

Act of 1969. You may count on our enthusiastic support of this measure.

If it should be your desire to have us appear to testify in support of the bill, we would appreciate it if your office could inform us as early as possible in advance so that we can be adequately prepared both in terms of available staff and supportive materials.

In light of the fact that the California Legislature apparently intends not only to limit additional state school aid to what approximates a cost-of-living adjustment and to restore the ceilings on local property taxes for school support, your bill offers the only hope we have at this time of obtaining additional funds to enable this school district to deal with the mounting educational problems that are so well described in your excellent statement.

Please accept my sincere thanks and appreciation for sponsoring this much needed legislation. We stand ready to assist you in any way we can to obtain congressional approval.

With best wishes, I am,

Sincerely,

JACK P. CROWTHER,
Superintendent of Schools.

SAN DIEGO CITY SCHOOLS,
San Diego, Calif., September 10, 1969.

HON. GEORGE MURPHY,
Old Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MURPHY: This is a delayed response to your request for reactions to your proposed Urban and Rural Education Act of 1969.

Dr. Jack Hornback, superintendent, and appropriate staff members have carefully reviewed the proposal. The significant result is quoted, as follows: "There was general consensus that we should lend full support to this Act, but that whenever appropriate, emphasize that we hope the escape clause would be retained to allow local educational agencies discretion in making adjustments in secondary programs as appropriate to local needs."

Thank you for the opportunity to review this important proposal.

Sincerely,

BLUFORD F. MINOR,
Assistant Superintendent.

PASADENA UNIFIED SCHOOL DISTRICT,
Pasadena, Calif., August 8, 1969.
MR. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR MR. MURPHY: I want to congratulate you and express the deep gratitude of one of the school districts in your home state for introducing the Urban and Rural Education Act of 1969. I have perused this act carefully, and find it a strong positive measure to deal with the educational crisis in urban and rural America.

Our school district has had to cut drastically into its educational program because of inadequate funding. An example was the recent reluctant but necessary move of our Board of Education to reduce the number of periods available to students in our senior high schools from six to five.

I find in the Urban and Rural Education Act of 1969, a strong base for financial support, and an emphasis in concentrating funds at the elementary level and in schools having the greatest need.

I wish you success in your endeavor to see that this important piece of legislation is enacted into law.

Sincerely,

RALPH W. HORNBECK,
Superintendent of Schools.

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, Calif., August 4, 1969.

HON. GEORGE MURPHY,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you very much for sending me the Congressional Record of Tuesday, July 15, with the text of your Urban and Rural Education Act of 1969.

You have certainly identified the urgent needs of our urban school districts and made it clear that we cannot afford further delay in meeting them. I hope that the Senate will support your bill, and I will certainly do all that I possibly can to urge prompt and favorable action on it.

Sincerely,

MAX RAFFERTY.

ORDER OF BUSINESS

MR. MANSFIELD. Mr. President, for the information of the Senate, there will be a brief morning hour tomorrow.

AUTHORIZATION FOR COMMITTEES TO MEET DURING SESSION OF THE SENATE TOMORROW

MR. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry may be permitted to meet on tomorrow during the session of the Senate, because they have witnesses coming in from all over the country; and also that the Subcommittee on Tactical Air Power of the Armed Services Committee be authorized to meet during the session of the Senate on tomorrow.

THE PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

MR. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, February 18, 1970, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 17, 1970:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. John W. Carpenter III, **XXXX**
XXXX (major general, Regular Air Force)
U.S. Air Force

IN THE NAVY

Having designated Rear Adm. Frederick H. Schneider, Jr., U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES—Tuesday, February 17, 1970

The House met at 12 o'clock noon.

Rabbi Robert S. Widom, Temple Emanuel, Great Neck, N.Y., offered the following prayer:

Lord of the universe, we ask Thee this day for fresh inspiration and new perspective.

In a world haunted by the skeletons and ghosts of a shattering war past and present, and in the throes of fear of massive destructive forces held back only by a thin leash, we ask Thee for wisdom and knowledge that we may learn somehow to construct the essential foundation for an enduring peace. Make us to realize that lasting world peace requires the implementation of such positive elements as equality, security, and justice for every man everywhere. Bless our country that it may become more and more a stronghold of equality, security, and justice.

Enlighten with Thy wisdom the President of our land, his counselors, advisers,

and lawmakers, and all those who have accepted the trust and accompanying burdens of high office in order to make and keep our country secure and sound.

Bless, O Lord, their efforts and the efforts of all who labor to advance the frontiers of mutual understanding here in our land and everywhere, who strive to push the walls of darkness back in the faith that it is Thou who art the giver of light. Amen.

THE JOURNAL

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

THE LATE HONORABLE THADDEUS MICHAEL MACHROWICZ

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

MR. NEDZI. Mr. Speaker, I take this time for the purpose of announcing to the House, with great sadness, the passing of a dear friend, a wise counselor and a former colleague of many of the Members of the House of Representatives, Federal District Justice Thaddeus Machrowicz, previously Congressman Machrowicz.

Judge Machrowicz was my predecessor in office, and I would like to take this opportunity to extend my condolences and those of my wife, Peggy, to his wife, Sophie, and their two fine sons.

Mr. Speaker, in the very near future I will ask for a special order in order that Members may appropriately memorialize Judge Machrowicz.

PASSAGE OF CONGRESSIONAL REFORM LEGISLATION ESSENTIAL

(Mr. STEIGER of Wisconsin asked and was given permission to address the

House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, the problems of congressional reform and reorganization are much too important to be sacrificed in an intraparty struggle for leadership.

For the other party to simply change horses in midstream would do nothing to accomplish the goals of congressional reform. We would get the appearance of reform, perhaps, but without the substance. More would be done to hinder the congressional reform movement than to help it.

Simply selecting new leaders will do nothing to modernize the practices and procedures of Congress. It will not open up committee business meetings. It will not establish a Joint Committee on the Organization of the Congress. It will not make the Congress as an institution one bit more responsive, nor will it do anything at all to bring us closer to a resolution of the unwritten rule on seniority.

The only real way to reform the Congress is to pass a meaningful and productive congressional reform bill. That being the case, we could all serve the cause better if we would join together to urge the Rules Committee to report promptly a constructive reform bill.

AN INVITATION TO REBELLION

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

Mr. HALL. Mr. Speaker, I have just read a New York Times review of a new book entitled "Points of Rebellion" by a member of the highest judicial tribunal of the United States of America.

Some of the statements that the reviewer has quoted from that "tome" have left me with the fear that the author, while taking one of his well-known hikes in the woods, might have been attacked by a flock of "coo-coo" birds and pecked into mental incompetence.

I was appalled at the statement, "violence may be the only effective response," in dealing with the so-called establishment. This quote is worse than the "shoot from the hip" words of a former Vice President, uttered a few years ago while speaking in the New Orleans, La., area, when he said that he still had enough spark left in him to lead a good sized rebellion himself.

I shudder at the thought of the Justice comparing the leadership of our Federal Government with Adolf Hitler.

I sorrow in the knowledge that this member of the Highest Court in the land has apparently exhausted himself mentally by his constant, and controversial search for the physical "fountain of youth."

Mr. Speaker, it is quite clear, at least to this Member of Congress, that that person has once again brought discredit to the U.S. Supreme Court. His latest irrational ramblings can only be con-

strued as "rabble rousing" of the worse kind.

I submit, that if the Justice wants to ally himself with the likes of Eldridge Cleaver, Stokely Carmichael, and others of their kind, it is up to him. They are all obviously of like mind.

However, I further submit that if he does, then he should step down from the bench and join with them in the role of a private citizen, not as a Justice of the Supreme Court, in whose tainted robes he slouches and languishes.

"INVITATION"

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include an "invitation.")

Mr. ROONEY of New York. Mr. Speaker, much has been written and spoken of late about the expanding powers of the executive branch of Government but until very recently I had no idea that such powers extended even to my own staff. In the not too distant pleasant past an invitation to the White House usually was an event of some note and came replete with a formal, engraved invitation very much appreciated by our staffs. It now comes on mimeographed paper and invites congressional staff personnel to come to welcome the President of France, or whoever, on the White House lawn at 9:45 a.m.—an hour when even the most privileged congressional staffer is supposed to be busy at work for one's constituents. At the rate the invitations have come in of late—2 weeks ago a similar one for Prime Minister Wilson—perhaps we shall have to add a new clerk to our payrolls and assign him the specific duty of answering the call to arms at 1600 Pennsylvania Avenue. Or perhaps, we should encourage the chef d'protocol to arrange all visits for Saturdays, Sundays, or holidays or, better still, mayhap we should inform someone that the whereabouts of a Member's staff is of some concern to the Member and his constituents.

The text of the invitation follows:

THE WHITE HOUSE,

Washington, February 13, 1970.

To All Congressional Staff Personnel:

President Pompidou of France will arrive at the White House on Tuesday, February 24, at 10 AM. You are invited to the arrival ceremony on the south lawn of the White House. The southwest gates will open at 9 AM.

In order to gain entrance to the grounds you will be required to have a ticket. Tickets may be obtained from Miss Sara Van Oosterhout, Room 134 Cannon House Office Building.

You must be in place by not later than 9:45 AM.

DISRUPTION OF PUBLIC SCHOOL SYSTEMS TO ACHIEVE RACIAL BALANCE

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

Mr. NICHOLS. Mr. Speaker, there is

no situation more serious and no problem that plagues the minds of the people of my State of Alabama more than the wholesale disruption of the public school systems for the sake of achieving a racial balance. On Sunday, February 8, I attended a meeting of about 10,000 concerned parents in Birmingham. Representatives from parents organizations in five States attended this meeting along with many officials of Alabama and other Southern States.

Today, Alabama Gov. Albert Brewer and his fellow Governors have come here to Washington to meet with the congressional delegations of those States whose schools have been severely affected. I welcome Governor Brewer and the other Governors here and pledge to them and to the people of my State of Alabama my wholehearted efforts toward reversing the trend toward destruction of our public schools.

U.S. AID TO NIGERIA

(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, it is rather strange that we should read in the inner pages of the newspapers that the Nigerian Government is allowing millions of dollars worth of U.S. relief supplies to go to waste while untold thousands of Biafrans continue to die of starvation and disease. At the same time, it is noted, British aid has been accepted and distributed with open arms.

However suspect our intentions may be, it will certainly be of little consolation to those who will die in the absence of these relief supplies. If this is in fact the case, it suggests that a reevaluation of our policy with respect to Nigeria is well in order as well as, perhaps, with other foreign nations which habitually thumb their noses at this country while holding out both hands to see whether the United States or Russia will be the first to come rushing in to cross their palm with hard, cold cash.

