Commerce, Washington, D.C., as follows:

THE NEED FOR IMPROVED CONTROL OF EXPENDITURES: THE FISCAL 1971 INSTALLMENT OF A CONTINUING STORY

(By M. Merle Harrod)

When the President's Budget Message is delivered in January, it makes all the front pages—complete with charts to show where the money is coming from and how the Administration would like to spend it. Analyses continue for several days in editorials and on television. Then, after a week or so, interest in Federal spending appears to be suspended for another year. There are, of course, exceptions—this year there were spurts of public concern generated by the Presidential veto of appropriations bills; in 1968, the grass roots objection to increased taxes was translated into the Revenue and Expenditure Control Act. But by and large it becomes a ho-hum matter and the 500-odd page budget document gathers dust on the shelves of libraries.

How do we account for this in view of the very evident, often highly vocal, concern over the level of taxes? One theory has it that the spending numbers are just too big to be realistic. After all, the reasoning goes, very few of us can really grasp the concept of one billion dollars—much less the \$200 billion the Federal budget passed this year. On the other hand, we understand very well how many hundreds, or even thousands, we are called upon to pay in taxes.

Also, once the budget requests are referred to the Congress in the form of appropriations bills, the overview provided in the budget message is quickly fragmented. Year after year, many members of Congress find it difficult to keep track of the details of each appropriations bill and depend on the recommendations of the Appropriations Committees and their subcommittees. How can we expect the average citizen to do better? He can't, but he certainly can realize the seriousness of the problems and demand reform of the appropriations process.

NAM has long recommended that Congress consider all appropriations in two bills: one dealing with defense and national security and the other with all other Federal program requirements. The effect of this would be to highlight the total amount of appropriations. This would avoid the setting of arbitrary "ceilings"—a dreary process which has become completely ineffective because of the inevitable list of exceptions and loopholes.

At the same time, facing up to the totals would bring home to Congress—and to the public—the need to establish priorities among the many proposals for Federal spending.

The use of two appropriations bills would also be effective in avoiding the situation we face again this year of being well into the fiscal year without having enactment of all appropriations bills.

The Legislative Reorganization Act of 1946 provided for a legislative budget which, in response to the President's budget, would set an overall level of spending for the fiscal year. This was not effective either, partly because of the unwieldy size of the proposed committee which consisted of the entire membership of the two revenue-raising committees and the two Appropriations Committees. In 1966, the Joint Committee on the Organization of the Congress recommended that within 30 days after the submission of the President's budget the Appropriations Committees review the fiscal, financial and economic assumptions on which the budget is based with the Director of the Bureau of the Budget, the Secretary of the Treasury and the Chairman of the President's Council of Economic Advisers. This was incorporated in H.R. 17654, the Legislative Reorganization Act of 1970, which was recently passed by the House and the Senate.

This seems to be largely duplicative of the type of information gathered by the Joint Economic Committee in its hearings on the President's Economic Report. Even if additional material would be forthcoming, this procedure is merely a review of Administration proposals and assumptions. Useful as this may be, there is nothing in the procedure that imposes, or assures, some form of limit on the total of appropriations by Congress. This year, for example, the Congress imposed a spending "ceiling" of \$200.8 billion, now adjusted to \$203.8 billion, on the Administration. However, the "ceiling" is flexible—i.e., it can increase to absorb any Congressional action beyond the stated figure.

As of Sept. 23, only four of the 14 appropriations bills for the fiscal year which started on July 1 had been enacted, and two others were awaiting the President's signature. These four bills alone added \$440 million to the President's request for budgetary authority and \$227.5 million to his proposals for fiscal 1971 outlays. The Joint Committee on Reduction of Federal Expenditures' "scorekeeping" on the budget, as of Sept. 23, indicated that action on all spending bills—appropriations and legislative—as of that date, showed this relationship to the Administration's budget:

	[Millions of dollars]			
	Budget authority	Budget outlays	Budget receipts	Surplus (+) deficit (-)
House.....	+\$5,567	+\$3,451	-\$131	-\$3,582
Senate.....	+4,437	+2,797	+537	-2,260
Enacted.....	+2,973	+2,089	+42	-2,047

In his Sept. 11 message, the President remarked:

"I have suggested that Congress establish an overall spending ceiling, and adjust the various appropriation bills to accord with that ceiling. There may be other and better ways of attaining this goal. But we can no longer avoid the necessity of finding some means whereby the present fragmented and competitive legislative process that mandates and promotes Federal spending can be brought under control so that the impact of the total Federal budget is to sustain and encourage economic growth, rather than to disrupt it. This is the course of fiscal responsibility."

One can only hope that Congress will get on that course. Two bills now before it which

have not been acted on would constitute excellent first steps. They are: The Federal Economy Act of 1970 and The Fiscal Responsibility Act of 1970.

The Federal Economy Act of 1970 was sent to Congress by the President early in the year. It would save \$1 billion in the current fiscal year by elimination or reduction of outmoded and wasteful programs. Although \$1 billion is admittedly not very much when considered in relation to a budget total of over \$200 billion, this legislation would be a commitment to, and an essential first step toward, expenditure control and the setting of priorities for the 1970s and beyond. Unless it is taken, very little can be done about finding the resources for forward-looking programs without increasing tax burdens. One billion dollars may indeed be a drop in the bucket, but it is only by paying attention to all possibilities for expenditure control that we can hope to make a start in the massive review of government spending that is essential.

Last December, before assuming the chairmanship of the Federal Reserve Board, Dr. Arthur F. Burns proposed that serious attention be given to the idea of "zero budgeting." This means that every government agency would have to prove the need for its entire budget every year, and not, as at present, be required to justify only the increase in existing programs or the addition of new ones. Dr. Burns was, however, concerned that the amount of work involved would be formidable.

The Subcommittee on Economy in Government of the Joint Economic Committee has made a modified recommendation with the same intent. They proposed, last February, that Congressional committees with program responsibilities should establish an explicit schedule whereby all existing Federal programs would be subjected to "a comprehensive, from the ground up, reappraisal at least every five years." This would extend to the entire budget the periodic reappraisal procedure established in 1968 for grant-in-aid programs.

The Fiscal Responsibility Act of 1970 (H.R. 18876) was introduced in August by Rep. Frank Bow of Ohio, ranking minority member of the House Appropriations Committee. Although it involves a "ceiling," it applies to both the appropriations process and budget requests and is, therefore, a step in the right direction. The legislation was described by Rep. Gerald R. Ford of Michigan, one of its co-sponsors, as a measure which would "prevent budget-busting by the Congress as well as the President."

Specifically, this bill would establish a spending limitation of \$205.6 billion for the current year with certain adjustments for "uncontrollable" items and shortfalls. To prevent this limitation from being exceeded because of the action of Congress, the bill would require that the Director of the Office of Management and Budget report to the President and Congress, at the end of the session, his estimates of the effect of Congressional action on the President's expenditure recommendations. If this report indicated that expenses would exceed the adjusted limitation, the director would be required to specify the pro rata reduction in expenditures, for each activity increased by Congress, which would be necessary to bring total budget outlays within the adjusted limitation. Agencies would be required not to exceed the reduced figures specified. There would be no exceptions.

In introducing the bill, Rep. Bow said that this provision "provides a method by which Congress would control the results of its own actions on individual appropriations bills."

The realities of the calendar suggest that neither the Federal Economy Act nor the Fiscal Responsibility Act will become law, or even be seriously debated, during this ses-

sion. Although the specifics of both pieces of legislation relate to the current year's budget, the ideas underlying them have more permanent value and should not be allowed to disappear from discussion. Similarly, the various proposals for strengthening the Program-Planning-Budgeting-System, the idea of "zero budgeting," the proposal, long supported by NAM, to give the President an item veto applicable to appropriations bills, and the proposal for a two-bill appropriations "package" should not be lost from view.

Each of these ideas, some of which have been discussed for a long time, should be re-examined to see whether they can be improved. The complementary goals of expenditure control and the setting of priorities for Federal spending must constantly remain in the forefront of our thinking even as newer, more "glamorous," issues compete for our attention.

PROPOSALS FOR HOLDING DOWN THE 1971 DEFICIT

More than four months ago, on July 4, this publication reported the distinct possibility that the Federal deficit for the 1971 fiscal year could be as large as \$10-12 billion. This compared to the Nixon Administration's revised budget estimates of May 19 projecting a deficit of \$1.3 billion. The possibility of the deficit reaching the \$10-12 billion level was based largely on Congressional budget actions and inactions through June together with probable actions and inactions by Congress through the remaining months of the session. This large projected deficit also assumed lower revenues under existing tax laws than the Treasury had estimated.

During the period from the first of July through October 14, when Congress recessed for the election campaigns, there was nothing in Congressional actions or in the economic picture to indicate that the deficit would fall below the \$10-12 billion range. To the contrary, an even bigger deficit is now expected by some analysts, due both to excessive spending and to the adverse effect of the economic slowdown on anticipated revenues.

One eminently qualified source of a recent large deficit estimate is Rep. Wilbur D. Mills, Chairman of the House Ways and Means Committee. In a speech on October 21 he placed the probable 1971 deficit at \$15-16 billion under the unified budget. He noted, too, that this \$15-16 billion deficit would be a net figure resulting from a deficit of \$22-24 billion in general Treasury funds and a surplus of about \$7-8 billion in dedicated trust funds.

The probable 1971 deficit, whether \$10 billion or as big as \$16 billion, represents a great change from the original 1971 budget estimates which produced a surplus of \$1.3 billion. This change is accounted for by a substantial increase above the budget in outlays and an almost equal shortfall in revenues. The increase in outlays of as much as \$9 billion from the original budget estimate of \$200.8 billion is due both to original underestimates of outlays for uncontrollable items and to Congressional actions on spending proposals and inactions on proposals for reducing outlays.

The shortfall in revenues of as much as \$7 billion from the original budget estimate of \$202.1 billion is due primarily to a more sluggish economy than was anticipated in the development of the revenue estimates. In order to make up in part for this shortfall the President proposed two new revenue measures—a speedup in estate and gift tax payments and a tax on lead used in gasoline. These measures were expected to produce \$1.5 billion and \$1.6 billion, respectively, in 1971. They are still pending in the House Ways and Means Committee.

EXPENDITURE CONTROLS TO REDUCE THE DEFICIT

In view of the current state of the economy

and the level of unemployment, a general tax increase to reduce the 1971 deficit is unlikely to be proposed by the President or to be considered by the Congress. Spending control, however, is still possible. Congress has yet to complete action on seven major appropriation bills involving budget requests of over \$120 billion and a catchall supplemental bill of about \$0.5 billion. Also, there is time available in the remaining weeks of this session to enact effective controls on the total budget.

CONTROL THROUGH APPROPRIATIONS CUTS

One of the seven pending regular appropriation bills is the Independent Offices—HUD bill which the President successfully vetoed. It provided \$541 million more than the President had requested. The House has completed action on all of the pending appropriations except for the supplemental bill and reconsideration of the Independent Offices—HUD bill. In these six bills the House cut \$2.7 billion from requests totalling \$102 billion. The Senate, however, has acted on only two of these bills and approved \$651 million more than the \$9.9 billion requested in the two bills.

Clearly, there still remains considerable opportunity for 1971 budget reduction in coming Senate actions on the \$92 billion of appropriation requests it has not yet considered and in Senate-House conference agreements on all of the \$121 billion still pending final action. These bills and the amounts requested are: Defense—\$68.7 billion, Labor—HEW—\$18.8 billion, Independent Offices—HUD—\$17.5 billion, Agriculture—\$7.7 billion, Foreign Assistance—\$2.9 billion, Transportation—\$2.6 billion, Military Construction—\$2.1 billion, and Supplemental—\$0.5 billion.

AN EFFECTIVE EXPENDITURE LIMITATION

Last year the Congress enacted a limitation on fiscal 1970 spending which proved to be virtually useless. The ceiling was set at \$191.9 billion, which was \$1.0 billion below President Nixon's budget estimate, but it allowed the President a \$2.0 billion cushion for increases in uncontrollable items. On the other hand, the limitation placed no restraints at all on Congressional spending decisions. Instead, it provided that whenever any action or inaction by Congress on expenditure proposals affected budget estimates, the spending ceiling would be adjusted accordingly. The actual total of outlays in 1970 was \$196.8 billion which was almost \$3 billion more than the original limitation including the \$2 billion allowance for uncontrollable increases.

A similar limitation was enacted by Congress on June 29 with respect to fiscal 1971 spending. The base ceiling was set at \$200.8 billion, the original budget estimate of February 2, and an allowance of \$4.5 billion was provided for overruns in uncontrollable items. Thus the total ceiling for Executive spending decisions is \$205.3 billion. The fact is, however, that Congressional budget actions and inactions to date point to a 1971 outlay total of at least \$208 billion and probably as high as \$210 billion. The ceiling would, of course, be adjusted to allow for the increase.

President Nixon called on the Congress last summer to enact an effective expenditure limitation which would apply to Congress as well as to the Executive Branch. Such a limitation was enacted by Congress in 1968 with respect to fiscal 1969 expenditures and it helped to produce the first and only budget surplus since 1960.

In response to the President's call, Rep. Frank T. Bow (R-Ohio) on August 10 introduced legislation on behalf of the House Republican leadership and most of the Republican members of the House Appropriations Committee on which he is the ranking minority member. This legislation, H.R. 18876, would repeal the flexible spending

limitation approved by Congress on June 29 and would impose a ceiling that would be applicable to both the President and the Congress.

The Bow bill would set the limitation on 1971 outlays at \$205.6 billion which is the outlay total in the Administration's revised budget estimates of May 19. Provision is made in the bill for adjustment of the ceiling only to the extent of net increases above the budget estimates for certain designated uncontrollable items. At the close of the current session of Congress the Director of the Office of Management and Budget would be required to report to the President and the Congress his estimate of the effect of Congressional action on outlays recommended by the President. If the Director's estimate indicated that outlays would exceed the \$205.6 billion ceiling, as adjusted for increases in uncontrollable items, he would be required to specify the outlay reduction for each program increased by Congress which would be necessary to bring total outlays within the adjusted limitation. Agencies, without exception, would be required to operate within the reduced outlay figures.

While the Bow limitation at \$205.6 billion appears a bit more liberal than the present limitation on 1971 spending (\$205.3 billion including a \$4.5 billion allowance for uncontrollable items), it is actually a much more effective proposal for controlling total 1971 budget outlays. Its effect would be to require the offsetting of increases made by Congress in some programs with equivalent reductions in others. It may well be argued that the President's revised (May 19) budget estimate of \$205.6 billion is an unduly generous base for the ceiling since it would require no reduction from his overall estimate for controllable programs. In contrast, the effective limitation on 1969 spending required a \$6 billion reduction from the original 1969 budget total for controllable items.

The Bow spending limitation bill was referred, unfortunately, to the House Government Operations Committee instead of the Appropriations Committee upon its introduction August 10. No hearings have been held or even scheduled on the matter, probably because it is a subject in which the Appropriations Committee has primary competence and responsibility.

LIMITATIONS ON 1971 OBLIGATIONS

If the President and the minority leadership in Congress are unable to persuade the Congressional majority leaders to replace the existing flexible spending limitation with an effective ceiling, they might well try the approach to spending control which was adopted with respect to the 1968 budget.

During the late summer and fall of 1967 President Johnson was seeking enactment of a 10 percent income tax surcharge as a revenue and counter-inflation measure, but with a negative reaction from the House Ways and Means Committee. In response to demands from the Committee for evidence of serious expenditure reduction efforts on the part of the Administration, Mr. Johnson late in November 1967 proposed, and Congress promptly approved, a budget reduction measure applicable to fiscal 1968. This measure was in the form of a joint resolution of the Senate and House, H.J. Res. 888, which became Public Law 90-218. This resolution also had the purpose of making continuing appropriations for departments and agencies whose appropriations for 1968 had not yet been enacted.

The purpose of the spending reduction provisions in Public Law 90-218 was stated in Section 201 of the Act as follows:

"In view of developments which constitute a threat to the economy with resulting inflation, the Congress hereby finds and determines that, taking into account action on appropriation bills to date, Federal obligations and expenditures in controllable pro-

grams for the fiscal year 1968 should be reduced by no less than \$9 billion and \$4 billion, respectively, below the President's budget requests. The limitations hereafter required are necessary for that purpose."

The budget reduction provisions in the Act provided for (1) reduction of budgeted obligations of each civilian department and agency by the equivalent of 2 percent of personnel costs and 10 percent of other controllable items, and (2) reduction of Defense Department obligations by up to 10 percent of the new obligational authority requested in the budget for non-Vietnam purposes. In agencies where Congress had already cut 1968 appropriations by more than the required reduction in obligations, the Congressional cuts would prevail. Exceptions from the required reductions were provided for permanent appropriations, trust fund programs, and other items classified as "relatively uncontrollable" in the 1968 budget document.

On February 8, 1968 the Bureau of the Budget estimated that the combined effect of Congressional actions on appropriations and P.L. 90-218 was a reduction of \$10.0 billion in 1968 obligations. Of that amount, \$5.6 billion was in Defense and military assistance and \$4.4 billion was in non-defense programs.

One aspect of budget control reduction of planned obligations, as provided in P.L. 90-218, would be particularly helpful at the present time. That aspect is the leadtime from the date of obligation of funds to the date of their actual expenditure. This leadtime, which is several months to a year or more for most outlays other than for personal services and transfer payments, would cause an outlay reduction in fiscal 1972 as well as in 1971. For example, in the enactment of P.L. 90-218 it was estimated that \$9 billion reductions in 1968 obligations would reduce expenditures in the same year by \$4 billion. The remainder would reduce expenditures in 1969 or later, depending on the nature of the obligation cuts.

It has been unofficially estimated that built-in growth of present spending programs will increase the outlay total to about \$225 billion in 1972. This could mean another deficit of \$10-15 billion or even more. A substantial reduction in planned 1971 obligations would provide significant relief on outlays in the 1972 budget.

A TIME FOR FISCAL RESPONSIBILITY

Unless special measures are taken at an early date to bring Federal spending under better control, successive deficits of as much as \$15 billion are possible in 1971 and 1972. The financing of these deficits would again create problems in the financial markets, would put renewed upward pressure on interest rates, would tend to delay the expected resurgence of housing construction, and would have a generally adverse effect on efforts to bring inflation under control. These deficits would also tend to force the Federal Reserve Board to adopt tighter monetary policy which would inhibit business expansion and job creation. A general tax increase to reduce or eliminate the deficits would not be a practical solution in the present sluggish economy. It could bring about a serious recession and cause a loss of revenues instead of a gain.

The answer to the problem is tight expenditure control, in fiscal 1972 as well as in 1971. Although time is running out in the present Congress, the job can still be done. It can be done in part by specific appropriations cuts in the bills still pending final action. Then the job can be completed by a general obligations reduction measure similar to P.L. 90-218 but with an expenditure limitation added. Now that the elections are past, it is a favorable time for fiscal responsibility.

EUGENE F. RINTA,
Research Director.

FBI—TARGET FOR SMEAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. SCHMITZ) is recognized for 10 minutes.

Mr. SCHMITZ. Mr. Speaker, Frank Meyer, in "The Conservative Mainstream," said:

McCarthyism—A tired cliché of the radical left; Pavlovian in its origins; evil in its purpose; slanderous in its implications and intentions, but meaningless except as an instrument of deliberate smear and vilification as accepted by the empty minds for whom it is intended.

A reading of the daily papers shows there is a blossoming campaign underway to destroy all governmental agencies which defend the Nation against internal enemies. The goal for the current war against internal security measures would seem to be to have all efforts of the Government to defend itself declared unconstitutional.

The Communists call this drive to dismantle our internal security apparatus their "extended democracy program." Col. William Kintner in his book "The New Frontier of War" outlines some of the essentials of this project with which we should all familiarize ourselves:

The Party labors constantly toward interpreting civil rights in order to allow it to operate freely. In the name of the right to assembly and to organize, the Party argues for an unlimited right to overthrow the government. . . . In the name of the right of free speech, the Communist Party, its fronts, and its captive organizations want not only an unlimited right to advocate the Party's civil disturbance program but also the right to lie, pervert, fabricate, slander and smear their opponents. At the same time—still in the name of free speech—the Party wants Congressional investigating committees which seek to reveal the Party's subversive machinations either abolished or reduced to impotence. . . . In short, the Communists are to remain free no matter what they do, while their opponents—dubbed as reactionaries and fascists—are to be suppressed, all in the name of progressive freedom and democracy.

The most recent wave of attacks have focused in several instances on the Federal Bureau of Investigation and its Director, J. Edgar Hoover. Mr. Hoover's books on communism in the United States have been a major factor in alerting tens of thousands of Americans to the dangers of communism. Today a new round of books by left-spectrum authors is attempting to alert readers to the supposed dangers, corruption, and general villainy of the FBI.

Three recent books of this nature will serve as examples. One deals with something known as the Orangeburg Massacre in which it is alleged that the FBI tried to cover up for local racists in three deaths which took place in South Carolina. Another concerns the political assassination of the late M. L. King by the Bureau. The third is by former Attorney General Ramsey Clark.

All three are obvious smears. However, since Ramsey Clark is a former Attorney General it is necessary that a few comments be made on this work. Congressman H. R. GROSS of Iowa summed it up nicely:

This petty little man (Clark) has come out with a book ludicrously entitled "Crime in America." It is ludicrous because if Clark knew anything about crime in this country when he sat in the Attorney General's chair, he did less than nothing to fight it.

Congressman DURWARD HALL of Missouri also scored a bull's eye as regards former Attorney General Clark:

Mr. Hoover certainly "hit the jellyfish on the tentacles" when he described Ramsey Clark as the worst Attorney General he had ever served with; even worse than Robert Kennedy.

It is not only these frontal attacks on the FBI which do the damage, however. An effort also seems to be underway to discredit the Bureau in the eyes of the normal, responsible, thinking citizen who generally holds the FBI in high regard. This is being done by attributing findings and statements to the FBI and its representatives which are, in fact, utterly spurious.

One such incident occurred when one of Mr. Hoover's assistants, William Sullivan, was quoted interestingly enough at a UPI editors and publishers conference, to the effect that the Communist Party is not in any way causing or directing or controlling the unrest we suffer today in the racial field or in the academic community. Replying to a letter of mine inquiring into this matter, Mr. Hoover advised me that—

In no way did he (Sullivan) indicate the Communists were not involved in fomenting disruptive activities and racial disorders.

A similar incident was the report that the FBI had concluded that the National Guard was at fault in the deaths that took place during the Kent State riots last spring. In a recent interview, Mr. Hoover stated that it was the Justice Department and not the FBI that had come to this conclusion.

Even such relatively conservative publications as the Wall Street Journal have been taken in. A recent Journal feature story on the FBI's 10 most wanted list quoted one Jonathan Lubell to the effect that politically motivated crimes—by Communists and others—are a minor statistic and receive publicity simply for political reasons. The Journal report unfortunately did not notify its readers that Mr. Lubell has been identified under oath as a Communist Party organizer and that when questioned by the Senate Internal Security Subcommittee about his affiliation with the party, he hid behind the fifth amendment. By contrast, how often are anti-Communist or right wing spokesmen quoted without being identified as such?

The Government must have the power to protect its citizens and itself. We must not be deluded by those whom Mr. Hoover has so aptly termed masters of deceit.

SOVIET JEWS—SUFFERING, BUT NO LONGER SILENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, we cannot close our hearts or

minds to the outrageous mistreatment of Jews in the Soviet Union. With remarkable courage, Soviet Jews, who are the victims of the latest pernicious Soviet campaign of anti-Semitism, have spoken out to assert their defiance and to attract world attention to their plight. Soviet Jews are suffering, but they are no longer silent.

The lot of more than 3 million Jews in the Soviet Union is tragic. We should not forget the courage of the heads of 18 Jewish families in the Soviet State of Georgia, where Judaism has been practiced with fewer restrictions than elsewhere in Russia, who in November 1969, petitioned the United Nations to help Soviet Jews who seek to emigrate to Israel. Their plea was inspiring. They wrote:

The time for fear has passed. The time for deeds has come.

It is characteristic of the Soviet Jew today that, despite persecution, he has spoken forth boldly.

Yet there is speculation that possibly on December 15 the Soviets plan a "show trial" of 12 Jews who are accused of trying to hijack an airliner last June. The pilot is said to have been a Soviet KGB agent who offered to fly the group to Israel. There were reports of mass arrests following this incident. The Soviet intention seems transparent—to further fan the flames of anti-Semitism, which is encouraged now as official Soviet policy.

I believe the United States must take a strong stand now against Soviet anti-Semitism. The persecution of Soviet Jews has increased sharply since the time of the Arab-Israeli 6-day war of 1967.

This is occurring in a nation whose revolutionary forefathers in 1917 fought to end anti-Semitism and other evils of czarist rule.

In fact, the revolutionaries removed all restrictions against Jews and against freedom of speech and assembly. The Soviet Jew, his religion and his culture prospered in the 1920's and early 1930's. There were as many as 100,000 pupils in Jewish schools and some 300 to 400 Yiddish language books were published annually. The Soviet Jew—as he is today—became prominent in such fields as science, economics, medicine, and music, and in intellectual leadership. Lenin thought the Jew would be "assimilated" into Soviet life. But Stalin, like Hitler and other dictators, saw the intellectual as the prime threat to his power. The result was the great Stalinist persecution of Jews in 1948-53. While the lot of the Jew improved with Stalin's death, the improvement was not to be lasting or substantial—and there has been no abatement of the deliberate effort by the antireligious state to destroy his cultural, religious, and communal life.

Ten years ago there were more than 500 synagogues in Russia, but today there are about 60 and no facilities for rabbinical training. The Jewish state theater was closed in 1949. Published Jewish writing is rare. There is no public instruction in Yiddish, even though Soviet law says such language classes must be held when 10 or more parents demand it. Although comprising the 11th largest of 130 nationality groups in the Soviet Un-

ion, Soviet Jews are denied the rights of others.

His identity card, which every Soviet citizen must carry, brands him by nationality as a "Jew." His birthright makes him suspect. He is dismissed from jobs, or denied employment, because of it. And, meanwhile, the state-controlled press, magazines, and radio cry out steadily against alleged "Zionist atrocities" or the "Nazi-like imperialism" of Israel.

Although Soviet Premier Kosygin said in Paris in December 1967, that "the doors will be open" for Jewish emigration, they stay shut. I believe the estimate by former Israeli Premier Ben-Gurion that, if the doors were opened, a million Jews would emigrate to Israel.

Thus, the world should be astonished and proud that Soviet Jews, primarily the young, are so audaciously asserting their Jewish identity today. We must ask, however, how long this state of affairs can last?

If blatant anti-Semitism is partially a Soviet tactical move in its attempt to woo the Arabs and gain a foothold in the Middle East, the Soviet Union should be reminded that a Middle East peace will be impossible to achieve so long as any nation continues to merchandize hatred and distrust.

Should our silence persist in the face of continued Soviet harassment of its Jewish citizens, I fear that conditions will worsen. The world can, and should, laugh at the Soviet pretense that it is a land of tolerance and freedom. Its hypocrisy should be vigorously condemned.

The Soviet Jew has boldly told the world of the grave danger which now confronts him. We cannot be found lacking in our response.

THE GESELL AFFAIR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, last night the distinguished gentleman from Missouri (Mr. ICHORD), the chairman of the Committee on Internal Security, reserved a special order to report to the Members on a matter affecting the privilege of the House.

It is tragic beyond belief to learn that a member of the Federal judiciary, sworn to uphold the Constitution, would presume himself so omnipotent as to exercise his mandated powers as a judge to thwart operations of the people's House in Congress—an appointed judicrat who has stained the sanctity and public confidence of the judiciary by misusing his office to suppress free speech and its unhampered dissemination. Such action constitutes an unparalleled threat not only against every Member of this House but also against the constitutional right of our people to know what is taking place in our country. Free speech and free press carry no greater role than that the American people be able to inform themselves—to decide the issues themselves. And as informed people they will stay free people.