The attitude of the Nigerian Government should also be an awakening to the bleeding hearts among our own people who vilified the alleged "inadequate" efforts of the United States to aid the Biafran people as being an inhumane gesture. It does seem that man's inhumanity to man assumes many different forms and it is not, as some proclaim, a peculiarly American characteristic.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

FEBRUARY 17, 1970.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: My resignation from the House Committee on Banking and Currency is hereby submitted with the request that it be recorded as effective immediately.

Respectfully,

DEL CLAWSON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 838) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 838

Resolved, That Del Clawson of California be, and he is hereby, elected a member of the standing committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE ON FEBRUARY 18 AND 19

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit during general debate on February 18 and February 19.

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

Mr. HALL. Mr. Speaker, reserving the right to object, is it not true that, according to the program, we shall be considering at that time the very important appropriation bill for the Departments of Labor, Health, Education, and Welfare?

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

Mr. HALL. I yield to the distinguished majority leader.

Mr. ALBERT. It is quite possible that the House will be considering the appropriation bill at that time but the request is limited to general debate only. And may I make two observations. First, the committee is trying to consider the crime bill, and both Mr. CELLER and Mr. McCULLOCH have cleared this request.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. The ranking Republican on the committee, Mr. McCULLOCH, specifically asked if I would seek to get this permission. They do want to proceed with hearings on the omnibus crime bill. They have witnesses scheduled, and I am sure the gentleman is as strong as I am in wanting this legislation on the floor, and I hope he can help them expedite it. This would be helpful in that regard.

Mr. HALL. Mr. Speaker, I am not sure how strong the gentleman is, but I am strong for anticrime legislation, as it is obvious that is what this country needs. But even more convincing is the fact that after waiting all these months we are finally having hearings, and if witnesses from across the country have been scheduled, I will withdraw my reservation.

The SPEAKER. Is there objection to

the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 13]

Adair	Fisher	Morse
Arends	Ford,	Morton
Ashbrook	William D.	Moss
Ashley	Gettys	Myers
Aspinall	Gray	Ottinger
Blanton	Gubser	Pelly
Bow	Harrington	Pettis
Brasco	Hébert	Pike
Brock	Henderson	Pollock
Brown, Calif.	Jonas	Powell
Burton, Calif.	Kirwan	Rodino
Burton, Utah	Kleppe	Rosenthal
Celler	Landgrebe	Roudebush
Chisholm	Long, Md.	Ruppe
Clark	Lowenstein	Sandman
Clay	McCarthy	Scheuer
Conyers	McCloskey	Springer
Cramer	McDade	Stubblefield
Culver	McEwen	Teague, Calif.
Davis, Wis.	McKneally	Teague, Tex.
Dawson	McMillan	Tunney
Dent	Mailliard	Watkins
Diggs	Mann	Wilson,
Dingell	Mathias	Charles H.
Dorn	May	Yates
Edwards, Calif.	Monagan	
Evins, Tenn.	Moorhead	

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

ROGERS URGES FINCH TO CALL MEETING WITH PETROLEUM AND AUTOMOTIVE INDUSTRIES

(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, less than a month ago, I spoke of a "Get the Lead Out" campaign and said at that time it was necessary for petroleum companies to convert to unleaded gasoline to help fight air pollution.

I must admit that I am encouraged by the amazing response which has been forthcoming from the petroleum companies and also the automobile manufacturers. Both have, in essence, admitted that lead is a factor in eliminating air pollution from automobiles.

General Motors said yesterday that all its 1971 models could use unleaded gasoline. Prior to this, Ford Motor Co. announced that the majority of its products

would be able to run on unleaded gasoline by 1972 and many in 1971. Chrysler Corp.'s statement on this issue is similar.

It now appears that the majority of the parties involved are willing to convert to promote cleaner air, and indeed the "Get the Lead Out" campaign is rolling.

All we need now is a catalyst to bring all the parties together to begin the program. When the Public Health Subcommittee resumes hearings on the Clean Air Act, we hope to bring forth the legislation necessary to accomplish this.

In the meantime, I have wired the Secretary of Health, Education, and Welfare asking him to set a meeting for the major manufacturers of petroleum and automobiles to discuss this problem to set a time schedule. We have a general agreement to move against this phase of air pollution. It can be accomplished within a year or two, and we should not waste time now.

I hope the Secretary will initiate this discussion at the soonest possible time.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1969—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-252)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1969. During that year, retirement and survivor benefit payments totaled \$1.5 billion and were paid to some 1.5 million beneficiaries. Unemployment Insurance Act payments amounted to \$97,000,000 and were paid to about 178,000 beneficiaries.

RICHARD NIXON.

THE WHITE HOUSE, February 17, 1970.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first omnibus bill on the Private Calendar.

OMNIBUS PRIVATE CLAIMS BILL

The Clerk called the bill (H.R. 15062) for the relief of sundry claimants and for other purposes.

The Clerk read as follows:

H.R. 15062

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

Title I—(H.R. 3723. For the relief of Robert G. Smith.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert G. Smith of Annandale Virginia, the sum of \$1,440, in full settlement of all his claims against the United States for compensation for work he performed for the Office of Economic Opportu-

nity from June 7, 1965, through July 16, 1965, inclusive.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 1, strike "in excess of 10 per centum thereof."

The committee amendment was agreed to.

MOTION OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HALL moves to strike title I of the bill H.R. 15062, including all of lines 3 through 11 on page 1 and all of lines 1 through 7 on page 2.

Mr. HALL. Mr. Speaker, for the second time since 1953 this House of Representatives is again confronted with an omnibus private bill.

This bill before us today is a conglomeration of four private bills of prior committal. These four bills have been given the most careful scrutiny by the officially elected objectors for the Private Calendar. They have not performed their responsibility in a frivolous manner. They have studied each bill in great detail and have attempted to give the sponsoring Member every benefit of the doubt. All have been accessible to the proponents and open to information in addition to the report.

Based on the facts and the equities in each of these four private bills, one could not in good faith allow their passage by unanimous consent.

In short, these are studied objectors, not obstructionists or partisans.

I think historically it would be interesting to know about the action on private claim bills in the 90th Congress—referred to the subcommittee were 779. Reported therefrom to the House were 207. Of these private bills, 178 did pass the House by unanimous consent; 116 became enacted laws; three were vetoed.

Mr. Speaker, to circumvent the judgment and the responsibilities of the official objectors, an omnibus private bill is presented. If this procedure is to continue, why, Mr. Speaker, do we even have "objectors" to the Private Calendar? Why try to protect the Treasury and the taxpayers' hard-earned dollars? Why not allow all claims regardless of merit or equity?

Remember, this is established in our rules of procedure as a unanimous-consent procedure for expediting the business of the House of Representatives.

What will be the situation if we continue to allow the use of an omnibus private bill as a device for thwarting the judgment and the decisions of the objectors?

For these reasons, Mr. Speaker, I strongly urge the defeat of this title of the omnibus private bill.

Now, specifically as to striking title No. 1, the salient fact concerning H.R. 3723, a private source bill for the relief of Mr. Robert G. Smith, of Annandale, Va., is that he was given no assurance that he would receive compensation for the period in which he worked prior to his official appointment to the OEO agency.

Second, no OEO officer or official could give Mr. Smith, or was legally empowered to authorize, compensation for the period set forth in the bill.

Third, the Director of OEO has statutory authority to accept voluntary and uncompensated services. And we recall when this bill was before the House what a point was made of the voluntary services.

Fourth, the OEO states in its report:

We do not believe that Mr. Smith is lawfully entitled to compensation for the period in which he worked prior to official appointment as an OEO employee.

Thus, it does not meet the criteria agreed to by the entire House at the convening of the 91st Congress for consideration on the Private Calendar.

I do not believe this gentleman is entitled to dip into the taxpayer's pocket.

I should like to know why the report says nothing, except for the fact that the agency itself does not believe he has entitlement, about the rest of his employment. What is his record? What were his efficiency reports? Is he still with the agency? If not, was he fired or terminated? Was he promoted? Has he been reassigned?

This is not equitable. It is a bill that properly should have been recommitted, though it was not recommitted but simply put over without objection until the omnibus technique was invoked.

I submit that as the first consideration of an omnibus bill this title should be stricken. I ask the indulgence and yea vote of the Members of the House in so doing.

Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

May I first state that these matters are before the House today for consideration under the procedure known as the omnibus bill of procedure. This is the procedure provided under a rule adopted by the House to take care of situations involving bills objected to when these matters have previously been on the Private Calendar.

I submit again that we are here today in accordance with the rules of the House. Insofar as these bills are concerned, they have been before the subcommittee of the Committee on the Judiciary for almost a year. Initially they were fully considered by members of a subcommittee whose members are all experienced and trained lawyers. They were submitted by that subcommittee to the full Committee on the Judiciary, also all well-trained, experienced lawyers. They have been favorably approved by both the subcommittee and by the full committee on their merits.

I submit further, Mr. Speaker, that this is the procedure and the only procedure available to the Members and particularly to the sponsoring Members to bring their case before the full membership of this House for consideration.

When a private bill is reported and placed on the Private Calendar, as a practical matter, on the call of that calendar it can only be passed by unanimous consent. The rules permit no debate, discussion, or explanation of an individual private bill. Should a bill be objected to by two or more Members it must be recommitted to the committee. The omnibus bill procedure then provides an opportunity for an explanation and discussion of the bill in the House. After the issues and merits of the bill, and most importantly, the questions concerning the granting of relief are discussed, the Members of the House have the right to express their views on the measure by a vote under the rules. Actually, this is the only way the Members of the House may vote on such a bill.

When the bill H.R. 15062 was reported to the House the committee report stated:

The committee feels that the bills included as titles in H.R. 15062 merit consideration under the omnibus bill procedure which permits debate and discussion as limited by the rule at the time that the omnibus bill is read for amendment.

My view is that this quotation reflects the basic purpose of the committee in reporting this bill which is to provide the opportunity for a free and open consideration of these bills by the House in accordance with its rules.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield to me?

Mr. DONOHUE. I will be pleased to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise as the sponsor of title I, H.R. 15062, formerly my bill H.R. 3723, for the relief of Mr. Robert G. Smith, one of my constituents. There is a simple question here for the Congress. Is the Government of the United States liable for the fully authorized act of its officials? It can be stated another way, can an official of the U.S. Government hire an employee and then not pay him for his work because some subordinate personnel officer delayed the paperwork for over a month?

These are the uncontested facts: Mr. Smith reported to work at the urgent request of duly authorized officials of the Job Corps, an integral part of the Office of Economic Opportunity, to perform in an official capacity on June 7, 1965. Because of a delay in paper work by the personnel officer of OEO he was not put on the official payroll until July 16, 1965. Every official of OEO admits that Mr. Smith should have been paid for his work. OEO does not suggest that Mr. Smith volunteered to work for less pay or for nothing; they admit they goofed. Which, aside, I might add is just another goof for that organization. Nonetheless, the fact exists that an offer of employment was made for a specific job at a specific time and there was an accept-

ance. There was no failure to perform by Mr. Smith. The only failure to perform was by the officials of OEO, an official Government agency. A contract was made and breached. Compensatory damages are due to Mr. Smith. The executive branch has refused Mr. Smith's efforts to collect the salary due him for the period of employment June 7 through July 16, 1965, agreed to be \$1,440, because the personnel officer of OEO failed to keep or make the proper documentation verifying employment. Federal regulations prohibit the backdating of personnel actions.

Mr. Speaker, it is now up to this Congress to right this wrong. The Committee on the Judiciary recommends this bill be considered favorably. I urge this Congress to pass title I to H.R. 15062 as I firmly believe the Congress should not permit the Government to perpetrate an injustice by avoiding an apparent obligation. The honoring of obligations is a tradition of the American people; now is not the time to break this tradition.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would like to inquire of the gentleman from Virginia if he introduced this bill by request?

Mr. BROYHILL of Virginia. Yes; I did.

Mr. DAVIS of Georgia. Well, I would think in view of your rather wholehearted support of the bill that you ought to have omitted those two words.

Mr. BROYHILL of Virginia. I did not hear the gentleman.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 7, noes 15.

Mr. HALL. 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—ayes 59, nays 288, not voting 84, as follows:

[Roll No. 14]

YEAS—59

Ayres	Duncan	Kuykendall
Bennett	Erlenborn	Langen
Bray	Eshleman	Lennon
Brinkley	Evins, Tenn.	Lujan
Broomfield	Foreman	McClure
Brown, Mich.	Fountain	McMillan
Brown, Ohio	Goodling	Miller, Ohio
Bush	Gross	Mizell
Button	Haley	O'Konski
Camp	Hall	Poff
Chappell	Hammer-	Price, Tex.
Clawson, Del	schmidt	Satterfield
Collins	Harsha	Scherle
Colmer	Hunt	Schwengel
Crane	Hutchinson	Snyder
Cunningham	Jarman	Stelger, Wis.
Denney	Johnson, Pa.	Talcott
Derwinski	Jonas	Thomson, Wis.

Utt Winn
Wold Wylie
NAYS—288

Abbitt	Frey
Adair	Friedel
Adams	Fulton, Pa.
Addabbo	Fulton, Tenn.
Albert	Fuqua
Alexander	Gallifanakis
Anderson, Calif.	Gallagher
Anderson, Ill.	Garmatz
Anderson, Tenn.	Gaydos
Andrews, N. Dak.	Gialmo
Annunzio	Gibbons
Arends	Gilbert
Earrett	Goldwater
Beall, Md.	Gonzalez
Belcher	Green, Oreg.
Bell, Calif.	Green, Pa.
Berry	Griffiths
Betts	Grover
Bevill	Gude
Biaggi	Halpern
Biester	Hamilton
Bingham	Hanna
Blatnik	Hanna
Boland	Hansen, Idaho
Bolling	Harrington
Bow	Harvey
Brademas	Hastings
Brooks	Hathaway
Brotzman	Hawkins
Broyhill, N.C.	Hechler, W. Va.
Broyhill, Va.	Heckler, Mass.
Buchanan	Helstoski
Burke, Fla.	Hicks
Burke, Mass.	Hogan
Burleson, Tex.	Hollifield
Burlison, Mo.	Horton
Byrne, Pa.	Hosmer
Byrnes, Wis.	Howard
Cabell	Hull
Caffery	Hungate
Carter	Ichord
Casey	Jacobs
Cederberg	Johnson, Calif.
Celler	Jones, N.C.
Chamberlain	Jones, Tenn.
Clancy	Karh
Clausen, Don H.	Kastenmeier
Cleveland	Kazen
Cohelan	Keith
Collier	King
Conable	Kluczynski
Conte	Koch
Conyers	Kyl
Corbett	Kyros
Corman	Latta
Coughlin	Leggett
Cowger	Lloyd
Daddario	Lukens
Daniel, Va.	McCarthy
Daniels, N.J.	McClary
Davis, Ga.	McCulloch
Davis, Wis.	McDonald, Mich.
de la Garza	McEwen
Delaney	McFall
Dellenback	MacGregor
Dennis	Madden
Devine	Mahon
Dickinson	Mann
Donohue	Marsh
Dowdy	Martin
Downing	Matsunaga
Dulski	Mayne
Dwyer	Meeds
Eckhardt	Melcher
Edmondson	Meskill
Edwards, Ala.	Michel
Edwards, La.	Mikva
Elberg	Miller, Calif.
Esch	Mills
Evans, Colo.	Minish
Fallon	Mink
Farbstein	Minshall
Fascell	Mize
Felghan	Mollohan
Findley	Moorhead
Fish	Morgan
Flood	Mosher
Flowers	Murphy, Ill.
Foley	Murphy, N.Y.
Ford, Gerald R.	Natcher
Ford,	Nedzi
William D.	Nelsen
Fraser	Nichols
Frelinghuysen	Nix
	Obey
	O'Hara

Wyman Zwach
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quile
Quillen
Rallsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruth
Ryan
St Germain
St. Onge
Sandman
Saylor
Schadeberg
Schneebeil
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Taft
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wolf
Wright
Wyatt
Wyder
Yatron
Young
Zablocki
Zion

NOT VOTING—84

Abernethy	Gray	Myers
Andrews, Ala.	Griffin	Ottinger
Ashbrook	Gubser	Patman
Ashley	Hagan	Pelly
Aspinall	Hansen, Wash.	Pettis
Baring	Hays	Pollock
Blackburn	Hébert	Powell
Blanton	Henderson	Rarick
Boggs	Jones, Ala.	Rees
Brasco	Kirwan	Rodino
Brock	Kleppe	Roudebush
Brown, Calif.	Landgrebe	Ruppe
Burton, Calif.	Landrum	Scheuer
Burton, Utah	Long, La.	Skubitz
Carey	Long, Md.	Slack
Chisholm	Lowenstein	Springer
Clark	McCloskey	Stubblefield
Clay	McDade	Teague, Calif.
Cramer	McKneally	Thompson, Ga.
Culver	Macdonald, Mass.	Tunney
Dawson	Mailliard	Waggonner
Dent	Mathias	Watkins
Diggs	May	Watson
Dingell	Monagan	Whitten
Dorn	Montgomery	Wiggins
Edwards, Calif.	Morse	Wilson,
Fisher	Morton	Charles H.
Flynt	Moss	Yates
Gettys		

So the motion was rejected.
Messrs. BARRETT, THOMPSON of New Jersey, BIAGGI, and BEALL of Maryland changed their votes from "yea" to "nay."

Mr. UTT changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.
The SPEAKER. The Clerk will proceed with the reading of title II of the bill.

The Clerk read as follows:
Title II—(H.R. 5000. For the relief of Pedro Irizarry Guido.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pedro Irizarry Guido, of San Juan, Puerto Rico, the sum of \$3,581.05 in full settlement of all his claims against the United States for additional compensation for overtime and night work during the period of July 10, 1946, to March 24, 1952, as an employee of the Department of the Army, Quartermaster Supply Office, Fort Buchanan, Puerto Rico. No part of the amount appropriated in this Act thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Gross moves to strike title II of the bill H.R. 15062, including all of lines 8 through 25 on page 2.

Mr. GROSS. Mr. Speaker, this might be termed the claims bill for the sleeping night watchman, Pedro Irizarry Guido, who was a night checker and watchman for the Quartermaster Corps at Fort Buchanan, P.R. He worked in this job for approximately 6 years, from 1946 to 1952. Three years later—3 years after leaving that job—he submitted a bill for \$24,784.32 for overtime.

The Members should understand Mr.

Guido was paid a night differential during the time he worked.

Guido began his work in the late afternoon or early evening, and was furnished, from midnight until 6:30 in the morning, or approximately that time, with sleeping quarters and food. At 3 a.m. and 6 a.m. he accompanied another employee for the purpose of unlocking two cold-storage warehouses. That seemed to be the extent of his back-breaking labor from midnight, or approximately that time, until 6 in the morning when his slumber apparently ended.

As I say, the original bill that was introduced carried a price tag of nearly \$25,000. Apparently the Army, to get rid of this claim agreed to pay approximately \$3,500 for overtime, despite the fact that Guido was paid a night differential and his claim to overtime is completely unsubstantiated by any records.

The General Accounting Office disagrees with this claim and opposes it.

The Civil Service Commission is opposed to this claim.

The Department of the Army says it is willing to hand over \$3,500, despite the fact that it appears from the records that all overtime reported as worked by him during the period covered was duly certified and actually paid for in full, as evidenced by the photostats of individual earning records and records attached.

The Department of the Army also says that several of the employees mentioned by Guido in his correspondence in behalf of his claim were contacted in an effort to secure further information which might be used in the development of his claim. All of the employees—all of the employees interviewed—stated that although they were aware of the fact that the claimant was assigned duties as a night duty checker at the Quartermaster Supply Office during the period covered by the claim, they had no knowledge that he ever was required to work in excess of his regularly scheduled workweek of 40 hours.

Mr. Speaker, the Civil Service Commission in recommending against favorable consideration, says that there is no indication that any question about payment was made until 3 years later. In other words, this man never raised the slightest protest, according to the record before the committee, and now the House. There is not the slightest evidence that he ever sought overtime during the 6 years that he worked. After the lapse of 3 years, official time and attendance records for the period had been routinely destroyed, therefore the lack of substantiating evidence.

Mr. Macy, Chairman of the Civil Service Commission at this time this claim arose, goes on to say that this type of private relief measure would establish a most undesirable precedent by, in effect, placing the burden of proof in most cases on the Federal agency rather than on the claimant.

Mr. Speaker, it seems to me that this comes under the plain heading of a phoney claim in that this man contended

he was owed some \$24,784.82 and, apparently, now he is willing to accept \$3,500, although the records indicate he is entitled to nothing.