Was Judge Gesell's ACLU-inspired prohibition limited to the workings of this body or was it directed at hiding the truth from the American people? I want to know and I am sure the American people want to know. We have a right to know and a duty to find out.

Today, enjoining the printing of a committee's study may tomorrow result in forbidding the printing of the testimony of a Government witness—next an injunction against stories in the Washington Post or the New York Times. Gesell's action sets a dangerous precedent—if allowed to stand or if given credence.

It is the height of absurdity to consider that an inferior court judge—a court created by Congress—would now seek to set himself up as a censor of Congress—The creature would now attack his creator.

Perhaps, while we are on the subject of Judge Gesell, it might be fitting to remind our colleagues just who this controversial man is. Gesell was the author of the infamous and revolutionary Gesell report in 1963, which aimed at destroying military effectiveness and has been highly successful. See CONGRESSIONAL RECORD, volume 115, part 26, page 34759. Most agree that his judicial appointment was but a political payoff for Chairman Gesell's revolutionary plan.

In November of last year, the same Judge Gesell ruled that Congress could not prohibit the murder of unborn babies when he struck down the District of Columbia's abortion law. See CONGRESSIONAL RECORD, February 25, 1970, page 4956. That he apparently believes in a right to extinguish unwanted life without trial is no real surprise. Earlier last year he directed a jury to return a verdict of not guilty in the trial for first-degree murder of the Negroes who murdered two young uniformed Marine Officers during the Abernathy "nonviolent" occupation of the Mall in 1968. His last headline case was in November of 1969 when he refused to impose the death penalty on the convicted murderer of two FBI agents.

In October of 1970 Judge Gesell released a heroin addict engaged in trafficking narcotics, because he could not decide what was meant by the word, "trafficking."

Now, again in league with his old comrades of the American Civil Liberties Union, the judge misuses his court to suppress truth and to deny the truth to our people so they can be informed citizens.

Judge Gesell has only given added publicity to the suppressed report and again disclosed his partiality to the ACLU cabal.

And now we behold the ACLU—the dirty-word gang who stand for freedom from prayer—in their new role of a censor, book burners.

Mr. Speaker, in 1969, following the last constitutional crisis faced by this body, wherein officers and employees of the House were used as pawns to circumvent the intent of the Constitution, I had introduced H.R. 12327 in an effort to avoid future collision courses with the judiciary—such as we now again must

face up to. I ask that the text of H.R. 12327 follow my remarks and I urge adoption of it or similar legislation in the interest of protecting the constitutional separation of powers.

I compliment the House Committee on Internal Security and especially the gentleman from Missouri (Mr. ICHORD) for his courageous dedication and fearless resolve to see that the people receive the findings of his committee's report.

Truth cannot long be suppressed and the people will find out.

The bill follows:

H.R. 12327

A bill to further define the jurisdiction of Federal courts in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no court of the United States shall have either original or appellate jurisdiction in any action in which the Congress, or either house thereof, or any Member, officer or employee of the Congress or either house thereof, in his official capacity, is a party.

OIL POLLUTION IS NATIONAL DISGRACE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, once again the waters off the coast of the State of Florida have served as a dumping ground for the unwanted residue of short-sighted and ill-conceived planning by the Department of Defense. I am shocked into disbelief that the Navy Department has shown such blatant disregard of the consequences in willfully dumping massive amounts of sludge into the ocean waters.

Reports have indicated that a massive oil slick covering nearly 800 square miles is posing a threat along a great stretch of our Florida beaches. I am further amazed that the Navy has attempted to justify this gross abuse of our oceans explaining that this is standard operating procedure.

If the Federal Government is unable to police its own agencies and prevent such outlandish prostitution of our ocean waters, how are we to expect the private sector to follow, with any enthusiasm, a program of prudent conservation practices. We cannot measure this flagrant mismanagement of our oceans by the inconvenience or unsightliness of the slick but must recognize it as an indication of the mentality of an agency that has grown arrogant and careless as a result of the unbridled powers it has been given.

The Congress has agreed to an Environmental Protection Agency to police those that would foul our waters with convenience being their only consideration. The courts have recently fined three of the largest oil companies for not utilizing preventive measures to protect against the possibilities of polluting our waters. It is in this light that I denounce the Navy's action and encourage the House of Representatives to call for immediate and strong action to see that this absurd practice is forever stopped.

I have joined with Members of this

House in introducing legislation that will provide statutory prohibitions against such practices. One of the measures would prohibit the discharge of military materials into the oceans without the express consent of the Council on Environmental Quality. With the formation of the Environmental Protection Agency, this responsibility would lie with that body. We must have legislation of this nature. We must stop the destruction of our waters and the sealife beneath them. We must stop this destruction, whether perpetrated by private enterprise or by the various governments of this country.

To rectify the Navy's practice in this situation will be needlessly expensive and may mean the destruction of the sealife off the Florida coast. I am appalled by this ignominious occurrence as I think that our citizens deserve a fairer shake and should not be subjected to the consequences of such a ludicrous stunt.

THE FEDERAL RESERVE DISCOUNT RATE—DOES IT MEAN ANYTHING TO THE CONSUMER?

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

Mr. PATMAN. Mr. Speaker, in recent weeks, there has been a great deal of discussion concerning the Federal Reserve's discount window.

The little-understood and seldom-mentioned discount window has been in the news because the Federal Reserve Board has decided on two occasions—within a 3-week period—to lower the discount rate. The discount rate now stands at 5½ percent after the two one-fourth of 1 percent reductions.

Judging from the news stories, columns, and the editorials, it would appear that the discount window is the bearer of all the good tidings possible concerning interest rates. This is an unfortunate distortion of the role and the importance of the discount window under the policies now practiced by the Federal Reserve System.

Under the narrow policies followed by the Federal Reserve System, the discount window has little bearing on the interest rates paid by the people of the United States. Only the commercial banks are allowed to borrow at the discount window at the bargain basement rate of 5½ percent. The rest of the Nation is shut off from this kind of low interest money.

In fact, Mr. Speaker, the discount window is not even open to a majority of the commercial banks. It is open only to the national banks and the State-chartered banks who are members of the Federal Reserve System. At the present time, fewer than 6,000 of the nearly 14,000 commercial banks are able to borrow from the discount window of the Federal Reserve.

There is little or no evidence that the 6,000 banks who are afforded the bargain basement rates by the Federal Reserve pass on any of the benefits to their customers. The discount reductions of and by themselves have little meaning

for the average borrower and only a minimal psychological impact on the economy.

In most other nations of the world, the central banks employ the discount window as a means of encouraging the flow of credit at reasonable rates into public interest projects. In other nations, banks which avail themselves of the discount window privileges must agree to put a percentage of loans into low income housing and similar social-oriented programs. In other cases, these worthy programs have direct access to the discount windows of the central bank. In short, they do not have to go through the tollgates of the commercial banking system to obtain the use of the Nation's credit at reasonable rates.

In these nations, the discount window has a real meaning, a direct impact on the economy and the social and economic goals. In these nations, the central banks do not allow the banks to benefit from low interest loans without passing on the benefits to the public.

In the United States, the Federal Reserve System does not impose such requirements on the 6,000 banks which have access to its discount window. If the funds from the discount windows are used to finance gambling casinos, stock speculation, and other fast-buck operations, the Federal Reserve says not a word.

It is significant that the Nation's lowest interest rates—5½ percent—are reserved for 6,000 commercial banks. Eight thousand other commercial banks are not allowed access to the discount window. The savings and loan associations and the credit unions and the mutual savings banks which serve millions of Americans are not allowed use of the discount window. In fact, the same day that the Federal Reserve announced that the discount rate had been reduced to 5½ percent, the Federal Home Loan Bank Board was announcing that its various regional banks were making loans to savings and loan associations at 7¾ and 8 percent—rates that are sure to help keep interest rates high to the home buyer.

If the Nation has credit available for 5½ percent, why should it be available only to a minority of the commercial banks and not to the home buyer, the farmer, the small businessman, and the average consumer?

Mr. Speaker, I hope the Nation's press that has seized on each announcement about the discount window with great glee, will take a closer look at this discriminatory monetary device. I hope that some newswriters and financial columnists will take the effort to place the discount window in its proper context and compare it with the operations of other central banks around the world.

A VINTAGE MONTH FOR THE COMMUNISTS

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

Mr. WAGGONER. Mr. Speaker, as we get underway in this last month of the 91st Congress, I would like to offer

up the hope, nay, the prayer that December does not turn out to be the banner month November was for the Communists in Russia and Peking. With the aid of several prominent Americans and one lesser so, it was, if you will pardon the expression, a red-letter month.

One Member of the other body got it off to a rousing start by announcing that, lo, he was no longer opposed to the admission of Red China to the United Nations as he was for years. He did not reveal, in his infinite wisdom, what had lifted the scales from his eyes, but he now is convinced that Peking is a peace-loving nation and has a "significant contribution" to make to the United Nations and that he is also sure they will live up to the requirements of the charter with "good faith." The Senator is too young to be senile and too old to be childish. What other explanation there is for his reversal, I do not know and leave it to speculation.

Another Senator distinguished himself in the Red eyes of the world by blocking a resolution which would have commended those American servicemen who took part in the effort to rescue prisoners of war in the Son Tay Prison Camp raid. It was, one has to suppose, an act of patriotism on his part for he is, I am told, a loyal American who, like all of us, loves his country. That I do not understand his reasoning is, one also supposes, to my discredit.

Another well-known warrior in the battle against anti-Americanism and a prominent dropout in the war against crime floated to the surface of the news in December, off the port bow, arm in arm with one of our more famous Communists who was once heard to gush that the Communists in Russia had made "enormous advances in the way men eat, live, and learn." She did not, to the best of my knowledge, say anything about their advanced technique in dying. The occasion for their newsmaking was the formation of something called the Committee for Public Justice. What public and whose idea of justice were not made clear.

Finally, Washington Star columnist, Smith Hempstone, chronicled in yesterday's issue of that paper, the disheartening treatment this Nation gave Seaman Simas, a poor refugee from behind the Iron Curtain.

I would like to make these four items a matter of record because I believe historians should know who it was who advocated what and did which and to whom in this troubled period of our history. I feel certain each of the protagonists in these stories is proud of his role in helping whichever nation it was he helped.

The material follows:

JAVITS PUSHES RED CHINA ADMISSION

Two days prior to the denial of a seat for Peking in the General Assembly of the United Nations, Sen. Jacob Javits (R.-N.Y.) announced he was drawing up a resolution that experts contend would considerably ease the way for Communist China into the world organization. Javits, once a member of the Committee of One Million to keep Red China out of the U.N., now wants Congress to drop its opposition to Peking membership and push for a "two-China" policy in which the

Nationalists could remain in the world body and Peking could be admitted by a majority vote.

For 19 years the Congress has consistently opposed Peking's U.N. admission. Only two months ago (October 21), for instance, an amendment was attached to the State Department appropriation bill stressing: "It is the sense of the Congress that the Communist Chinese government should not be admitted to membership in the United Nations as the representative of China."

"These resolutions were the product of the deep feeling engendered by the Korean War period," Javits says. "While appropriate to their time, I believe that the day has come for the Senate to re-examine its position." The New Yorker also claims that Red China has a "significant contribution" to make to the U.N. and, despite overwhelming evidence to the contrary, suggests that Mao's mainland would "in good faith" undertake the obligation of the U.N. Charter.

Javits' strenuous efforts to round up Senate support for his "admit Peking" resolution may very well shift enough sentiment in the U.N. so that Red China is admitted next year. The White House has already expressed fear of its consequences.

The vote Nov. 20 was considered too close for comfort. By a vote of 51 to 49, with 25 abstentions, the General Assembly adopted an Albanian-Algerian resolution calling for the admission of Peking and the expulsion of Nationalist China. It was the first time Red China had ever won majority support for its membership.

But the narrow majority was not enough, because the General Assembly had first decided, 66 to 52, with seven abstentions, that the seating question was an "important matter" requiring a two-thirds majority. Peking thus fell 16 votes short of the required two-thirds needed.

The Javits resolution, however, could easily trigger further sentiment for Mao. Particularly since the New Yorker is the Senate's representative at the General Assembly, the resolution, if approved by the upper chamber, is likely to be looked upon as a signal that the U.S. is more concerned with getting Red China into the U.N. than with preventing Taiwan's expulsion.

At any rate, the measure can only be looked upon as a definite weakening of U.S. resistance to Red China's membership. But the New York senator, confident of support from leading Senate doves, is pushing ahead with his plan to appease Peking.

FULBRIGHT BLOCKS CITATION OF POW RESCUERS

Chairman J. William Fulbright (D.-Ark.) of the Foreign Relations Committee last week blocked Senate approval of a resolution commending the Sontay prison camp raiders "for their courageous attempt on Nov. 21, 1970, to liberate a substantial number of prisoners of war being held under inhumane conditions by the government of North Viet Nam in violation of the Geneva Conventions."

Introduced by Sen. Robert Dole (R.-Kans.) and co-sponsored by one-third of the Senate, the resolution was supposed to have been read at White House ceremonies on November 25 honoring four of the rescue party for their gallant efforts. The President pinned a Distinguished Service Cross on each of the four.

But the Senate resolution never passed. The reason: the Arkansas dove refused to give his consent to immediate consideration of the measure. (Unanimous consent is needed for resolutions not approved by a standing committee.)

Fulbright claimed he did not question the valor of the men but the value of the resolution. He said he was "just too skeptical

about this whole operation to give my consent." He wondered just what the raid might mean to the prisoners and whether it would have any deleterious effects on negotiations.

Dole had a number of dovish sponsors, including Sen. John Sherman Cooper (R.-Ky.). The Kentuckian, author of the Cooper-Church resolution to tie the President's hands in Cambodia, said he believed the commendation was "proper" and that the Senate should praise the men who "made the very brave effort to rescue prisoners of war held by the North Vietnamese. Sen. Mike Mansfield (D.-Mont.), the majority leader and also a dove, sponsored the measure.

In plumping for his resolution, Dole pointed out that the raids had given a great lift to wives of the POWs. "One wife indicated to me," said Dole, "that she would prefer to see her husband die trying to escape than to rot in a prison cell." Another said the raid would sustain her for six months—"this one act of courage by Americans willing to risk their lives for other Americans. . . ."

A number of senators, including Democratic whip Teddy Kennedy, refused to co-sponsor the Dole resolution, but it was Fulbright who decided to kill it off altogether by objecting to its consideration.

The following is the complete text of the resolution Fulbright objected to:

"Whereas at the request of the secretary of defense, the President of the United States authorized a joint Army-Air Force task force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners of war being held under inhumane conditions by the government of North Viet Nam in flagrant violation of the Geneva Conventions; and

Whereas the dedicated officers and men of the joint Army-Air Force task force, under the inspiring leadership of Col. Arthur D. Simons, United States Army, and Brig. Gen. Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners of war; and

Whereas this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained; and

Whereas this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas, this daring operation will bring to all families of prisoners of war and missing men a reassuring comfort in the knowledge that these brave men have not been forsaken by their country: Now, therefore, be it

Resolved, That the Senate hereby commends the brave officers and men of the special joint Army-Air Force task force, led by Col. Arthur D. Simons, United States Army, and Brig. Gen. Leroy J. Manor, United States Air Force, for their courageous attempt on Nov. 21, 1970, to liberate a substantial number of prisoners of war being held under inhumane conditions by the government of North Viet Nam in violation of the Geneva Conventions.

Resolved further, That the extraordinary courage, dedication and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the

Senate to each person who participated in the special joint Army-Air Force task force rescue mission.

CLARK COMMITTEE BACKED BY CURIOUS CREW

Sen. Strom Thurmond (R.-S.C.) has shed some new light on the Committee for Public Justice, an organization unveiled in New York two weeks ago and headed by former Atty. Gen. Ramsey Clark. The committee, as revealed in Human Events last week, has taken dead aim at such anti-crime measures as the "no-knock" provisions, preventive detention, wire-tapping and anti-riot statutes. The group has also criticized "police repression" of the Panthers and "intimidation" of the mass media.

The committee's executive council, as also reported in these pages, is filled with left-wingers and screeching doves, including Jerome Wiesner, the unilateral disarmament advocate, and Harold Willens, national co-chairman of the Business Executive Move for Viet Nam Peace.

But Thurmond also noted that Lillian Hellman, the radical playwright and long-time Soviet apologist, was not only on the executive council, but was the "principal organizer" of the group. As the Washington Post reported, Miss Hellman said she "felt impelled to do something last spring because 'some of us thought we heard the voice of Joe McCarthy coming from the grave.'"

Miss Hellman's role in organizing the Clark group is especially interesting, said Thurmond, in view of her own extreme left-wing ties, including "nearly 100 Communist and leftist front organizations . . . cited in official documents of the U.S. Congress." (Thurmond inserted her front record in the November 20 Congressional Record.)

Miss Hellman, declared the South Carolinian, was "among the champion supporters of Communist front organizations during the 1930s and 1940s. She slavishly perverted her literary talent to support every nuance of the Communist line of the period."

"In fact, there is sworn testimony before a congressional committee which indicates that she was known as a member of the Communist party during this period. She refused to testify with regard to these sworn statements, claiming privilege under the 5th Amendment, and asserting that she did not want to involve her friends of that period." (In her 1952 testimony, however, she denied she was currently a member, but refused to say whether she had been a member a few years earlier.)

Miss Hellman is still rather soft-on-the-Soviets. She admits in her recent biography, *An Unfinished Woman*, that her paramour until his death in 1961 was Communist Dashlell Hammett. And just last year she praised the Soviet Union for having "made enormous advances in the way men eat, live and learn. . . ."

Added Thurmond: "I find it incredible that a former attorney general of the United States would lend his prestige to an organization organized by a woman who has publicly supported scores of groups listed on the attorney general's official list of subversive organizations. Such a man is either naive or blind to the dangers threatening this country. . . . It is no wonder that our internal security laws, as well as law and order in all fields, were seriously eroded during his tenure as attorney general."

Former Atty. Gen. Clark, whom one wag calls a "conscientious objector in the war on crime," hasn't always been such a bitter opponent of J. Edgar Hoover and the FBI. Speaking at a large luncheon of the national convention of the Society of Former Special Agents of the FBI on Sept. 28, 1967, Clark said: "You are alumni of an illustrious institution; an institution unsurpassed in government in the excellence of its performance; one that reminds us at a time when it is important that we be reminded that we have faith that big government, which is essential

to a mighty nation of 200 million people, can perform through institutions with effectiveness, efficiency and with fairness.

"Of all the institutions of government, there is none in our time in this hour of great concern about crime that we are so fortunate to have such excellence. Of all the agencies that could have reached this level of excellence, the American people can be grateful that it was the FBI because of the dependence of our people upon its performance for both their personal security and their liberty. . . ."

"About the man you honor today, there is nothing I can think to say more appropriate than that as Ralph Waldo Emerson noted in the simple days before the Civil War, 'Every institution is but the length and shadow of a single man.' . . . the great Bureau of Investigation is the length and shadow of John Edgar Hoover."

SIMAS AND THE YELLOW-TAILED FLOUNDER CAPER

(By Smith Hempstone)

Simas was his name, and every flag in the United States should be flying at half-mast today in partial atonement for the shameful way in which this country betrayed him and its own ideals when it permitted six Russian thugs to board an American ship, beat him into a pulp and drag him away unconscious to an unknown fate.

Coast Guard Capt. Ralph E. Eustis and his crew cannot be wholly blamed for complying with a direct order to turn the Lithuanian would-be defector over to the Russians. But Stephen Decatur and John Paul Jones would have broken their swords over their knees before they would have obeyed the craven command of Rear Adm. W. B. Ellis, commander of the 1st Coast Guard District in Boston.

One thing should be made clear about the incident of Martha's Vineyard: Simas—that is all we know of his name—was a refugee in the truest sense of the word. For his nation no longer exists. Its 22 years of freedom ended when it was annexed by the Soviet Union in 1940.

No nation has paid a harsher price for its dedication to its national and religious heritage. The Nazis liquidated the Jewish population and deported tens of thousands of other Lithuanians to slave labor camps during the 1941-44 German occupation. After 1944, the Russians completed the job by exiling tens of thousands of other Lithuanians to Siberia, replacing them with Russian colonists.

The United States never has recognized the illegal Russian annexation of the Baltic states. Lithuania, like Latvia and Estonia, has a legation here in Washington. Its charge d'affairs, Joseph Kajeckas, is fully accredited to the State Department and his name appears on State's official diplomatic list.

And yet Kajeckas, the closest thing to a national representative Simas had in the eyes of the United States, was not even informed of the incident—let alone permitted to interview the defector—before he had been handed back to the tender mercies of the crew of the Russian factory-ship *Sovietskaja Litva*.

The fact that the Soviet ship had been invited into United States territorial waters to discuss, in the State Department's words, over-harvesting of yellow-tailed flounders along the North Atlantic coast, seems to me entirely immaterial. The moment Simas hurled himself onto the deck of the Coast Guard cutter *Vigilant*, he was (or should have been) under the protection of the American flag.

Simas made it clear (he spoke English) that he was seeking political asylum. He pleaded and prayed (6 out of 7 of Lithuania's 3 million people are Catholics) not to be returned to the Soviet ship.

When all else failed, he fought with his

fists for his freedom, while the crew of *Vigilant* looked on. When the Russians finally had subdued their prey, beating and kicking the trussed Lithuanian into unconsciousness, the Americans generously provided them with a lifeboat to carry their bloody prisoner back to captivity.

Adm. Ellis, who is reported to be ill and unable to comment (so is Simas), may be guilty of nothing more than transmission of a sickening and unlawful order. He was in touch with both the State Department and Coast Guard headquarters in Washington; there the decision apparently was made that yellow-tailed flounder were more important than a man's life. It is a decision that stinks worse than a week-old flounder.

More than 1 million Americans are of Lithuanian origin and, like the emigres from other Eastern European captive nations, they have kept alive the dream of America in the hearts of the people in their homeland.

Simas must be a rather confused man today as he lies in irons somewhere in the bucking hold of *Sovietskaja Litva*. The process of his reeducation has begun. Just to keep their hand in, the security police will rough him up from time to time on the long voyage home. His rations are unlikely to be tempting.

When the Soviet ship reaches her home port, he'll be turned over to the political police. Since the 12th Century, there has been no love lost between Russians and Lithuanians, and the political police will explain to Simas the error of his ways. He'll never go to sea again. A trip to Siberia may well be in order for a man who has shown a predilection for travel.

Simas is just one man, of course, and his fate is of little consequence when compared to yellow-tailed flounder. So what if we violated the 1951 Geneva convention on refugees, to which the United States is signatory? It will soon be forgotten.

It ought not to be. For Simas will never forget.

RIGHT OF PRIVACY IN EUROPE

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

Mr. PEPPER. Mr. Speaker, all lawyers recognize that the law of the right of privacy is far from being clear and in the opinion of many is yet inadequately developed in our country. The Honorable Albert E. Harum, a professor of law at the University of Miami, an able and distinguished attorney who, I am pleased to say has been associated with me in the practice of law for many years, has written a most interesting article on the subject of the right of privacy in Europe which appeared in the American Bar Association Journal of July 1970. Feeling that this excellent article of Professor Harum will be interesting not only to the members of the bar of the Congress and in the country but to many laymen as well, I include Professor Harum's article in the RECORD following my remarks:

RIGHT OF PRIVACY IN EUROPE

(By Albert E. Harum)

(NOTE.—The right of privacy is receiving increasing recognition in the United States, but several European nations have failed to denominate the infringement of privacy as a tort. Nevertheless, the interests given protection by the right of privacy also receive protection in some of those countries, albeit through different legal actions. Our leadership in lighting the way cannot be denied.)

While the law in the United States continues to give armor and substance to a right

of privacy sounding in tort as a weapon against eavesdroppers and electronic snoopers, European jurisprudence generally chooses to rely instead on the traditional doctrines of nuisance and property to ward off such invasions.

Whether this complacency abroad is justified perhaps depends on the degree of alarm engendered by the expanding arsenal of electronic ammunition¹ and the extent of concern for a citizen's right to privacy. Outcroppings of electronic gadgetry and bugging—more widespread in the United States—together with the threat posed by data control banks, wiretapping and surreptitious surveillance have raised our apprehension level and have led to a series of Supreme Court decisions weaving the fabric of an impregnable zone of privacy. From the introduction of the privacy concept by Charles D. Warren and Louis D. Brandeis in 1890 as the right "to be let alone"² to the recent appropriation of the controversial abortion area as an essence of privacy, the courts have addressed themselves first to the problem of balancing this right with other constitutional rights or interests (for instance, freedom of the press); second, to establishing a relationship between the privacy to which a citizen is entitled with that claimed by his fellow citizens; and, third, to determining the situs of the right (for instance, in his home or wherever he chooses to exercise it).

The United States Supreme Court first was confronted with these problems of definition in *Public Utilities Commission v. Pollak*, 343 U.S. 451 (1952). Mr. Pollak, a Washington, D.C., bus rider, objected to being an "unwilling listener" to advertising messages beamed at him by a loudspeaker while he was a passenger, claiming this captive situation invaded his constitutional right of privacy. The Court acknowledged the existence of the right as springing from the Fifth Amendment, but held that the right did not guarantee the privacy "to which he is entitled in his own home" and that the right is "substantially limited by the rights of others when its possessor travels on a public thoroughfare or rides in a public conveyance".

The Court held that regulatory bodies must take into consideration the interests of all concerned and that the liberty of each individual in a public place is subject to reasonable limitations in relation to the rights of others.

In 1959, again confronted with weighing the right of privacy against competing interests, the Supreme Court in *Frank v. Maryland*, 359 U.S. 360, gave its support to a superior interest in public health. Mr. Frank sought to invoke his right of privacy as justification for denying entry into his home by Baltimore health officials seeking to control rat infestation. The Court considered the "nature of the demand" for privacy in "a particular context" and found the competing values predominant.

In 1965, however, the Court found no competing interest worth sustaining in *Griswold v. Connecticut*, 381 U.S. 479, and held that the right of "marital privacy" precluded any state regulation of the relationship. A Connecticut statute banning use of contraceptives and counseling on their use was held to be an invasion of the sanctity of a man's home and the "privacies of life." The entire Court found the statutory regulation offensive, although dissenting opinions of Justices Black and Stewart found no general right of privacy spelled out in the Constitution. The majority spoke of "penumbral" rights of privacy and cited the Ninth Amendment provision that enumeration of certain rights be not construed to deny or disparage other inherent rights.

At this stage of the legal shaping process, Congress and the general public evinced con-

cern over the threat to privacy posed by governmental collection of personal data. In addition to the computerized bank of data gathered by tax collectors, census enumerators, the United States Civil Service and other governmental agencies, there were proposals that available data be pooled in the interest of centralized efficiency.³ The House of Representatives inaugurated public hearings, and mere concern became alarm over the possibility that a computerized man, with little or no individuality or privacy, would emerge from the proposed data facility. Considerable apprehension was voiced over the possible diversion of this tape-recorded personal information into channels of coercion, badgering and other sinister activities. The Senate, too, became alarmed at revelations of new surveillance techniques and devices during hearings addressed to balancing law enforcement with privacy.

Commenting on the problem as the hearings opened, Senator Edward V. Long of Missouri observed that in the area of invasions of privacy "we are in both a legal desert and a legal jungle—a legal desert because of the sparsity of law, a legal jungle because of the conflicting nature of the law that exists".