This also raises the question, Mr. Speaker, what the Judiciary Committee's subcommittee, which handled this bill, is prepared to do about the claims that will probably come in seeking overtime for those who substituted for this man during the 6 years that he was employed—for those who substituted for him on Saturdays and Sundays and holidays and on his annual leave time. Is it proposed, on the basis of no records whatsoever, to pay them overtime as well? How is it proposed to deny them?

I urge adoption of my amendment to stop this handout.

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

Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

Mr. CORDOVA. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. DONOHUE. I yield to the gentleman.

Mr. CORDOVA. Mr. Speaker, this so-called phony claim—this so-called unsubstantiated claim which the Committee on the Judiciary has seen fit to report favorably—this case of the sleeping night watchman, is perhaps one of the most meritorious cases that has ever come before the Committee on the Judiciary on a private bill.

Mr. Speaker, I regret that the gentleman from Iowa has not appreciated the burden that was placed on this sleeping watchman who worked from 4 o'clock to 12 o'clock every night and was paid for that—and only for that.

But he was required thereafter to stay on the job. This man who had his own home and who had a wife and five kids, could not go home after that because he had to stay on the base for 7½ hours additional. He was provided sleeping quarters. Of course, he could sleep—he only had to get up twice between 12 o'clock and 7:30 o'clock. He had to get up at 3 o'clock in the morning to go to a refrigerated warehouse and open it up for inspection by the engineers. After that was done, he would go back. Then he had to reopen the warehouse again at 6 o'clock in the morning. Twice during the night, he had to open and close that warehouse and he had to stay there during the inspection. He was not paid one cent for this.

The gentleman from Iowa has stated that he was paid for overtime. During the 6-year period, the records show he was paid \$39.89 for overtime.

The Army estimates that the very least he could have worked in opening and closing that warehouse was 1½ hours per night and he was paid \$39.89. The Army fought this thing for many years and finally became convinced that there was justice to the claim, and that is the only reason the Army withdrew the claim.

Due and timely protests were made. There is a showing in the record of a letter addressed by this man on January 22, 1952. Let me say here that the gentleman from Iowa is mistaken in his be-

lief that this man's claim was filed after he left his employment—because it was not so.

Mr. GROSS. Mr. Speaker, will the gentleman yield? I submit that the record clearly shows the claim for overtime was filed 3 years after he left the job.

The SPEAKER. Does the gentleman from Massachusetts (Mr. DONOHUE) yield to the gentleman from Iowa (Mr. Gross)?

Mr. DONOHUE. Yes, Mr. Speaker, I yield to the gentleman from Iowa.

Mr. GROSS. But what I want to correct is this. I did not say he had been paid overtime. That is what this claim is all about. I said he was paid a night differential and the gentleman surely does not dispute that?

Mr. CORDOVA. That is not disputed. The statement that is disputed is the gentleman's quotation from some record, I think, to the effect that he was fully paid for this overtime work. He was paid \$39.89 for some sort of overtime, but not this overtime—for that he was paid nothing.

Before he left, on January 22, 1952, long before he left, he wrote a letter to the executive officer, a copy of which is in the record, to Maj. James Mitchell, complaining about his 15½-hour stint for which he received compensation that would be proper for only 8 hours, asking that he be relieved of the extra 7½ hours of duty, and asking that he be paid for the time for which he had not been paid during the past 6 years. Two months later he was relieved of his 7½-hour additional stint, showing that he was correct in protesting that he was not paid for that time.

Thereafter he worked for years just 8 hours and was paid for the 8 hours. In the meantime, he was claiming that he wanted the overtime for which he had not been paid. He was claiming overtime for the entire 7½ hours to which he was entitled under Puerto Rican law. The Army was not bound by that law, but he was claiming the entire 7½ hours for which he would have received pay from any private employer in Puerto Rico.

I submit that this is an exceedingly meritorious claim, that an injustice has been done this man for too many years, and it should be redressed. I ask my colleagues to vote "no" on the motion to strike.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 17, noes 67.

Mr. GROSS. 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—ayes 56, noes 289, not voting 87, as follows:

[Roll No. 15]

YEAS—56

Berry
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Burke, Fla.
Chamberlain
Clawson, Del
Collins
Colmer
Cowger
Crane
Davis, Ga.
Davis, Wis.
Denney
Dennis
Derwinski
Devine
Dowdy

Esch
Evins, Tenn.
Foreman
Gettys
Goodling
Gross
Hall
Hammer-
schmidt
Hutchinson
Ichord
Jonas
Kyl
Lujan
Lukens
McClure
McCulloch
Mize
Mizell

O'Konski
Pirnie
Poff
Price, Tex.
Pryor, Ark.
Quie
Quillen
Schadeberg
Scherle
Schneebeli
Schwengel
Snyder
Steiger, Wis.
Talcott
Utt
Winn
Wylle
Wyman
Zion

NAYS—289

Abbt
Adair
Adams
Addabbo
Alexander
Anderson,
Calif.
Anderson, Ill.
Anderson,
Tenn.
Andrews,
N. Dak.
Annunzio
Arends
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Biaggi
Blester
Bingham
Blatnik
Boland
Bolling
Bow
Brademas
Bray
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burlison, Tex.
Burlison, Mo.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carter
Casey
Cederberg
Celler
Chappell
Clancy
Clark
Clausen
Don H.
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dellenback
Dent
Donohue
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn

Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford,
William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gialmo
Gibbons
Gilbert
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Hollifield
Horton
Howard
Hull
Hungate
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyros
Langen
Latta
Leggett
Lennon

Lloyd
Lowenstein
McCarthy
McClory
McDonald,
Mich.
McEwen
McFall
McKneally
Macdonald,
Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Moorhead
Morgan
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Podell
Pollock
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Rallsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal

Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Staggers

Stanton
Steed
Steiger, Ariz.
Stokes
Stratton
Stuckey
Sullivan
Symington
Taft
Taylor
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Walde

Wampler
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wolf
Wright
Wyatt
Wyder
Yatron
Zablocki
Zwach

NOT VOTING—87

Abernethy
Albert
Andrews, Ala.
Ashbrook
Ashley
Aspinall
Baring
Bevill
Blackburn
Blanton
Boggs
Brasco
Brook
Brown, Calif.
Buchanan
Burton, Calif.
Burton, Utah
Caffery
Carey
Chisholm
Clay
Cramer
Culver
Dawson
Dickinson
Diggs
Dingell
Dorn
Edwards, Calif.
Edwards, La.
Fisher
Flowers
Flynt
Gray
Griffin
Gubser
Hagan
Hawkins
Hébert
Henderson
Hosmer
Jones, Ala.
Kirwan
Kleppe
Landgrebe
Landrum
Long, La.
Long, Md.
McCloskey
McDade
McMillan
Mathias
May
Melcher
Mollohan
Monagan
Montgomery
Morse

Moss
Myers
Nichols
O'Neal, Ga.
Ottinger
Passman
Patman
Pelly
Pettis
Powell
Rarick
Roudebush
Ruppe
Schetuer
Springer
Stephens
Stubbiefield
Teague, Calif.
Thompson, Ga.
Tunney
Ullman
Waggonner
Watkins
Watson
Whitten
Wilson,
Charles H.
Yates
Young

So the motion was rejected.

Mr. McCULLOCH changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Title III—(H.R. 6378. For the relief of Noel S. Marston)

That Noel S. Marston, master sergeant E-7, United States Army, retired (XXXXXXX), of York County, Virginia is hereby relieved of all liability for repayment to the United States of the sum of \$3,251.69 representing the amount of a gross overpayment of his pay and allowances for periods between November 28, 1942, and February 28, 1965, as a result of administrative errors, without fault or knowledge on his part, in adjusting his longevity pay status. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be allowed for the amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Noel S. Marston, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MOTION OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROWN of Ohio moves to strike title III of the bill H.R. 15062, including lines 1 through 25 on page 3 and all of lines 1 and 2 on page 4.

Mr. BROWN of Ohio. Mr. Speaker, this motion affects only title III of this omnibus bill, which would grant relief to Noel Marston.

The case involves \$3,251.69 in funds which the Army overpaid Army M. Sgt. Noel S. Marston of York County, Va. The bill would require payment by the Army to Marston of approximately one-third of that amount which the Army withheld to reduce the overpayment and it would cancel Marston's liability to return the remaining amount of the total overpayment.

The objectors submit that Sergeant Marston's case is not one in which the Congress should enact special legislative relief because "equity and justice" for Marston demand it. "Equity and justice" for the taxpayers who would foot the whole bill demand title III be stricken.

In our view, the facts of the case support the conclusion that Marston is seeking payments for service he admits he did not perform and for some service he claims he performed but that no records substantiate, and such records that do exist cast doubt on even this claim.

According to both Marston's statement and records of the Army and the State of Maine, Noel Marston enlisted in the Maine National Guard on March 2, 1936. Drill meetings were held weekly and Marston received payment for attending these, according to him and the records.

Shortly thereafter Marston says he went to New Jersey to work in a gas station and attended no further meetings of his Guard unit. Records of the adjutant general of Maine confirm that the National Guard unit discharged Marston on September 25, 1936, because of change of residence to another State.

Marston claims—and the records seem to substantiate—that he did not receive any notification of this discharge. The fact that he did not receive any further pay is not disputed. But there the facts substantiated by records, and the story as Marston tells it, begin to vary considerably.

According to Marston, he returned to the State of Maine in April 1938, and resumed attending drill meetings for which he says he received pay of \$1 a week but attendance and pay records do not support this. He further states that in early 1939 he was offered a promotion to sergeant if he resigned from the National Guard unit and enlisted for active duty. His own statement, before the subcommittee on page 5 of the report, states that his battery commander "offered to make me a supply sergeant, which at that time carried three stripes in the Regular Army and allowed me benefits—for example, quarters—and seemed quite de-

sirable in comparison with my depression days."

He continued:

Captain Spencer told me that I would have to get a discharge from the Guard and reenlist. This happened on the night of March 1, 1939, in the supply room of the 240th Coast Artillery, Regimental Armory, Portland, Maine, and I received a discharge certificate * * * I was then sworn in and stayed in the regiment as a supply sergeant, advancing in rank to first sergeant, until commissioned Nov. 28, 1942.

I must say that all of that testimony brings Marston's claim under suspicion of the objectors. There is absolutely no evidence to support any of his story, and considerable evidence to question it. The Guard unit had no record that Marston attended any meetings after September 1936, and prior to December 15, 1939; the unit and the State of Maine have no evidence that Marston was paid anything after September 1936 and prior to December 15, 1939. December 15, 1939, is the undisputed date—although it conflicts with Marston's statement about March 1, 1939—that he reenlisted then for active duty. More significant is the fact that the reenlistment paper, dated December 15, 1939, lists Mr. Marston's prior service as March 2, 1936, to September 25, 1936. I cannot help but wonder why Mr. Marston reenlisted on December 15, 1939, if, as his statement before the subcommittee claims, he was discharged and reenlisted on active duty on March 1, 1939. His service record for the period prior to November 27, 1942, when he applied for officer candidate school, lists prior service to March 1, 1939, but that date is scratched out, and September 25, 1938, entered.