In this context *Time, Inc. v. Hill* 385 U.S. 374 (1967), made its way to the Supreme Court, and once again competing interests clamored for Court approbation. *Life* magazine had reviewed a play based on a novel depicting a family being held hostage. In its account, *Life* related the play to an incident that had befallen the Hill family some fifteen years earlier and, in fact, described it as an enactment, accompanying the article with photographs of scenes staged in the former Hill home. The Hills claimed this constituted an invasion of their right to avoid the glare of publicity.

The Court was faced with the overlapping but competing rights of freedom of expression and of privacy. Mr. Hill having been successful in his suit below based on a New York statute prohibiting use in advertising of a picture of a living person without his consent. In the interest of providing "breathing space" for press freedom and in view of a failure by Hill to demonstrate either malice or deliberate falsification on the part of *Life*, the Court decided against sustaining the right of privacy. The Court lifted the malicious motive concept bodily from *New York Times v. Sullivan*, 376 U.S. 254, decided in 1964.

BOUNDARIES OF PRIVACY EXTENDING TO ABORTION

In this legal climate and with these guidelines and limitations now well established, lesser but nonetheless influential courts have moved and are moving to extend the boundaries of privacy to embrace a hitherto sensitive area—abortion. In mid-1969 the California Supreme Court reversed the 1967 conviction of Dr. Leon Belous for having arranged an abortion for a young unmarried patient, contrary to a prohibitory statute then existing but now liberalized.⁴ In order to accomplish this, the court extended and expanded the doctrine of *Griswold* to declare unconstitutional an unjustified invasion of privacy "in matters relating to marriage, family and sex", affecting the fundamental right of a woman to choose whether to bear children. Almost contemporaneously Gerhard A. Gesell, a judge of the United States District Court for the District of Columbia, declared unconstitutional a District of Columbia antiabortion statute and called on Congress to enact a "more scientific and appropriate statute".⁵ Urging that steps be taken to bring about an early review of his decision by the Supreme Court, Judge Gesell, apparently referring to *Griswold*, said that doctrine indicates that "a woman's liberty and right of privacy extends to family, marriage and sex matters, and may well include the right to remove an

unwanted child at least in the early stages of pregnancy".

Also relying on *Griswold* and citing *Belous*, a suit was filed in New York attacking the constitutionality of that state's abortion on the grounds that it violates the right of privacy in the physician-patient relationship as protected by the First, Fourth, Fifth, Ninth and Fourteenth Amendments, and that the law "violates a doctor's right to practice medicine according to the highest possible standards, and the patient's right to safe and adequate medical advice and treatment".⁶ New York's repeal of its anti-abortion statute in May renders the litigation moot.

These cases are expected eventually to go to the Supreme Court, whose ruling would affect the thirty-seven states that have abortion laws similar to those in California and the District of Columbia.

RIGHTS ARE PROTECTED UNDER ANOTHER NAME

England has displayed a reluctance to recognize infringement of privacy as a tort, preferring to deal with it as "watching or besetting", or as trespass to property or by belaboring the facts in a particular case to bring them under an existing and recognized tort classification, such as defamation. English courts find affinity between privacy and their law governing trespass to the person or property of another. For example, in *Sheen v. Clegg* the trial court awarded damages in trespass against a defendant who had secretly installed a microphone over the marital bed of the plaintiff.⁷ The court held this to be trespass and therefore actionable per se on the theory that material objects were placed directly upon another's land. *Salmond on Torts*, the English torts compendium, points out that "the owner of the land has in private law the right to use it for his own purposes, to the exclusion of all other purposes, the air space above it".

It would appear that by denominating invasion by bugging or even by wireless devices as an electronic trespass, the injured party is afforded a remedy at law. This view is an obvious extension of the English concepts of nuisance, usually requiring some physical contact with land, and of trespass, designed to deal with other types of infringement (sign protrusion, overhanging limbs, etc.).

Carrying the remedy for the victim of spying somewhat further, the plaintiff may obtain aggravated as distinct from exemplary damages in the English courts if the conduct of the defendant has been "outrageous or disgraceful".⁸ Quite possibly some of our country's "birdwatchers" have been bold enough to meet these qualifications. There is, however, no common law protection against nor remedy for the use of a photograph without permission unless the publication is defamatory, nor for the interception of phone or other conversations, nor for industrial espionage (although Professor Salmond has expressed a need for legal development in this area).

Another English torts authority, *Street, The Law of Torts*, agrees that there are circumstances under which invasions of privacy cannot be compressed into the mold of an already existing tort and cites as examples:

1. The jilted lover who makes his former sweetheart a present of a bathing costume which dissolves in chlorinated water.
2. The farmer who offends the old spinners across the road by encouraging his beasts to mate on Sunday mornings in a paddock in full view of the old ladies.
3. The hotel manager who rushes into the plaintiffs' bedroom shouting "Get out of here, this is a respectable hotel!"—the plaintiffs being man and wife.

The classic English case of *Tolley v. J. S. Fry & Sons Ltd.*, 1931 All Eng. Rep. 131 (H.L.), is an excellent example of a remold-

Footnotes at end of article.

ing of privacy-infringement facts into the defamation format. The facts in the case are amusing as well as illustrative. Tolley was an amateur golfer. In June of 1928, the Fry firm placed ads for its chocolate in certain newspapers in which there appeared a caricature of Tolley playing a "stroke at golf" with a carton of the defendant firm's chocolate protruding from his pocket. An accompanying caddy was holding up packets of Fry chocolates, below which appeared this jingle:

"The caddy to Tolley said 'Oh, Sir!
Good shot, Sir! That ball, see it go, Sir.
My word how it flies
Like a cartet of Fry's
They're handy, they're good, and priced
low, Sir!'"

An "innocent" commercial use of a photo for advertising gives no right of action in English law, but the Lords were aghast at the temerity of the chocolate firm. They held the matter, although *in vacuo* innocent, was capable of a defamatory meaning since, by innuendo, it appeared that Tolley had agreed for gain and profit to prostitute his reputation as an amateur golfer and that he was seeking notoriety.

Still another torts authority, *Winfield on Torts*, offers a word of caution that press freedom could fall before a full-blown recognition of a right of privacy. Winfield suggests that it is only an "offensive" invasion of privacy that is really objectionable. That ought to be made unlawful, he continues, because there "is no need to stop the propagation of news—even silly news—about people, or to stifle curiosity—even vulgar curiosity, about a neighbor's affairs".

While the present body of English law does not protect privacy, United States Courts have drawn aid and comfort from a cornerstone English case. In *Gee v. Pritchard*, 2 Swan 402 (1818), an injunction was sought to prevent disclosure of confidential and private material contained in letters written by the plaintiff to the defendant. Copies had been made by defendant before returning the letters. The English court held that an injunction lay to protect the defendant's property right in the letters.

MOVEMENT TO ESTABLISH RIGHT OF PRIVACY IN ENGLAND

Despite a negative feeling among conservatives in the English Bar, a movement is afoot to establish invasion of the right of privacy as a tort. "Justice," the English section of the International Commission of Jurists, has drafted a bill giving a right of action for any "substantial and unreasonable" infringement of the right of privacy. The draft defines the right of privacy as the "right of any person to be protected from intrusion upon himself, his home, his family, his relationship and communication with others, his property and his business affairs".⁹

Specifically included in the bill are intrusion by "spying, prying, watching or besetting", the unauthorized overhearing or recording of spoken words, the unauthorized making of visual images, reading or copying of documents, use or disclosure of confidential information, and the appropriation of name, identity or likeness for another's gain.

Previous right of privacy bills in England have failed to become law. One, in 1961, sought to grant a right of action against any person publishing without consent in a newspaper or on radio-television any words relating to the plaintiff's "personal affairs or conduct" calculated to cause injury or embarrassment. Another, in 1967, sought to grant a remedy for "unreasonable infringement" of the plaintiff's right to preserve the "seclusion of himself, his family, or his property". Still another, in 1967, sought to make it a crime for unauthorized persons to monitor telephone conversations.

Little or no protection is afforded in England against raking up old scandals in the press, although moral persuasion is exerted by the Press Council. At this writing the council is seeking to prevent a second publication of the memoirs of Christine Keeler. The censure action, however, has been "rejected" by the newspaper involved. It is questionable whether this controversy would be resolved differently in the United States climate of *Time v. Hill*. In at least one similarly notorious case involving the Duchess of Argyll,¹⁰ Chancery enjoined publication of memoirs because matters had been disclosed within the marital relationship—a finding consonant with our Supreme Court's concept of marital privacy in *Griswold*.

SCOTS LAW FOLLOWS ACTIO INJURIARUM

The absence of a specific right of privacy in Scotland is rationalized by legal scholars by the position that it is not necessary for conduct in order to be actionable to be assigned a legal category. The underlying principle is *actio injuriarum*, borrowed by the Scots along with other doctrines from the Roman law. The theory is that a person who suffers loss through the wrongful and illegal acts of another is entitled to reparation. However, Lord Kilbrandon, chairman of the Scottish Law Commission, finds difficulty in reconciling the individual's desire to be "left alone in peace" with what in many cases is a legitimate interest on the part of another or of the public in certain affairs.¹¹ This balancing of interest problem is similar to that which confronted our Supreme Court in *Time v. Hill*.

In addition, Lord Kilbrandon points out that Scots law relies on an action for *convictum* to provide relief for privacy infringement. Professor D. M. Walker of the Scottish University Law Institute spells out *convictum* as a malicious communication (whether true or false) calculated to bring the plaintiff into public hatred, contempt or ridicule and cause him injury or damage.

Distinguishing the action for defamation from that for *convictum*, Lord Kilbrandon points out that, apart from the fact that *veritas* is not a defense in *convictum*, a general course of conduct by the defendant must be proved. Participants in public controversy are denied relief since press comment should not be "less free than in public and political discussions generally" and the privacy of domestic life is not invaded.¹²

WILL SOVIET LAW RECOGNIZE RIGHT OF PRIVACY?

While Russian law has an avowed interest in preserving the "image" of its citizens, the image abroad of the U.S.S.R. itself leads one to study the problem in that country with tongue in cheek. Protection of privacy in a general way is afforded by the Soviet Constitution and, according to Professor O. S. Joffe,¹³ amendments are now being debated in legislative halls to make the protection "more specific". While there is no right or privacy denominated as such, Professor Joffe sees all branches of Soviet law converging to recognize such a right: state codes, administrative, civil and criminal law, as well as the constitution and the Soviet Civil Code. However, a citizen once having been projected into the public sphere is given no protection against subsequent published accounts, although Professor Joffe sees "moral and equitable" standards being invoked to deal with this type of problem. This latter principle is similar to that enunciated in *Time v. Hill*.

REMEDIES IN NORWAY AND SCANDINAVIAN COUNTRIES

It is a long step from the Soviet view of privacy to that of the Norwegian legal structure, which has the effect of giving a right of action for invasion of privacy. It must be understood that under Norway's procedural system a victim of a misdemeanor or felony is entitled to demand civil damages if he engages in criminal prosecution of a defendant. If a plaintiff chooses not to seek public prose-

cution based on the criminal law, then he must proceed civilly through counsel, who may rely upon the criminal code prohibition to support his suit.¹⁴ Thus he can demand damages on the basis of the criminal code provision that invasion of another's privacy is a misdemeanor or on the basis of the criminal code provision that electronic eavesdropping is a felony.

In the other Scandinavian countries the notion of the right of privacy has not gained much ground, although the Swedish Minister of Justice appointed a royal commission in 1966 to prepare legislation dealing with wire tapping and electronic eavesdropping. However, the most impressive survey of privacy law extant was prepared in 1967 by a Swedish professor, Stig Stromholm of the University of Upsala Faculty of Law. The study was initiated by the International Commission of Jurists as a working paper for the Nordic Conference of Jurists, organized by the commission in Stockholm in May of 1967.¹⁵ Professor Stromholm indicates strong approval of the inclusion by West Germany of a fundamental "free development of the personality" in its 1949 constitution, which later was recognized as an absolute right in the courts. He points out, however, that the "absolute" character of the general right of the personality does not imply that the protection granted to that right is unlimited and independent of opposing interests.

FRENCH AND ITALIAN SYSTEMS ARE DEVELOPING

French legal theorists project *droits de la personnalité* beyond the structural limitations of privacy and are apparently concerned about the danger inherent in strict labeling and overdefinition. It is argued by Professor Nerson, the leading French authority, that underdefinition is preferred, since the courts can then expand private rights to meet new needs.¹⁶

In Italy the concept of *riservatezza* is being developed by the courts. Professor Giovanni Pugliese of Citta University, Rome, defines the term as the absolute right of a person to have his actions not known and not publicized and, marginally, to prohibit knowledge of his own acts from possession by other persons.¹⁷ Professor Pugliese cited an unreported Italian case involving the life of Caruso—though not so designated—in which the famous singer's heirs maintained they had the right to prohibit the showing of a film and to recover damages on the theory that the narrative was identifiable in the public mind. Emerging from this case was legal protection against invasion of that sphere reserved to private persons—*riservatezza*.

MORE RIGHT OF PRIVACY SUITS ON THE WAY

The leadership of the United States in establishing the right of privacy and in lighting the way for European jurisprudence cannot be denied. Significant in February this year was the United States Supreme Court's denial of certiorari in the *Belous* case from California (397 U.S. 915). Mayor Lindsay of New York City almost immediately pressed for repeal of the state abortion law on the ground that "it constitutes an invasion of privacy". A class suit has been filed in New Jersey challenging New Jersey's abortion laws as invading the "right of privacy in the physician-patient relationship". In the atmosphere of expanding civil rights, new legal incursions into the realm of right of privacy can safely be predicted.

FOOTNOTES

¹ See Marinuzzi, *Bugs and Birds—the Eavesdropping Revolution*, in "Report of the Senate Committee on the Judiciary, Subcommittee on Administrative Practice and Procedure 321 (1965)."

² Warren and Brandeis, *The Right of Privacy*, 4 Harv. L. Rev. 193 (1890).