It is often difficult to decide cases based upon a legal report because such reports often tend to pick and choose facts and state the situation in terms of conclusions of law. In such situations I try to imagine "what really happened?" What was going on? The time of these occurrences was the depression. Times were rough and any income—even that small weekly allotment from a Guard unit looked good. Marston enlisted in 1936, but shortly thereafter he heard of better job opportunities in New Jersey and left Maine despite his 3-year enlistment in the Guard. He did not receive any release papers. Apparently this did not worry him then and apparently the Maine National Guard authorities did not know where to send them to him. But New Jersey did not prove to be the pot of gold at the end of the rainbow either. Marston worked there as long as work lasted—but when he was unemployed again, he came back home to Maine. We do not know when he came home. He claims April 1938; but there is nothing to document it. Again that drill money looked good. So he reenlisted on December 15, 1939. He does not dispute the fact that he was actually gone from Maine 2 years—from late 1936 to early 1939, yet he boldly contends he had prior service from March 1936 to March 1939.

Mr. Speaker, regardless of what really happened, the undisputed facts show, by

his own admission, that Marston was out of the State of Maine for 2 years during which he claimed prior service in the National Guard there. Is that the good faith, the "clean hands" that equity requires?

If there was an administrative error on the part of the Army—which undoubtedly there was—it was an error caused by later claims by Marston himself that he had drill service from March 1, 1936, to March 1 of 1939.

Furthermore, are we to believe that not only the Department of the Army erred but that the State of Maine erred several times. The Guard unit would have had to err continually for months to support Marston—and that still would not explain why he would allow his records to show he reenlisted in December of 1939 if he had actually reenlisted right after discharge in March of 1939.

The objectors do not believe Marston's case is an example necessitating special equity or justice; nor do we believe Marston deserves any better than to be required to repay the overpayment he received.

By confusing the facts purposely or accidentally, he used the Army to earn more money than he deserved. Mr. Marston was overpaid. I think that he should be required to follow the statutes we have previously enacted and repay this money. In my opinion, the Army has been charitable to attribute any of this problem to its own administrative error. To grant Mr. Marston relief will invite others in the military to be casual with the facts of their service and then to claim overpayment beyond their due and to seek relief from Congress for their own errors. Do we seek that? I think not.

I urge this section be stricken from the omnibus bill.

The SPEAKER. The time of the gentleman has expired. The Chair recognizes the gentleman from Massachusetts.

Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER. The gentleman is recognized for 5 minutes.

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

Mr. DONOHUE. I am pleased to yield to the gentleman from Virginia.

Mr. DOWNING. I thank the gentleman.

Mr. Speaker, sometimes the rights and equities of the individual get immersed and mired in the vastness of our great Federal Government. Such is the case in the petition of Mr. Marston. I am convinced of that, and so is the Judiciary Committee. As the gentleman from Ohio (Mr. BROWN) has stated, the problem faced by this retired sergeant is whether he was overpaid for his service in the National Guard. The Government claims that Mr. Marston owes the sum of \$3,251.69, representing alleged overpayments, because they claim he did not serve his full time in the National Guard of Maine from 1936 to 1939. That is the term of years we are concerned about.

The facts are simple, and yet they are in dispute. Mr. Marston claims that he

enlisted in the Maine National Guard on March 2, 1936, and that he was formally discharged on March 1, 1939. That is a full term in the National Guard.

What does he have to prove that? I have in my hand a certified copy of the original discharge that was given to this man. The discharge states that he was discharged on the 1st day of March 1939 and that he enlisted on the 2d day of March 1936.

The notation at the bottom is that the man is recommended for reenlistment.

What does the Government say? The Government does not dispute this, it does not contend this is false at all. In fact, one of the Government's witnesses claimed the signatures were legal and similar. There is no question about this discharge.

But the Government says, oh, no, he was discharged on September 5, 1936, by special order 97, dated September 25, 1936.

Mr. Marston claims he received no notice of this, and the Government cannot say he got any notice.

Those are the basic facts. Marston has his discharge; the Army does not dispute it. The Army says they have their special order; Mr. Marston cannot dispute that, because he never received it.

The facts further disclose this man reenlisted in the National Guard in December of 1939 and served in various capacities in the Army until he retired in 1965, after serving almost 30 years on behalf of his country.

The Department of the Army admits they goofed in this case. They goofed three times in not correcting this if they thought it was wrong. The first time was when Marston reenlisted, after his National Guard term, and they did not compile his record then. That would have been the obvious time to straighten all this out—in 1939. Second, they were remiss when in 1957 someone got the question up and they investigated it. They did not question Marston about it, however, and eventually they dropped it and continued paying Marston, who was then in the active service. The third time the Army goofed—and they admit this—was when he retired in 1965, and they gave him full pay and allowances computed on the 3 years that was in dispute when he served in the National Guard from 1936 to 1939—and everything was fine, Mr. Marston thought.

Then, in 1966, nearly 30 years after this original goof, the Army came back and said, "No, Marston, you owe us \$3,000 and some, and we will dock it from your retired pay," and that is exactly what they have been doing.

Mr. Speaker, I hope my colleagues will vote no on this motion. I have deep feelings about it. I introduced this in 1967, and I have introduced it each time since then, and I will introduce it again if it does not pass today.

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

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

Mr. BROWN of Ohio. Mr. Speaker, the gentleman does not dispute the fact that the Army objects to this individual's claim or that the Army indicates that there is no proof of service that Marston claims.

Mr. DOWNING. Yes, and I will say that Marston disputes the Army's claim.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 19, noes 51.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 67, nays 288, not voting 76, as follows:

[Roll No. 16]
YEAS—67

Berry	Duncan	Morton
Betts	Edwards, Ala.	O'Konski
Blackburn	Erlenborn	Poff
Brinkley	Foreman	Price, Tex.
Brown, Ohio	Goodling	Quillen
Buchanan	Gross	Robison
Burke, Fla.	Haley	Ruth
Byrnes, Wis.	Hall	Schadeberg
Camp	Hammer-	Scherle
Carter	schmidt	Schwengel
Clancy	Hunt	Sebelius
Clawson, Del	Hutchinson	Snyder
Collins	Jonas	Steiger, Wis.
Conable	Kyl	Talcott
Conte	Lujan	Thomson, Wis.
Cowger	Lukens	Watson
Crane	McClure	Wilson, Bob
Davis, Wis.	McEwen	Winn
Dellenback	McKneally	Wyatt
Dennney	Miller, Ohio	Wylie
Derwinski	Minshall	Zion
Devine	Mize	Zwach
Dowdy	Mizell	

NAYS—288

Abbt	Burke, Mass.	Dulski
Abernethy	Burleson, Tex.	Dwyer
Adair	Burlison, Mo.	Edmondson
Adams	Bush	Edwards, La.
Addabbo	Button	Edwards, La.
Albert	Byrne, Pa.	Esch
Alexander	Caffery	Eshleman
Anderson,	Casey	Evans, Colo.
Calif.	Cederberg	Fallon
Andrews, Ala.	Celler	Farbstein
Andrews,	Chamberlain	Fascell
N. Dak.	Chappell	Feighan
Annunzio	Clark	Findley
Arends	Clausen,	Flsh
Ayres	Don H.	Flood
Barrett	Cleveland	Flowers
Beall, Md.	Cobelan	Flynt
Belcher	Collier	Foley
Bell, Calif.	Conyers	Ford, Gerald R.
Bennett	Corbett	Ford,
Bevill	Corman	William D.
Biaggi	Coughlin	Fountain
Blester	Cunningham	Frelinghuysen
Bingham	Daddario	Frey
Blatnik	Daniel, Va.	Friedel
Boggs	Daniels, N.J.	Fulton, Pa.
Boland	Davis, Ga.	Fulton, Tenn.
Bow	de la Garza	Fuqua
Brademas	Delaney	Gallifanakis
Bray	Dennis	Gallagher
Brooks	Dent	Garmatz
Broomfield	Dickinson	Gaydos
Brotzman	Donohue	Gettys
Broyhill, N.C.	Dorn	Giaino
Broyhill, Va.	Downing	Gibbons

Gilbert	Mailliard	Rooney, Pa.
Goldwater	Mann	Rosenthal
Gonzalez	Marsh	Rostenkowski
Green, Oreg.	Martin	Roth
Green, Pa.	Matsunaga	Roybal
Griffin	Mayne	Ryan
Griffiths	Meeds	St Germain
Grover	Melcher	St. Onge
Gude	Meskill	Sandman
Hagan	Mikva	Satterfield
Halpern	Miller, Calif.	Saylor
Hamilton	Mills	Scheuer
Hanley	Minish	Schneebell
Hanna	Mink	Scott
Hansen, Idaho	Mollohan	Shipley
Hansen, Wash.	Montgomery	Shriver
Harrington	Moorhead	Sikes
Harsha	Morgan	Sisk
Harvey	Mosher	Skubitz
Hastings	Murphy, Ill.	Slack
Hathaway	Murphy, N.Y.	Smith, Iowa
Hawkins	Natcher	Smith, N.Y.
Hays	Nedzi	Stafford
Hechler, W. Va.	Nelsen	Staggers
Helstoski	Nichols	Stanton
Hicks	Nix	Steiger, Ariz.
Hogan	Obey	Stokes
Hollifield	O'Hara	Stratton
Horton	Olsen	Stuckey
Howard	O'Neal, Ga.	Sullivan
Hull	O'Neill, Mass.	Symington
Hungate	Passman	Taft
Ichord	Patman	Taylor
Jacobs	Patten	Teague, Tex.
Jarman	Perkins	Thompson, Ga.
Johnson, Calif.	Philbin	Thompson, N.J.
Johnson, Pa.	Pickle	Tierman
Jones, N.C.	Pike	Udall
Jones, Tenn.	Pirnie	Ullman
Karh	Poage	Utt
Kastenmeyer	Podell	Van Deerlin
Kazen	Pollock	Vander Jagt
Kee	Preyer, N.C.	Vanik
Keith	Price, Ill.	Vigorito
King	Pucinski	Waldie
Kluczynski	Purcell	Wampler
Koch	Quie	Watts
Kuykendall	Railsback	Weicker
Kyros	Randall	Whalen
Langen	Rees	Whalley
Latta	Reid, Ill.	White
Leggett	Reid, N.Y.	Whitehurst
Lloyd	Reifel	Widnall
Lowenstein	Reuss	Wiggins
McCarthy	Rhodes	Williams
McClary	Riegle	Wold
McCulloch	Rivers	Wolf
McDonald,	Roberts	Wright
Mich.	Rodino	Wyder
McFall	Roe	Wyman
MacGregor	Rogers, Colo.	Yatron
Madden	Rogers, Fla.	Zablocki
Mahon	Rooney, N.Y.	