³ John W. Macy Jr., *The New Computerized*

Age—4; *Automated Government*, Saturday Review, July 23, 1966. Mr. Macy is Chairman of the United States Civil Service Commission.

⁴ *California v. Belous*, 80 Cal. Repr. 354, 458 P. 2d 194 (1969).

⁵ *United States v. Vutch*, 305 F. Supp. 1032 (1969 D.C.).

⁶ New York Times, October 1, 1969.

⁷ As officially reported in the London Daily Telegraph, June 22, 1961.

⁸ Lord Devlin in *Rookes v. Barnhard*, A.C. 1129 (1964).

⁹ "A Report by Justice: Privacy and the Law" (London, 1970).

¹⁰ *Argyll v. Argyll*, 1967 Eng. L.R. 302 (Chancery).

¹¹ *Note on Invasion of Privacy*, delivered at seminar at All Souls College, Oxford, 1968, and expanded on in interview with the writer in Edinburgh, October, 1969.

¹² See opinion of Lord Deas in *Cunningham v. Phillips*, 6 N. 926 (1868).

¹³ Professor Joffe occupies the Chair in Civil Law of Leningrad State University and is the author of a three-volume treatise, *Soviet Civil Law*. He gave his views to this writer at the university in November, 1969.

¹⁴ The operational aspects of the Norwegian system were explained to this writer by two distinguished members of the Jurisfacultiet of the University of Oslo, Dr. Johs. Andanaes, Rector of the University and professor of law, and Dr. Anders Bratholm, professor of law.

¹⁵ Professor Stromholm's opus has since been published as No. 8 in a series on comparative law by the Institut Upsaliensis Jurisprudentiae Comparativae, P. A. Norstedt & Soners Forlag, Stockholm, 1967.

¹⁶ "Nerson, Les Droits Extrapatrimoniaux" (Lyon, 1939).

¹⁷ In an interview with this writer in November, 1969.

VETERANS DAY: A DAY TO REVIVE OLD VALUES

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

Mr. PEPPER. Mr. Speaker, on November 11, Veterans Day, Lt. Gen. V. Underwood, Jr., commanding general, U.S. Army Air Defense Command, delivered a very stirring and patriotic address to a large audience at the Victory Park Auditorium in North Miami Beach, Fla., in my congressional district. I was privileged to hear his able address.

General Underwood courageously and eloquently addressed himself to many of the challenging problems facing our country, and movingly called for a revival of the old values which we have cherished in the past in our national life. Magnetic in personality, impressive in delivery, he deeply moved his appreciative audience.

I am pleased, Mr. Speaker, to make General Underwood's outstanding address available to the Members of the Congress and all who shall read this RECORD, and I include his address in the RECORD following my remarks:

VETERANS DAY: A DAY TO REVIVE OLD VALUES

I am delighted indeed to have the opportunity to participate in this colorful and dignified observance of Veterans Day. This is certainly an exemplary way to observe a day dedicated to all those who have served their nation in uniform from Valley Forge to Vietnam. And it is an inspiring way to demonstrate the special respect and admiration we feel for those who have given their lives in defense of freedom.

I am particularly happy to have been able to spend Veterans Day in Florida, whose citizens have only to look a few miles to the south to realize that the freedoms which these veterans defended continue to be threatened and, indeed, already have ceased to exist in one nation in the Western Hemisphere.

I am speaking of such veterans as Corporal Nick Halioris, a retired resident of North Miami Beach who 52 years ago was awarded the Distinguished Service Cross for his gallant actions in the Belleau Wood in France. Many of you may not know that Corporal Halioris—who is here tonight—took charge of a squad of doughboys when the squad leader was killed. Singlehandedly, he charged an enemy machinegun nest that had held up his battalion for days, and he destroyed both the machinegun and enemy crew with hand grenades.

I am speaking of such veterans as Sergeant Hyman T. Beitscher, who fought through six major campaigns in Europe in World War II, who was wounded in combat three times, and who holds the Silver Star Medal for gallantry and the Bronze Star Medal for valor—among his numerous well-earned decorations.

I am speaking of such heroic men as Specialist Fifth Class Eugene E. Pisseri, Jr., who won the Silver Star for gallantry in Vietnam in 1965.

I believe it also is worthy of note that the entire seven-man council of this city—including the mayor—all are veterans who served their country in time of war and continue to serve in time of peace.

To these outstanding patriots who willingly bore arms in defense of our country, and to the millions like them, we pay tribute tonight.

There are today some twenty seven and one-half million living American veterans. Beyond them are some ten million deceased servicemen, more than a million of whom died while in military service. We assemble, then, to honor some thirty seven and one-half million Americans—men and women of the Army, Navy, Air Force, Marines and Coast Guard—who have borne arms in the service of their country.

Observance of Veterans Day this year is an especially poignant occasion because of the efforts of some among us to overturn and discredit the values and principles which have motivated this nation and its Armed Forces. Basic concepts of patriotism are flaunted arrogantly by those who contemptuously burn the flag. The value of national service is attacked symbolically by those who ostentatiously destroy their draft cards or surreptitiously evade military duty. The worth of our way of life and system of government is sullied by those who insist upon the right to elevate self-interest above national interest. And the fundamental belief in law and order which has been a guiding precept of this nation is challenged outright by those who claim the right to burn, bomb, destroy and loot with immunity as a means of redressing real or imagined grievances.

Fortunately, those who feel and act in this fashion are still in the minority. But I suggest that the time has come for the inert majority to wake up and speak up in support of the old and still valid virtues of patriotism, devotion to country and respect for the rights and property of others.

Veterans Day is an ideal day to spark the rebirth of faith in America and support of those who serve it selflessly, decently and constructively.

I, for one, am not ashamed of my country's historic concern for the right of other nations to be free, sovereign and independent. I, for one, do not apologize for my country's long-standing belief that people who wish to be free have a right to be free. I will not attack my country for having answered muster when freedom's frontiers were challenged by aggressors and subverters. Moreover, I will not

lose faith in our system of government because of manifest imperfections. Instead, I will remember Winston Churchill's observation, that: "Democracy is the worst form of government, except all others."

I will make excuses to no man for the thrill I feel when the Stars and Stripes are unfurled. And, I will applaud openly the many Americans who willingly serve their country whenever it calls them to duty. At the same time, I will reject those who are more charitable with the enemy than with their own government. Finally, I will salute those whose concern for America is expressed in constructive proposals rather than destructive outbursts.

In expressing these views, I believe I reflect majority thinking throughout the nation. But quiet thoughts are not enough if we are to sustain the values and ideals for which veterans have fought through the years and which are under subtle attack by some segments of our society. The right to organize and sound off is not limited to those who wish to dissent or protest. So the first of three points I would make is that Veterans Day is the right day for the passive majority to reassert its faith in America, its pride in America's accomplishments, and its devotion to the principles of patriotism, loyalty and unity. I can imagine no finer way to honor the memory of those who sacrificed their lives in the service of a nation they loved.

VIETNAM VETERAN

And now, turning to my second point, I think it is time to state the painful fact that America has been rather inattentive to the Vietnam Veteran. The inattention may be unconscious but it is nonetheless regrettable. It is almost as if the average citizen took the Armed Forces for granted as he pursued his own self-interest or as he sought to seal himself off from a war he had trouble understanding. I make these statements not to be critical of my fellow Americans but in an effort to gain for the combat veteran of Vietnam the respect and appreciation his sterling performance merits.

Unfortunately, our country has been so preoccupied with debate over whether we should be in Vietnam, how we became involved, and how we might disengage, that the exploits and sacrifices of the American fighting man have not been recognized as widely and enthusiastically as in former wars. It seems to me that in some segments of our society, frustration over this war may have translated itself into a form of indifference toward the man who is called upon to carry the colors. At any rate, the serviceman in Vietnam is having an experience that is new in our country, at least in this century. He is learning what it is like to fight a war for a country that is not solidly behind the war. And he is undergoing the painful experience of returning from Vietnam to find in general that the main expressions of welcome and appreciation come only from his family and immediate friends.

The soldier is used to being forgotten in peacetime but is it unusual for him to be overlooked in wartime.

So I suggest that each citizen and civic organization, in their own way, find a way to let this fine Vietnam returnee know that while as a nation we may disagree over many political aspects of the war in Vietnam, we are strongly united in our respect and appreciation of the superb performance that the American fighting man has given on behalf of his nation and his fellow Americans.

As this audience knows so well, patriotism is not the special obligation of the man in uniform. It is also the shared obligation of every citizen who cares about our country and our way of life.

ANTI-MILITARY TREND

I also wish to comment candidly on the anti-military trend which seems to be developing in our society. It is becoming fashion-

able to criticize the Armed Forces for many of the problems which beset the nation, such as the vexing war in Vietnam, the heavy draft, the onerous budget, inflation and even the unrest on our college campuses. The military is attacked regularly but vaguely as a conspiring member of an industry-military complex that is seeking to manipulate the economy and the government for selfish purposes. Moreover, some segments of the anti-military cult are floating anew the old canard about the uneducated soldier and the closed, arbitrary minds of self-centered, sabre-rattling military leaders.

I do not accept that these criticisms represent the true feeling of the typical American citizen about his Armed Forces. To a certain extent these anti-military outbursts represent the subconscious need of our society for a whipping boy. Lashing the military is a convenient way to work off frustrations over the war, the draft, taxes, and the rising cost of living.

I raise this subject not because of any naive belief that the Armed Forces should be immune from the kind of healthy criticism that purifies and strengthens a democratic society. Rather, I raise this subject because of my concern that the Armed Forces in general and the Army in particular may be damaged to the detriment of the nation by the uncharitable, anti-military attitudes that are developing in our time.

An Army is conditioned by the society it represents. A good Army is one that can attract men of quality to adopt military careers as a means of serving their nation honorably. But how, I ask, can men of quality and dedication be drawn into an Army that is belittled and ridiculed by increasing numbers of their fellow-Americans? I do not say we are at that point, but I caution that the anti-militarism which is building could in time undermine the incentive for military service—and if that ever happens, a priceless national asset will go down the drain and the country will indeed be in trouble.

I am speaking out tonight because I think it is time someone spoke up for the soldier and the Army. I think it is high time that we be reminded that the Army has served this nation well for 195 years in time of war and in peacetime emergencies. This is an Army that has never failed the nation in a crisis, an Army that has lived faithfully by the exacting motto of Duty, Honor, Country. This is an Army that has produced great leaders when they were needed most—men like Pershing, MacArthur, Marshall, Eisenhower, Bradley, Taylor, Ridgway, Lemnitzer, Wheeler, Johnson, Westmoreland and Abrams. This is an Army that has shown great forbearance and commendable restraint and patience in performing painful, domestic disturbance duty. This is an Army that has maintained its morale, its cohesiveness and its sense of purpose in spite of the harsh divisiveness with our society. This is an Army that has led the way for the nation in granting the Negro equality, opportunity and recognition. And this is an Army with an educational level far above our nation as a whole.

My suggestion, therefore, is that criticism of the Army be tempered with appreciation of its sacrifices and accomplishments on behalf of the nation. My plea is that the military man be recognized for what he is—a meritorious individual who by and large is doing his best and doing it quite selflessly. My hope is that in the midst of the mounting anti-militarism we will not lose sight of the continuing need of the nation for a strong Army that can attract wholesome men of quality who will carry on the Army's heritage of service to the nation. In short and in summary, let the zeal for noisy dissent and criticism which is so rampant in our national life be restrained by quiet acknowledgement of the national asset which our Armed Forces represent. Certainly, the program presented here on this Veterans Day is a very useful step in that direction.

VISIT U.S.A. SEMINARS

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

Mr. PEPPER. Mr. Speaker, before the Congress recessed in October, we put the finishing touches on some very important legislation authorizing an increase in appropriations for the U.S. Travel Service, and elevating the top job in that agency to the position of Assistant Secretary of Commerce. I was pleased to support that legislation.

Thus, the Congress—and the President in signing this legislation into law—placed new emphasis on our Nation's efforts to attract foreign visitors to the United States.

In accord with its mission to boost foreign tourism, the U.S. Travel Service recently conducted the first of an innovative series of Visit U.S.A. World Tourism Seminars. The Honorable C. Langhorne Washburn, now Acting Assistant Secretary of Commerce for Tourism, and a group of 14 leading U.S. travel industry executives, flew from Miami to London where they met with British tour operators to help plan tour programs to the United States.

Since that time, a second seminar has been conducted in Amsterdam. A third seminar will be held in Australia in January. These seminars help spread the word about the many wonderful opportunities and warm welcomes which await visitors to our country. And I need not expound on the benefits which we realize from such visits.

Prior to departing for London on the initial Visit U.S.A. Tourism Seminar, Mr. Washburn spoke for a luncheon meeting of the Greater Miami Chamber of Commerce. Attending the luncheon along with Miami civic and business leaders were more than 100 English and European travel agents, journalists, and government officials who had come to tour Florida as guests of National Airlines.

Mr. Speaker, I would like to share with my colleagues the text of Mr. Washburn's remarks before the Greater Miami Chamber of Commerce, in which he announced the Visit U.S.A. seminars in support of the U.S. Travel Service's effort to promote travel to the United States.

I submit them herewith to be inserted in the RECORD following my remarks:

REMARKS OF C. LANGHORNE WASHBURN

Mr. Callahan, Mr. Maytag, members of the Miami Chamber of Commerce, distinguished guests from the United Kingdom: Today, I would like to speak with you about, "Selling Florida's Tourist Attractions for Profit". But before I begin, I would like to propose a toast to National Airlines—"Florida's own Airline." Today is National's 36th birthday.

In 1934 it started with two monoplanes. Today, it is a transatlantic carrier with a fleet of more than 50 aircraft—including 747's.

And it serves a state whose time has come. Florida has everything it needs to make it one of the most saleable tourist destinations in the world—

Direct air service to Europe and Latin America;

A sunny, sub-tropical climate;
Natural wonders—sand, surf, everglades, keys, palm trees;

Unique man-made wonders—like the Kennedy Space Center and Disney World;

Existing tourist "plant and equipment"—hotels, resorts, restaurants, night clubs, sightseeing tours; and
Skillful travel promotion.

But all of these assets notwithstanding, Florida still has not even begun to reach its full potential as an international tourist destination. Like Avis, it is only "number two"—which explains why it certainly is "trying harder."

Last year, Miami ranked second in the U.S. as a port of entry for inbound overseas visitors. It accounted for 17 percent of all overseas arrivals.

New York City—which ranked first—accounted for 41 percent.

About 89 percent of all overseas arrivals who entered the U.S. in Miami were nationals of Latin countries including the Bahamas. Less than 9 percent came from Europe.

In the future, this will change. A larger portion of Miami's inbound foreign arrival traffic is going to be British. Two factors which will bring about the change are the higher British overseas travel allowance—\$750—which went into effect January 2, 1970, and the daily non-stop air service between Miami and London which National Airlines and BOAC inaugurated this year.

Both of these developments are already exerting an impact. Figures compiled by USTS' research staff show that 53 percent more Britons entered the U.S. at Miami in the first six months of 1970 than during the first half of 1969.

The major portion of this increase occurred before National initiated service in June. With two carriers promoting the market, British traffic for the last half of 1970 may be up even more.

Florida and Miami will be the obvious beneficiaries of any increases in VISIT USA traffic from the U.K. They will not be the only beneficiaries. Those of you from the U.K.—you who package and promote VISIT USA tours—will develop greater volume and realize greater profits.

Selling Florida will win you new customers as well as repeat patrons. My message to you—to sum it up succinctly—is "Sell your customers on Florida and they will be sold on you."

Most of you who have come over on National's inaugural flight have had an opportunity to see some of this state's promotable attractions already. You will see more this afternoon and tomorrow: the Seaquarium, the Kennedy Space Center, the site of Disney World, Fort Lauderdale—our American "Venice"—and Cypress Gardens.

Florida has other salable attractions which you may not get to see on *this* trip, but I hope you will some day soon. You must come back to Florida and the southern-tier states again and again.

This state has three national forests, one national park and 15 state parks. It contains Indian reservations. There is a Seminole Indian village within a short drive of Miami. It also has the winter White House of President Nixon, and St. Augustine, the oldest city in the U.S.

Florida will sell well in the U.K. and Europe. It will sell because it offers many attractions which Europe doesn't have. Europe does not have the Kennedy Space Center. Europe does not have Disney World. Or Cypress Gardens. Or the Everglades. Or Indian villages. Or a sub-tropical climate.

Florida does. But it's still going to have to be heavily promoted. After all—it faces strong competition.

From Greece.

From Spain and Portugal.

From North Africa.

Many of you are already promoting Florida. I believe National Airlines has pledged to spend at least \$1 million in 1970 to persuade Europeans to visit Florida and the rest of the U.S.

The United States Travel Service is promoting Florida, too. In August, we held our biennial regional directors' meeting in Or-

lando and exposed each of our 8 overseas directors from around the world to the facilities and attractions of central Florida. Florida was selected as the conference site so each of our directors could become familiar with the attractions Florida has to offer.

This afternoon 15 top U.S. travel industry executives and I will depart on National Airlines regularly-scheduled flight to London for a sales seminar with 50 British travel agents.

This will not be just another mission. Nor will it be just another seminar.

Our objective is to help the British packager develop Visit USA tours priced within the reach of the average Briton. A related objective is to make it possible for the British operator to package Visit USA tours easily and inexpensively without leaving home.

We hope to generate a number of group Visit USA tours. Group tours have a built-in volume discount. The operator who buys 500 hotel room-nights pays a lower rate per night than the individual tourist who buys one, for example.

By passing along this discount to the customer, the operator puts his Visit USA package within the reach of the ordinary citizen. He increases his potential market . . . and, hopefully, his volume.

In a sense, selling tours is just like selling cars. So long as Rolls Royces constitute your only product line, your market is limited to those few customers who can afford to pay \$25,000 for an automobile. But if you add a showroom full of mass-produced Austins and MGs, your market becomes practically boundless. It takes in all of the people who can afford only \$2,000 for a car.

The same is true of tours. A market for custom-made, \$1,000, independent Visit USA tours no doubt exists. But it's probably one-twelfth as big as the market for "mass-produced", \$350 group Visit USA tours.

That's why we are trying to develop more group tours and more low-cost Visit USA packages.

The method we are trying is a new one. Normally, it is the tour-operator—the buyer rather than the sellers of package components—who embarks upon the packaging expedition.

This time, the sellers are going to the buyers. There is a special reason for this—packaging Visit USA tours is difficult. U. S. travel sellers are dispersed throughout the 50 states. A British wholesaler who comes to the U. S. shopping for tour components has to spend weeks just lining up appointments with various vendors. Then he has to fly from city to city to see—and negotiate with—potential suppliers. Tour-packaging becomes both time-consuming and expensive.

We are going to London, today, to make it possible for the British operator to package Visit USA tours without spending the time and money to come to the U. S.

Florida will be one of the destinations which will benefit from our mission.

At least eight of the mission members represent firms with Florida outlets or "products":

Philip Lowe, Vice Chairman, Sheraton Corporation of America; Winston Morrow Jr., President of Avis Rent A Car System, Inc.; Patrick Sheridan, President, Gray Line Sightseeing Companies; Robert Smalley, President, Hertz Corporation; William Everhart, Assistant Director, National Park Service; Richard Fitzpatrick, Vice President, Hilton Corporation; T. S. Reece, President, Continental Trailways; J. L. Kerrigan, President, Greyhound Lines.

Let me introduce the other members of our mission:

Clarence Arata, Executive Director, Washington (D. C.) Convention and Visitors Bureau;

James Hawthorne, President, Carte Blanche Corporation;

Vi Hendricks, President, U. S. Tour Service;

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Bill Hensley, Director, Travel and Promotion Division, North Carolina Department of Conservation and Development;

Virginia Lee, Export Expansion Officer, Export-Import Bank of the U.S. (Mrs. Lee has preceded us to London); and

Thomas Orr, President, Ask Mr. Foster Travel Service.

This group is the most powerful Tourism Task Force ever assembled by the United States.

The London meeting will be the first of a series of VISIT USA World Tourism Seminars which the United States Travel Service and the U.S. travel industry plans to hold throughout the world. Two weeks from today, we will be conducting a second seminar in Amsterdam. Next January, we will fly to Australia to hold a third.

In December, the United States Travel Service and Discover America Travel Organizations will sponsor a "Pow Wow and Travel Mart" here in Miami. The objectives of the "Pow Wow" will be similar to those of the seminar scheduled tomorrow in London. The format will be slightly different. Instead of traveling abroad as a group to meet with foreign tour packagers, U.S. travel-sellers will bring the foreign tour operators here. But the concept of face-to-face negotiation in one centrally-located "market place" will remain the same. That place will be Miami's Deauville Hotel.

It is fitting, I think, that the first of our VISIT USA World Tourism Seminars is to be held in London. The U.K. sends more tourists to the U.S. than any other overseas country. It is our number one overseas VISIT USA market in terms of visitor arrivals.

In 1969, British visitors to the U.S. totaled more than 281,203. During the first six months of 1970, nearly 120,000 British travelers entered the U.S. and spent about 9,170,000 pounds (\$22 million).

As a source of foreign currency earnings, British visitors receipts are exceeded only by receipts from Canadian, Mexican and Japanese visitors.

There are many reasons for this. Our research—a market potential index my staff has developed—indicates that the common language and cultural traditions of the Anglo-American people play a part—that they influence the travel patterns of British citizens.

So do the U.K.'s excellent standard of living and the size of its overseas travel allowance—now \$750. Commercial ties and traditions and relative proximity via air are other factors.

These factors will make the travel industries of the U.S. and the U.K. natural partners.

They will make the travel agents of London and the hospitality interests of Miami close allies . . . which leads me back to my original point—

"Whether you are a Floridian or a Briton, you can make money and win customers by selling the Sunshine State." We can all profit by promoting Florida's attractions. Let's package, let's publicize, let's make Miami the number one aerial gateway in the country.

A "RESPONSE" FROM GOVERNMENT

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

Mr. PEPPER. Mr. Speaker, the Miami Herald on November 16 had a timely editorial entitled "A 'Response' From Government." This editorial commented upon the decision in October of the IRS to discontinue tax exemption to "public

interest law firms." Then the editorial notes the dramatic about-face on the action of the IRS and commends this action. I believe this editorial by the Miami Herald on this final action by the IRS is noteworthy and I include it in the RECORD following my remarks:

A "RESPONSE" FROM GOVERNMENT

Responsiveness to public opinion is the hallmark of representative government. Seldom has it been demonstrated more dramatically than in a swift backdown by the Internal Revenue Service.

Back on Oct. 9, the IRS announced a halt in granting new tax exemption to "public interest law firms"—the kind that often files suits to protect the environment from pollution, to enforce protection of consumers and the like.

Uproar ensued. Criticism came from both Republican and Democratic congressmen, the President's Council on Environmental Quality and Virginia Knauer, President Nixon's consumer adviser.

Five weeks later, almost to the day, the IRS retreated. A promised 60-day study had been finished in about half that time. The IRS promulgated guidelines for public interest law firms, which were given 90 days to certify that they comply with these requirements.

The guidelines sound reasonable and proper. The law firms will get tax exempt status if they "engage in litigation that can reasonably be said to represent a broad public interest rather than a private one." Their policies and programs must be governed by "a board or committee representative of the public interest," not controlled by employees or those who do the litigating.

Besides, a group enjoying tax exemption is forbidden to "attempt to achieve its objectives through a program of disruption of the judicial system, illegal activity or violation of applicable canons of ethics."

Taxpayers who in effect, subsidize such groups by shouldering their tax burden are likely to applaud the rules.

Relatively few individuals will be affected directly. The best known public interest law firms draw major support from foundations set up by multi-millionaires, along with contributions from interested citizens. Foundations would shy from endangering their own tax exemptions by donating to projects lacking exemptions.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970—CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2108) the Family Planning Services and Population Research Act of 1970:

CONFERENCE REPORT (H. REPT. No. 91-1667)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill following the enacting clause and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Family Planning Services and Population Research Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act—

- (1) to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;
- (2) to coordinate domestic population and family planning research with the present and future needs of family planning programs;
- (3) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;
- (4) to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;
- (5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;
- (6) to evaluate and improve the effectiveness of family planning service programs and of population research;
- (7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and
- (8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

OFFICE OF POPULATION AFFAIRS

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

- (1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;
- (2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;
- (3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;
- (4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;
- (5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to population research and family planning and to make periodic recommendations to the Secretary.

PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act and in such title X.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

- (1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;
- (2) an estimate of the costs and personnel requirements needed to meet these objectives; and
- (3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall—

- (1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;
- (2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and
- (3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to X".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

"TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS"

"PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES"

"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services

are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971; \$60,000,000 for the fiscal year ending June 30, 1972; and \$90,000,000 for the fiscal year ending June 30, 1973.

"FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES"

"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

"(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.

"(c) For the purposes of this section, the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

"(d) For the purpose of making grants under this section, there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971; \$15,000,000 for the fiscal year ending June 30, 1972; and \$20,000,000 for the fiscal year ending June 30, 1973.

"TRAINING GRANTS AND CONTRACTS"

"SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1971; \$3,000,000 for the fiscal year ending June 30, 1972; and \$4,000,000 for the fiscal year ending June 30, 1973.

"RESEARCH GRANTS AND CONTRACTS"

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971; \$50,000,000 for the fiscal year ending June 30, 1972; and \$65,000,000 for the fiscal year ending June 30, 1973.

"INFORMATIONAL AND EDUCATIONAL MATERIALS"

"SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1971; \$1,000,000 for the fiscal year ending

June 30, 1972; and \$1,250,000 for the fiscal year ending June 30, 1973.

"REGULATIONS AND PAYMENTS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulgate.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

"(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

"(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term 'low-income family' shall be defined by the Secretary in accordance with such criteria as he may prescribe.

"VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

"PROHIBITION OF ABORTION

"SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

And the House agree to the same.

The Senate recedes from its disagreement to the amendment of the House to the preamble of the bill and agrees to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,

Managers on the Part of the House.

RALPH W. YARBOROUGH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
J. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 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, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill following the enacting clause struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

The conference agreement is the same as the legislation passed by the House in every respect but one. The one departure from the House version is with respect to the authorization of appropriations for project grants and contracts for family planning services and for research grants and contracts. The Senate authorizations were accepted with respect to these areas. The need for these levels of authorization is reflected in the following letter from the Secretary of Health, Education, and Welfare, the Honorable Elliot L. Richardson:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., December 1, 1970.

HON. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: The Department and the Administration were very pleased with the passage of S. 2108, the Family Planning Services and Population Research Bill. I

know how deeply involved you were with each step in its progress.

As you approach the conference with the Senate members, there is a matter of particular concern to the Department of which you should be aware. During the hearings before your Committee, the Department provided an estimate of the expenditures necessary in services and research to achieve the Administration's goals in family planning services and population research. In certain instances these estimates exceed the authorization levels contained in the Bill passed by the Senate. Therefore, we were particularly distressed by the cuts in authorizations for family planning services project grants and contracts. We would appreciate your giving this problem particular consideration. For your convenience, I am enclosing a copy of the cost estimates which were previously provided the Committee.

With regard to another difference between the House and Senate Bills, we appreciate the action of your committee in removing the authorization of grants for the construction of population research facilities. We regret that the Committee did not delete the authorization for formula grants to the States for family planning services.

Thank you again, Mr. Chairman, for the actions of you and your committee in assisting the administration towards solutions to these important problems.