NOT VOTING—76

Anderson, Ill.	Evins, Tenn.	Moss
Anderson,	Fisher	Myers
Tenn.	Fraser	Ottinger
Ashbrook	Gray	Pelly
Ashley	Gubser	Pepper
Aspinall	Hébert	Pettis
Baring	Heckler, Mass.	Powell
Blanton	Henderson	Pryor, Ark.
Bolling	Hosmer	Rarick
Brasco	Jones, Ala.	Roudebush
Brook	Kirwan	Ruppe
Brown, Calif.	Kleppe	Smith, Calif.
Brown, Mich.	Landgrebe	Springer
Burton, Calif.	Landrum	Steed
Burton, Utah	Lennon	Stevens
Cabell	Long, La.	Stubblefield
Carey	Long, Md.	Teague, Calif.
Chisholm	McCloskey	Tunney
Clay	McDade	Waggonner
Colmer	McMillan	Watkins
Cramer	Macdonald,	Whitten
Culver	Mass.	Wilson,
Dawson	Mathias	Charles H.
Diggs	May	Yates
Dinsell	Michel	Young
Eckhardt	Monagan	
Edwards, Calif.	Morse	

So the motion was rejected.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title IV—(H.R. 2214. For the relief of the Mutual Benefit Foundation.)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Mutual Benefit Foundation, a charitable corporation, the sum of \$7,500 in full settlement of its claims against the United States for the value of the private yacht Southern Breeze which was requisitioned by the United States in 1941 and delivered to the District Manager, United States Maritime Commission, New Orleans, Louisiana, on December 17, 1941, at Galveston, Texas, which claim was assigned by the owner of the vessel, Leslie A. Layne, to the said Mutual Benefit Foundation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MOTION OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DUNCAN moves to strike title IV of the bill H.R. 15062, including all of lines 4 through 24 on page 4.

Mr. DUNCAN. Mr. Speaker, this is a bill to pay \$7,500 to the Mutual Benefit Foundation, a charitable corporation for the use of a yacht requisitioned in 1941 by the Maritime Commission. At the time the vessel was taken, it was owned by one Leslie A. Layne. After the claim was disputed, Layne transferred his claim to the Mutual Benefit Foundation.

Mr. Speaker, the Department of Commerce opposes the claim, and the Navy Department defers to the Commerce Department. We have endeavored to secure the answer to several questions which the Judiciary Committee apparently failed to secure. We have tried to learn whether or not Layne received a tax credit for the conveyance of his claim to the charitable foundation.

From records available, it appears that the Mutual Benefit Foundation is a family foundation of the Layne family.

Mrs. Leslie A. Layne, wife of the original owner of the claim, is a director of the foundation, and his daughter, Dale Layne Parks, is president of the foundation.

The foundation apparently makes few gifts or bequeaths to organizations for charitable purposes, because the last report available shows that the foundation had expenditures of \$6,699 in 1 year.

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

Mr. DUNCAN. I am glad to yield to the gentleman from New Jersey.

Mr. HUNT. Did I correctly understand the gentleman to say that the beneficiary transferred his rights to a foundation, and the officers are members of his immediate family?

Mr. DUNCAN. That is right. His wife and daughter are a part of the foundation.

Mr. HUNT. Why did not he do this in the proper way?

Mr. DUNCAN. We have tried to get information in the Judiciary Committee. The records do not show they were interested enough to ask the question whether or not he had received a tax credit. Apparently he did, for transferring his claim to the charitable foundation. In other words, he is getting double benefits, apparently.

Mr. HUNT. Nowhere in this report do I find that the Judiciary Committee made any requests on this. There is nothing in the report to indicate that this was merely a transfer to a fund that is totally staffed and where all the officers are in his immediate family.

Mr. DUNCAN. We made the request of the Judiciary Committee, but they did not go into that.

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

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

Mr. BROWN of Ohio. Is the gentleman in the well suggesting that the Judiciary Committee did not do a thorough study on this and somebody else should have done that?

Mr. DUNCAN. I believe we can come to our own conclusion. If they did not secure the information, I would say they did not.

Mr. BROWN of Ohio. Whose role is it to do that?

Mr. DUNCAN. It is the role of the Judiciary Committee, but we had to do it on our own.

Mr. BROWN of Ohio. As objectors? Mr. DUNCAN. As objectors, yes. They had nothing in the file to show this was a family foundation. It just went in the front door and out the back, or stayed in the kitchen.

Mr. BROWN of Ohio. So in this case it is a clear-cut decision on the part of the Members of Congress whether they want to support a sloppy job done by the Judiciary Committee or a diligent job done by the gentleman in the well.

Mr. DUNCAN. I thank the gentleman. Mr. DONOHUE. Mr. Speaker, I rise in opposition to the motion.

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

Mr. DONOHUE. I am pleased to yield to the gentleman from Texas.

Mr. CASEY. I am glad the gentleman from Ohio (Mr. Brown) made his remarks with reference to the subcommittee.

I have had a few bills before this committee, and they have thrown some of them out. When they did I thought they were justified in doing it. I have found this committee to be pretty tough, but fair.

Frankly, this particular claim was introduced by me in the 88th Congress, in the 89th Congress, in the 90th Congress and in this one. It passed in the 90th Congress on the regular Private Calendar, near the end of the second session, and the Senate never had time to act on it. I did not know we were going to have trouble in the 91st Congress.

Here is the thing. The opponents have said, "Well, he got a tax credit." Of course, the man is dead. He got his tax

credit, but no one has benefited from the Government's use of this vessel, for which he was given the credit.

It was a 91-foot teakwood vessel with mahogany paneling.

Perhaps the gentleman does not remember, but on December 7, 1941, we had a little action around here. Ten days later, due to Executive orders, the Government took this vessel. They just requisitioned it. They made a hasty appraisal. They said, "\$7,500; that will put you in court, so to speak."

Mr. Layne was just about as put out by redtape, and just about as hard-headed as I am, and some of those over on the other side of the aisle. He said, "This is ridiculous." He had a separate appraisal. The separate appraisal was \$49,000. That was the amount I sought in my original bill.

This very tough Judiciary Subcommittee says, "We cannot do that, Mr. CASEY. Why, look. All the participants are dead, and the Navy sunk the boat in 1943."

I do not know what they used it for. I do not imagine it was used for a torpedo boat or anything like that, but it was a twin-motor, twin-screw fancy boat that the Navy took over.

Not a dime has been paid for it. The chairman and members said the only thing this committee can do is this: We cannot come in here and give you any more, because all you have is pictures of the boat. The boat is gone. You cannot make appraisals of that. So we think the Government in all fairness should pay something for the boat that they took and used and sank. The best we can do without looking like we are trying to play favorites or do you any special favors or the foundation any special favors is \$7,500. That was the original appraisal without any interest or anything else.

Opponents say the foundation is headed by Mrs. Layne. I will tell you Mrs. Layne does not need to live off of any foundation. I know that family pretty well. Furthermore, if it is illegal, go down to the U.S. attorney's office and file charges against them. I never heard that it was illegal to have somebody on a foundation board just because their family started the foundation. You had better get busy on some of these others if you are going to pick on this little one here. You know, it is a small foundation. All it does is small charitable operations. One thing they do is give a few scholarships to Texas A. & M.

Frankly, this is a case of equity. Not one thin dime has been paid for this boat. This is not an overpayment or anything of that nature. If you think the Federal Government, in this case, right after Pearl Harbor, when it grabbed that boat and took it and used it and sank it, still does not owe a dime for it, then go ahead and vote for the gentleman's motion. I think that you, like I, think that something ought to be paid for this boat. For a 91-foot teakwood boat, twin screw, boy, they got a bargain for \$7,500.

Mr. DONOHUE. Mr. Speaker, I have no further requests for time.

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

The question was taken; and on a

division (demanded by Mr. DUNCAN) there were—ayes 10, noes 78.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 52, nays 306, not voting 73, as follows:

[Roll No. 17]

YEAS—52

Betts	Goodling	O'Konski
Brinkley	Gross	Poff
Brock	Grover	Quillen
Brown, Ohio	Hall	Ruth
Buchanan	Hammer-	Schadeberg
Camp	schmidt	Sebellus
Carter	Harsha	Skubitz
Clawson, Del	Hunt	Snyder
Conable	Hutchinson	Sullivan
Conte	Jonas	Talcott
Davis, Wis.	Kuykendall	Thompson, Ga.
Denney	Lujan	Utt
Derwinski	McEwen	Wilson, Bob
Duncan	Michel	Winn
Edwards, Ala.	Miller, Ohio	Wylie
Evins, Tenn.	Minshall	Zion
Foreman	Mize	Zwach
Fulton, Tenn.	Mizell	