With best regards,
Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

SELECTED POPULATION AND FAMILY PLANNING ACTIVITIES—COST ESTIMATES¹

(In millions)

Organization	Authorizing legislation	Fiscal year				
		1971 budget	1972 estimate	1973 estimate	1974 estimate	1975 estimate
Maternal and Child Health Services, HSMHA:						
(1) Maternal and child health formula grant to the States.	Title V, Social Security Act.....	\$13.1	\$15.0	\$15.0	\$15.0	\$15.0
(2) Maternity and infant care project grants.do.....	4.7	5.0	5.0	5.0	5.0
National Center for Family Planning Services, HSMHA:						
(1) Project grants for services, operational research and training.do.....	33.5	34.0			
	Administration proposal (H.R. 15159).	12.0	51.0	130.0	175.0	220.0
Total services.....		63.3	105.0	150.0	195.0	240.0
National Institutes of Child Health and Human Development—Center for Population Research.	Public Health Service Act.....	28.3	50.0	75.0	100.0	100.0

¹ These figures represent only staff estimates of costs under these programs. They should not be construed as committing the Department or the Administration to requesting or spending such funds for fiscal years after 1971.

Adoption of the Senate's authorization levels with respect to project grants and contracts for family planning services and research grants and contracts will increase the authorizations in the conference agreement by \$120,000,000 over the authorizations in the House version. To place this amount in perspective it should be pointed out that the House version provided an authorization of \$267,000,000 over the three-year period covered by it. The Senate passed bill was a five-year program with authorizations aggregating \$991,250,000.

It is, and has been, the intent of both Houses that the funds authorized under this legislation be used only to support preventive family planning services, population research, infertility services, and other related medical, informational, and educational activities. The conferees have adopted the language contained in section 1008, which prohibits the use of such funds for abortion, in order to make clear this intent. The legislation does not and is not intended to interfere with or limit programs con-

ducted in accordance with State or local laws and regulations which are supported by funds other than those authorized under this legislation.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
TIM LEE CARTER,
JAMES F. HASTINGS,

Managers on the Part of the House.

TRAINING OF FAMILY PHYSICIANS—CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the train-

ing of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped:

CONFERENCE REPORT (H. REPT. NO. 91-1668)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(1) public and private nonprofit medical schools—

"(A) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(C) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(D) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools; and

"(2) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(A) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(C) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(D) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1971, \$75,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Advisory Council on Family Medicine, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines; and

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762 (a), the Secretary may utilize such amounts as he deems necessary (but not in excess of \$3,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the "Council"). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) (1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this part. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for, and of the amount of, grants under this part.

"DEFINITIONS

"SEC. 765 For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corpora-

tions or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. (a) The Secretary of Health, Education, and Welfare shall conduct a study, in cooperation with schools training health professional manpower, of the feasibility and desirability of establishing at such schools courses dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in the field of nutrition and problems of malnutrition.

(b) The Secretary is authorized to make grants to health professional schools, in connection with the study provided for by subsection (a), for the planning of programs at such schools, and for the conduct of pilot projects at such schools, to assist such schools in the establishment of courses dealing with nutrition and problems related to malnutrition.

(c) The Secretary shall report to the President and to Congress by July 1, 1972, the results of such study, together with such recommendations as he deems advisable.

(d) There is authorized to be appropriated \$5,000,000 to carry out the purposes of this section.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows: Amend the title so as to read: "An Act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition." And the House agree to the same.

HARLEY O. STAGGERS,

JOHN JARMAN,

PAUL G. ROGERS,

TIM LEE CARTER,

JAMES F. HASTINGS,

Managers on the Part of the House.

RALPH W. YARBOROUGH,

HARRISON A. WILLIAMS,

EDWARD M. KENNEDY,

GAYLORD NELSON,

THOMAS F. EAGLETON,

ALAN CRANSTON,

HAROLD E. HUGHES,

PETER H. DOMINICK,

JACOB K. JAVITS,

GEORGE MURPHY,

WINSTON PROUTY,

WILLIAM SAXBE,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all after the enacting clause of the Senate bill and substituted a new text. The conference agreement is a substitute for both the text of the Senate bill and the House amendment.

Except for technical, clerical, clarifying, and conforming changes, the differences between the House amendment and the conference substitute are as follows:

The Senate bill provided specific authority for programs of continuing education in the field of family medicine, and the conference substitute is the same in this regard as the text of the Senate bill.

The Senate bill authorized a five-year program, at total authorizations of \$425,000,000, and the House amendment was limited to three years, at a total authorization of \$225,000,000. The conference substitute is the same in this regard as the House amendment.

The Senate bill authorized not to exceed \$10,000,000 for any fiscal year for planning and developmental grants for the purpose of assisting medical schools and hospitals to plan or develop programs or projects for the purposes of carrying out training in the field of family medicine. The House amendment limited the sums to \$5,000,000 a year, and did not specifically cover developmental grants.

The conference substitute authorizes \$8,000,000 for planning and developmental grants. The purpose of these grants is to assist medical schools and hospitals in actually getting programs and projects underway, and is intended to expedite the development of programs at schools and hospitals for the training of family physicians.

The Senate bill contained a provision authorizing grants and contracts to universities, medical schools, graduate schools, hospitals, laboratories, and other public or private institutions, and individuals for research into malnutrition. This provision also authorized the establishment of courses at medical schools, graduate schools, and nursing schools in malnutrition, and would have authorized fellowships and other financial assistance to students in this area.

The House amendment contained no comparable provision. The conference substitute authorizes the Secretary of Health, Education, and Welfare to conduct a study, in cooperation with health professional manpower schools of the feasibility and desirability of establishing courses at such schools in the fields of nutrition and problems relating to malnutrition. \$5,000,000 is authorized for such grants, and for planning of programs and pilot projects, with a report being required to the President and to the Congress before July 1, 1972, together with such recommendations as the Secretary deems advisable.

HARLEY O. STAGGERS,

JOHN JARMAN,

PAUL G. ROGERS,

TIM LEE CARTER,

JAMES F. HASTINGS,

Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CORMAN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 30 minutes, on December 9, and to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. MIZELL), to revise and extend their remarks and to include extraneous matter to:)

Mr. HOGAN, today, for 10 minutes.

Mr. BOW, today, for 30 minutes.

Mr. SCHMITZ, today, for 10 minutes.

Mrs. HECKLER of Massachusetts, today, for 10 minutes.

(The following Members (at the request of Mr. JONES of Tennessee), to revise and extend their remarks and to include extraneous matter to:)

Mr. RARICK, today, for 10 minutes.

Mr. FUQUA, today, for 10 minutes.

Mr. ANDERSON of Tennessee, on December 9, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RYAN, to revise and extend his remarks on the Crane amendment on H.R. 19436.

Mr. RANDALL, and to include extraneous matter.

Mr. RIVERS (at the request of Mr. PHILBIN) and to include extraneous matter.

Mr. HECHLER of West Virginia, and to include extraneous matter.

(The following Members (at the request of Mr. MIZELL) and to include extraneous matter:)

Mr. WYMAN in two instances.

Mr. LANDGREBE in two instances.

Mr. WYLIE.

Mrs. HECKLER of Massachusetts.

Mr. SCHMITZ.

Mr. MICHEL.

Mr. BUCHANAN.

Mr. ASHBROOK.

Mr. MORSE.

Mr. CHAMBERLAIN.

Mr. McCLORY.

Mr. BOB WILSON in two instances.

Mr. DUNCAN.

Mr. BOW in three instances.

Mr. TAFT.

Mr. BRAY in two instances.

(The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:)

Mr. CORMAN in five instances.

Mr. MATSUNAGA.

Mr. JACOBS.

Mr. RIVERS in two instances.

Mr. RODINO.

Mr. ANDERSON of Tennessee.

Mr. HOWARD.

Mr. BRASCO.

Mr. WOLFF in three instances.

Mr. GALLAGHER.

Mr. STEPHENS in two instances.

Mr. McMILLAN in three instances.

Mr. DOWNING in two instances.

Mr. DINGELL.

Mr. DANIEL of Virginia in four instances.

Mr. LONG of Maryland.

Mr. NIX.

Mr. KYROS in two instances.

Mr. DANIELS of New Jersey in two instances.

Mr. BURKE of Massachusetts.

Mr. MAHON in two instances.

Mr. GREEN of Pennsylvania in two instances.

Mr. HARRINGTON in two instances.

Mr. HELSTOSKI.

Mr. EDWARDS of California in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4547. An act to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

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. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108);

H.R. 14213. An act to amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum; and

H.R. 18126. An act to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 14213. An act to amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, December 7, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2594. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for the Federal Prison System, "Support of U.S. prisoners" for the fiscal year 1971 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2595. A letter from the Executive Secretary, Public Service Commission of the District of Columbia, transmitting the annual report of the Commission for calendar year 1969, pursuant to section 8 of the D.C. Appropriations Act, 1914; to the Committee on the District of Columbia.

2596. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the annual report of the Commission for calendar year 1969, pursuant to 79 Stat. 1312, 62 Stat. 1246, and 64 Stat. 13; to the Committee on Foreign Affairs.

2597. A letter from the Federal Co-Chairman, New England Regional Commission, transmitting a report of the action of the Commission regarding the recently passed National Rail Passenger Service Act (Public Law 91-518) to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2593. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of U.S. economic and military aid to Honduras, Department of State, Department of Defense, Agency for International Development, Peace Corps; to the Committee on Government Operations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Improved manpower management in the Federal Government (Rept. No. 91-1657). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capitol region, and for other purposes; with amendments (Rept. No. 91-1858). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 19363. A bill to amend the Library Services and Construction Act, and for other purposes; with an amendment (Rept. No. 91-1659). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 19401. A bill to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act (Rept. No. 91-1660). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS. Committee on Interstate and Foreign Commerce. 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; with an amendment (Rept. No. 91-1662). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. S. Con. Res. 2. Concurrent Resolution authorizing acceptance for the National Statuary Collection of a statute of the late Senator E. L. Bartlett, presented by the State of Alaska (Rept. No. 91-1661). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 18874. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; with amendments (Rept. No. 91-1663). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Roger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; without amendment. (Rept. No. 91-1664). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 19877. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; with amendments (Rept. No. 91-1665). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 10634. (Rept. No. 91-1666). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 2108. (Rept. No. 91-1667). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 3418; without amendment (Rept. No. 91-1660). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17750. A bill to declare the tidewaters in the waterways of the Ford Point Channel lying between the northeasterly side of the Summer Street

highway bridge and the easterly side of the Dorchester Avenue highway bridge in the city of Boston nonnavigable tidewaters; with amendments (Rept. No. 91-1669). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 19888. A bill to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes; with an amendment (Rept. No. 91-1670). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ERLBORN:

H.R. 19907. A bill to provide for regulation of public exposure to sonic booms, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself, Mr. PRICE of Illinois, and Mr. HOSMER): H.R. 19908. A bill to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. MILLS:

H.R. 19909. A bill to amend the Renegotiation Act of 1951 to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 19910. A bill to amend the Postal Re-

organization Act of 1970; to the Committee on Post Office and Civil Service.

By Mr. MORGAN:

H.R. 19911. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEIGER of Arizona:

H.R. 19912. A bill to authorize the partition of the surface rights of the Hopi and Navajo Indian Tribes in undivided trust lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.J. Res. 1412. Resolution; urging the President to seek release of "Simas"; to the Committee on Foreign Affairs.

By Mrs. GREEN of Oregon:

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women"; to the Committee on House Administration.

By Mr. STRATTON (for himself and Mr. BROCK):

H. Res. 1292. Resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 19913. A bill for the relief of Hernan Saavedra; to the Committee on the Judiciary.

H.R. 19914. A bill for the relief of Arnold D. Smith; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AMENDMENT TO POSTAL REORGANIZATION ACT

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. NIX. Mr. Speaker, the bill I introduce today is designed to remedy an inequity that has been unintentionally worked upon approximately 4,000 employees of the Post Office Department.

In August of this year Congress enacted, and the President signed into law, the landmark "Postal Reorganization Act of 1970." Among the numerous far-reaching provisions of the act is a provision which for the first time vests postal employees with the right to bargain collectively for wages, hours, and working conditions. Title 39, United States Code, section 1202, contains the collective bargaining mechanism under which the National Labor Relations Board will first make appropriate unit determinations in the postal service and then certify bargaining representatives in those units following elections.

It will be at least a year and perhaps longer, however, before this section of the act becomes effective and the NLRB can proceed to perform the function Congress has assigned to it. Recognizing this unavoidable delay, Congress pro-

vided in section 10(a) of the act for transitional bargaining—meaning interim collective bargaining in the postal service while the machinery is being set up to establish the permanent system of collective bargaining.

In establishing this transitional bargaining procedure, Congress unintentionally omitted a large group of employees. Congress provided that the Postmaster General could sign transitional agreements with the seven postal craft unions upon behalf of the employees represented by such labor organizations. This means that the only employees who will receive the contemplated increases in wages and benefits will be those employees who have been designated into one of the seven craft classifications.

In addition to employees within these seven crafts, however, there are approximately 4,000 employees working either in one of the 15 departmental regional offices, or in postal data centers, mailbag depositories, or mail equipment shops. Under the literal language of section 10 (a), the Postmaster General has determined that he does not have the power to sign agreements with these employees or automatically extend the benefits of transitional agreements to these employees.

On November 19, 1970, the Postmaster General signed an agreement with the seven postal craft unions upon the compression issue dealt with in section 10

(b) of the act. This agreement reduces from 21 to 8 years the time it takes an employee to reach the top of a grade. Under the terms of section 10(c) of the act, and the terms of the agreement, the benefits of the compression agreement are to become effective immediately. I am advised that the agreement will be reflected in the paychecks received by employees covered by the agreements on December 4, 1970.

Congress certainly did not intend to treat the 4,000 employees not in a designated unit any differently than the employees in one of the seven craft units. The purpose of this bill is simply to provide that the agreement reached upon compression on November 19, 1970, shall apply as well to those nonsupervisory employees who were inadvertently omitted from the reach of the statute. It would provide that the Postmaster General shall extend to these employees the same benefits given to other employees under the compression agreement.

DR. W. M. HACKENBERG, A GREAT SERVANT OF THE LORD

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 3, 1970

Mr. LANDGREBE. Mr. Speaker, on September 20, the finest Christian I have