NAYS—306

Abbitt	Crane	Hamilton
Abernethy	Cunningham	Hanley
Adair	Daddario	Hanna
Adams	Daniel, Va.	Hansen, Idaho
Addabbo	Daniels, N.J.	Hansen, Wash.
Albert	Davis, Ga.	Harrington
Alexander	de la Garza	Harvey
Anderson,	Delaney	Hastings
Calif.	Dellenback	Hathaway
Anderson, Ill.	Dennis	Hawkins
Andrews, Ala.	Dent	Hays
Andrews,	Devine	Hechler, W. Va.
N. Dak.	Dickinson	Heckler, Mass.
Annunzio	Donohue	Helstoski
Arends	Dorn	Hicks
Aspinall	Dowdy	Hogan
Ayres	Downing	Holifield
Beall, Md.	Dulski	Horton
Belcher	Dwyer	Howard
Bell, Calif.	Edmondson	Hull
Bennett	Edwards, Calif.	Hungate
Berry	Eilberg	Ichord
Bevill	Erlenborn	Jacobs
Biaggi	Esch	Jarman
Biester	Eshleman	Johnson, Calif.
Bingham	Evans, Colo.	Johnson, Pa.
Blackburn	Fallon	Jones, Ala.
Blatnik	Farbstein	Jones, N.C.
Boland	Fascell	Jones, Tenn.
Bow	Feighan	Karth
Brademas	Findley	Kastenmeier
Bray	Fish	Kazen
Brooks	Flood	Kee
Broomfield	Flowers	Keith
Brotzman	Flynt	Kluczynski
Broyhill, N.C.	Foley	Koch
Broyhill, Va.	Ford, Gerald R.	Kyl
Burke, Fla.	Ford,	Kyros
Burke, Mass.	William D.	Landrum
Burleson, Tex.	Fountain	Langen
Burlison, Mo.	Frelinghuysen	Latta
Bush	Frey	Leggett
Button	Friedel	Lloyd
Byrne, Pa.	Fulton, Pa.	Lukens
Byrnes, Wis.	Fuqua	McCarthy
Cabell	Galifianakis	McClary
Casey	Gallagher	McClure
Cederberg	Garmatz	McCulloch
Celler	Gaydos	McDonald,
Chamberlain	Gettys	Mich.
Chappell	Glaimo	McFall
Clancy	Gibbons	McKneally
Clausen,	Gilbert	McMillan
Don H.	Goldwater	Macdonald,
Cleveland	Gonzalez	Mass.
Cohelan	Green, Ore.	MacGregor
Collier	Green, Pa.	Madden
Collins	Griffin	Mahon
Conyers	Griffiths	Mailliard
Corbett	Gude	Mann
Corman	Hagan	Marsh
Coughlin	Haley	Martin
Cowger	Halpern	Matsunaga

Mayne
Meeds
Melcher
Meskill
Mikva
Mills
Minish
Mink
Mollohan
Montgomery
Moorhead
Morgan
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Perkins
Philbin
Pickle
Pike
Pirmie
Poage
Podell
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell

Quile
Rallsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegler
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Scherie
Scheuer
Schneebell
Schwengel
Scott
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Smith, N.Y.

Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Symington
Taft
Taylor
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Weicker
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Blister
Bingham
Blackburn
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen,
Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Deilenback
Dennis
Dent
Donohue
Dorn
Dowdy
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Elberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish

NOT VOTING—73

Anderson, Tenn.
Ashbrook
Ashley
Baring
Barrett
Blanton
Boggs
Bolling
Brasco
Brown, Calif.
Brown, Mich.
Burton, Calif.
Burton, Utah
Cafery
Carey
Chisholm
Clark
Clay
Colmer
Cramer
Culver
Dawson
Diggs
Dingell

Eckhardt
Edwards, La.
Fisher
Fraser
Gray
Gubser
Hébert
Henderson
Hosmer
King
Kirwan
Kleppe
Landgrebe
Lennon
Long, La.
Long, Md.
Lowenstein
McCloskey
McDade
Mathias
May
Miller, Calif.
Monagan
Morse
Moss

Myers
Ottinger
Passman
Patman
Pelly
Pepper
Pettis
Powell
Rarick
Roudebush
Sisk
Smith, Calif.
Springer
Steed
Stubblefield
Stuckey
Teague, Calif.
Tunney
Waggonner
Watkins
Watson
Wilson,
Charles H.
Yates
Young

So the motion was rejected.
The result of the vote was announced as above recorded.

The doors were opened.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 318, nays 51, not voting 62, as follows:

[Roll No. 18]

YEAS—318

Abbt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson,
Calif.
Anderson, Ill.
Anderson,
Tenn.
Andrews, Ala.
Andrews,
N. Dak.
Annunzio
Arends
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Blister
Bingham
Blackburn
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brooks
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen,
Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Deilenback
Dennis
Dent
Donohue
Dorn
Dowdy
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Elberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish

Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford,
William D.
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Galagher
Garmatz
Gonsen
Gettys
Gialmo
Gibbons
Gilbert
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gude
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Hollifield
Horton
Howard
Caffery
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lloyd
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCulloch
McDonaid,
Mich.
McEwen
McFall
McKneally
McMillan
Macdonald,
Mass.
MacGregor
Madden
Mahon
Mailliard
Martin
Matsunaga
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Mills
Minish

Mink
Minshall
Mollohan
Montgomery
Moorhead
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirmie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell

Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegler
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Saylor
Scherie
Scheuer
Schneebell
Schwengel
Scott
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Taft
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito

Waggonner
Waldie
Wampler
Watts
Weicker
Whalen
Whalley
White

Whitehurst
Whitten
Widnall
Wiggins
Williams
Wold
Wolf
Wright

NAYS—51

Berry
Brinkley
Brook
Broomfield
Brown, Ohio
Camp
Carter
Clawson, Del
Collins
Crane
Daniel, Va.
Davis, Wis.
Denney
Derwinski
Devine
Dickinson
Duncan
Edwards, Ala.

Foreman
Goodling
Gross
Grover
Hall
Hammer-
schmidt
Hunt
Hutchinson
Jonas
Kuykendall
McClure
Marsh
Michel
Miller, Ohio
Mize
O'Konski
Poff

NOT VOTING—62

Adair
Ashbrook
Ashley
Baring
Blanton
Bolling
Brasco
Brown, Calif.
Brown, Mich.
Burton, Calif.
Burton, Utah
Chisholm
Clark
Clay
Cramer
Culver
Dawson
Diggs
Dingell
Fisher
Fraser

Fuqua
Gray
Gubser
Hagan
Hawkins
Hays
Hébert
Henderson
Hosmer
King
Kirwan
Kleppe
Landgrebe
Lennon
Long, Md.
McCloskey
McDade
Mann
Mathias
May
Mizell

Monagan
Morgan
Morse
Moss
Myers
Ottinger
Pelly
Pettis
Pollock
Powell
Roudebush
Springer
Steed
Stubblefield
Teague, Calif.
Tunney
Watkins
Watson
Wilson,
Charles H.
Yates

So the bill was passed.
The Clerk announced the following pairs:

- Mr. Morgan with Mr. Adair.
- Mr. Hébert with Mr. Watson.
- Mr. Hays with Mr. Gubser.
- Mr. Charles H. Wilson with Mr. Teague of California.
- Mr. Yates with Mr. Diggs.
- Mr. Henderson with Mr. Ashbrook.
- Mr. Long of Maryland with Mr. King.
- Mr. Brasco with Mr. Brown of Michigan.
- Mr. Gray with Mr. Kleppe.
- Mr. Steed with Mr. McCloskey.
- Mr. Lennon with Mr. Watkins.
- Mr. Kirwan with Mr. Foreman.
- Mr. Brown of California with Mr. Clay.
- Mr. Culver with Mr. Burton of Utah.
- Mr. Fisher with Mr. Mathias.
- Mr. Fuqua with Mr. Springer.
- Mr. Ottinger with Mr. Mizell.
- Mr. Monagan with Mr. McDade.
- Mr. Moss with Mrs. May.
- Mr. Burton of California with Mrs. Chisholm.
- Mr. Blanton with Mr. Roudebush.
- Mr. Baring with Mr. Pollock.
- Mr. Tunney with Mr. Morse.
- Mr. Dingell with Mr. Pettis.
- Mr. Fraser with Mr. Dawson.
- Mr. Hagan with Mr. Mizell.
- Mr. Stubblefield with Mr. Pelly.
- Mr. Ashley with Mr. Hawkins.
- Mr. Mann with Mr. Clark.

Mr. REES changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.
A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amiraault.

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

H.R. 2552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, John Vincent Amiraault shall be held and considered to have been lawfully admitted to the United States for permanent residence as the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, John Vincent Amiraault may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act."

The committee amendment was agreed to.

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

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

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

H.R. 6375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Amalia P. Montero, Joint United States Military Group—Military Assistance Advisory Group, Spain, is relieved of liability to the United States in the amount of \$1,395.84, representing the total amount of living quarters allowance paid to her by the Department of the Air Force during the period of October 13, 1963, through April 9, 1965, as a result of erroneous payment without fault on her part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Amalia P. Montero, an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, on account of the liability to the United States referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

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

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

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

H.R. 6389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Visitacion Enriquez Maypa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, the provisions of section 204(c) of that Act shall be inapplicable in the case of Visitacion Enriquez Maypa."

The committee amendment was agreed to.

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

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

There being no objection, the Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 33

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

XXXXXXXXXX	Berger, Harry.
XXXXXXXXXX	Ma, Yiu Kay.
XXXXXXXXXX	Pung Wone.
XXXXXXXXXX	Alcala-Salcedo, Apolinario.
XXXXXXXXXX	Bader, Louis, William.
XXXXXXXXXX	Barrera-Cabrera, Jesus.
XXXXXXXXXX	Bergh, Christian Herman.
XXXXXXXXXX	Abrams, Samuel S.
XXXXXXXXXX	Candanoza-Leza, Rogelio.
XXXXXXXXXX	Kalogres, Atanasios.
XXXXXXXXXX	Klingbeil, Bernard Michael.
XXXXXXXXXX	Lum, Mee.
XXXXXXXXXX	Martinez-Venegas, Pedro.
XXXXXXXXXX	Rojo-Estrada, Ramon.
XXXXXXXXXX	Tercero-Flores, Manuel.
XXXXXXXXXX	Lai, Sung Wong.
XXXXXXXXXX	Wong, Kim Taw.
XXXXXXXXXX	Chin, Goon You.
XXXXXXXXXX	Papuzynski, Walter John.
XXXXXXXXXX	Tahir, Ahmed.
XXXXXXXXXX	Rodriguez, Jose Roman.
XXXXXXXXXX	Soares, Jacintho Ferreira.
XXXXXXXXXX	Wong, Harry.

With the following committee amendment:

On page 2, strike out all of line 17.

The committee amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

FAVORING SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution (S. Con. Res. 33) be recommitted to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I inquire why the gentleman asks that this concurrent resolution be recommitted to the Committee on the Judiciary?

Mr. FEIGHAN. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. FEIGHAN. Because under the law when this bill is presented it must be acted upon within two sessions of Congress. It was first introduced 2 years ago, and two sessions have passed, that is, the last session and the previous session. So, if it is to be acted on properly, it must go back to the committee and come back again, and then it would be eligible for action within two sessions of the House.

Mr. GROSS. May I ask the gentleman this question: Is this the resolution that would suspend the deportation of 22 aliens who are, or nearly all of them, convicted dope peddlers or narcotic users, rapists, and other assorted characters?

This bill would suspend the deportation of them?

Mr. FEIGHAN. They are persons who have been recommended for suspension of deportation by the Department of Justice on the basis of at least 10 years of moral behavior.

Mr. GROSS. And this would be so that they may be kept in this country?

Mr. FEIGHAN. That is correct, so that they may have the proper status.

Mr. GROSS. And the Judiciary Committee decided that these dope peddlers, dope users and pushers, rapists and what have you—

Mr. FEIGHAN. Some of them—

Mr. GROSS. Just 1 minute.

The Judiciary Committee decided that they ought to be kept in this country. Is that correct?

Mr. FEIGHAN. Well, we should start from the beginning.

The statutory requirement is that these persons who are listed within the bill must have proven 10 years of good moral character after their offense. The Department of Justice and the Attorney General have recommended that they be given an opportunity to cancel their deportation so that they would become eligible to apply for permanent residence.

Mr. GROSS. And if there had not been objections to this resolution in the last session of Congress, it would have been passed and we would have been saddled with these 22 assorted characters in this country. Is that not true?

Mr. FEIGHAN. Well, your choice of words I will not agree with.

Mr. GROSS. I do not care whether you agree with them or not, but the fact is that if this resolution had not been objected to last year, the Committee on the Judiciary would cause to be approved by the House, by unanimous consent, legislation keeping these 22 characters in this country. Is that correct?

Mr. FEIGHAN. That is correct.

Mr. GROSS. Yet a great hue and cry has been made here today because there has been objection to bills on the Private Calendar. I might wish this resolution had been approved so that the Committee on the Judiciary could have been saddled with the responsibility for having made it possible for aliens with criminal records to continue to live here. We do not need these people in this country, but I guess I should not be surprised that the Committee on the Judiciary, in view of some of the other legislation it brings to the House floor would seek to suspend the deportation of these aliens. However, it is no credit to the Committee on the Judiciary or to the procedures on that committee.

Mr. FEIGHAN. If you studied each individual case more thoroughly, you might very well change your mind, at least in several of the instances among the 22 since the offenses were committed long years ago and the individuals have lived in this country for many years with records of good conduct.

Mr. GROSS. Mr. Speaker, I invite the Members to read the record of these individuals. That is all you have to do.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill on the calendar.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

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

H.R. 3629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Sabina Riggi Farina shall be deemed to have a priority date of June 1, 1954, on the fifth preference foreign state limitation for Italy.

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

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

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

H.R. 3955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(9) of the Immigration and Nationality Act, Placido Viterbo may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act. This exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

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

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 3530) for the relief of Janis Zalcmans, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Lidars.

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

H.R. 3530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Office of the Alien Property Custodian having erroneously seized in 1942 the property of Janis Zalcmans, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Lidars, then citizens and residents of Latvia, and friendly to the United States, on the mistaken belief that they were nationals of an enemy country, Germany, and having subsequently returned their seized property to them in 1952, and the Internal Revenue Service having erroneously levied and collected taxes upon the vested assets then held by the Alien Property Custodian, in 1946 and having subsequently refunded said taxes in 1955, but without the 6 per centum interest specified by section 3771 of the Internal Revenue

Code of 1939, on the mistaken belief that the taxpayers were enemy nationals who were not entitled to interest by reason of section 36(c) of the Trading With the Enemy Act, and as all of said persons are now permanent residents of the United States and all except Gertrude Jansons are now citizens of the United States: Be it

Resolved, That, notwithstanding the provisions of section 36(c) of the Trading With the Enemy Act, as amended, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Janis Zalcmans the sum of \$108,023.83, to Gertrude Jansons the sum of \$36,007.94, to Lorena Jansons Murphy the sum of \$36,007.94, and to Asja Jansons Lidars the sum of \$36,007.94, in full satisfaction to their claims to statutory interest at the rate of 6 per centum, as provided by section 3771 of the Internal Revenue Code of 1939, on taxes erroneously paid to the Internal Revenue Service from their vested property by the Office of Alien Property on March 15, 1946, and later refunded to them, without interest, on March 29, 1955.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That, notwithstanding the provisions of section 36(c) of the Trading With the Enemy Act, as amended, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Janis Zalcmans the sum of \$28,624.31, to Gertrude Jansons the sum of \$9,541.44, to Lorena Jansons Murphy the sum of \$9,541.44, and to Asja Jansons Lidars the sum of \$9,541.44, in full satisfaction of their claims to statutory interest at the rate of 6 per centum, as provided by section 3771 of the Internal Revenue Code of 1939, on taxes erroneously paid to the Internal Revenue Service from their vested property by the Office of Alien Property on March 15, 1946, and later refunded to them, without interest, on March 29, 1955.

No part of each amount appropriated in this act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

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

QUITCLAIMS TO QUIET TITLE, ARIZONA

The Clerk called the bill (S. 55) for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee.

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

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to quiet title in certain real property in Apache National Forest, Arizona, held and claimed by the following-named persons under a chain of title dating from December 4, 1903, the Secretary of Agriculture is authorized and directed to convey by quitclaim

deed to such persons all right, title, and interest of the United States in and to certain real property situated in section 5, township 6 north, range 30 east, Gila and Salt River base and meridian, as follows:

(1) to Leonard N. Rogers all right, title, and interest of the United States in and to the real property more particularly described as the west half northwest quarter southwest quarter;

(2) to John P. Corcoran all right, title, and interest of the United States in and to the real property more particularly described as the east half northwest quarter southwest quarter;

(3) to Mrs. Charles W. (Ethel J.) Pensinger all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter southwest quarter; and

(4) to Marion M. Lee and Arthur N. Lee all right, title, and interest of the United States in and to the real property more particularly described as the southwest quarter of the northwest quarter.

SEC. 2. The conveyances authorized by the first section of this Act shall be made by the Secretary of Agriculture without consideration, but the persons to whom the conveyances are made shall bear any expenses incident to the preparation of the legal documents necessary or appropriate to carry out the first section of this Act.

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

**MARIE-LOUISE (MARY LOUISE)
PIERCE**

The Clerk called the bill (S. 495) for the relief of Marie-Louise (Mary Louise) Pierce.

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

S. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Marie Louise (Mary Louise) Pierce shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

With the following committee amendments:

On page 1, strike out all of lines 3, 4, 5, 6, and 7, and substitute in lieu thereof the following:

"That, notwithstanding the provisions of section 212(a) (3) and (4) of the Immigration and Nationality Act, Marie-Louise (Mary Louise) Pierce may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act."

The committee amendment was agreed to.

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

ALI SOMAY

The Clerk called the bill (H.R. 12037) for the relief of Ali Somay.

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

H.R. 12037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ali Somay shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available. No fee, service, or other remuneration of any sort other than the visa fee described above shall be paid or rendered to any person in connection with the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Ali Somay may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Murat Somay, a citizen of the United States, and a lawfully resident alien, respectively, pursuant to section 204 of the Act: *Provided, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*"

The committee amendment was agreed to.

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

ANNE REALE PIETRANDREA

The Clerk called the bill (H.R. 6125) for the relief of Anne Reale Pietrandrea.

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

H.R. 6125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Anne Reale Pietrandrea may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Mark Pietrandrea, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the last word "Act." and substitute in lieu thereof the following: "Act: *Provided, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*"

The committee amendment was agreed to.

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

ROSEANNE JONES

The Clerk called the bill (H.R. 2047) for the relief of Roseanne Jones.

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

H.R. 2047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of section 2401 of title 28, United States Code, or of any other statute of limitations, laches, or lapse of time, jurisdiction is hereby conferred upon the United States District Court for the Southern District of California, Southern Division, to hear, determine, and render judgment upon any claims of Roseanne Jones, a minor, of San Diego, California, against the United States based on injuries and disabilities suffered as the result of an operation performed upon her at the United States Naval Hospital in San Diego in 1959.

SEC. 2. Suit upon any such claims may be instituted at any time within one year after the date of the enactment of this Act. Proceedings for the determination of such claims and review thereof and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

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

EDWIN E. FULK

The Clerk called the bill (H.R. 2950) for the relief of Edwin E. Fulk.

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

H.R. 2950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Edwin E. Fulk of Davis, California, is relieved of liability to the United States in the amount of \$4,963.46, representing the total amount of overpayments of retired pay paid to him during the period from December 15, 1959, through March 31, 1968, by the Department of the Army as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Edwin E. Fulk an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

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

THOMAS A. SMITH

The Clerk called the bill (H.R. 3558) for the relief of Thomas A. Smith.

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

H.R. 3558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas A. Smith, of Newark, New Jersey, the sum of \$2,500 in full settlement of all his claims against the United States for the displacement of his business on July 6, 1966, from 45 Clinton Street, Newark, New Jersey, as a result of real estate project numbered N.J. R-58. The said Thomas A. Smith is ineligible for a small business displacement payment under section 114 of the Housing Act of 1949 as a result of the failure of the local housing authority to inform him, in a timely manner, of revised Federal regulations, effective June 15, 1966, relating to earnings requirements for displaced businesses.

Sec. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 2, line 6, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

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

JOHN W. WATSON, A MINOR

The Clerk called the bill (H.R. 4480) for the relief of John W. Watson, a minor.

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

H.R. 4480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of John W. Watson, a minor, of Camp Hill, Pennsylvania, the sum of \$250,000 in full settlement of all claims against the United States for the injury of said John W. Watson and his parents, Mr. and Mrs. William Watson, for permanent brain damage with epileptic manifestations suffered by said John W. Watson while under the care of United States Army medical personnel in Germany in or about December 1952, and for special education and medical expenses necessitated as a result of such brain damage, and for compensation for lost earning power resulting from said injury, and for being completely deprived of the opportunity to live a normal life: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That notwithstanding the limitations of section 2733(b)(1) of title 10 of the United States Code, or any other statute of limitations, laches, or lapse of time, the Secretary of the Army is authorized, in accordance with the otherwise applicable provisions of section 2733 of title 10 of the United States Code, to consider, settle, and, if found meritorious, to pay a claim filed by or on behalf of John W. Watson, a minor, within one year of the date of approval of this Act, against the United States, for the injury of said John W. Watson and his parents for permanent brain damage with epileptic manifestations suffered by said John W. Watson while under the care of the United States Army medical personnel in Germany in or about December 1952, and for special educational and medical expenses necessitated as a result of such brain damage, and for compensation for lost earning power resulting from said injury, and for being completely deprived of the opportunity to live a normal life."

The committee amendment was agreed to.

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

CAPT. JACKIE D. BURGESS

The Clerk called the bill (H.R. 8470) for the relief of 1st Lt. Jackie D. Burgess.

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

H.R. 8470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That First Lieutenant Jackie D. Burgess, United States Air Force, is relieved of liability to the United States in the amount of \$1,085.78, representing overpayment (made as a result of administrative error) of his pay as a member of the United States Air Force for the period beginning September 24, 1963, and ending January 31, 1966. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jackie D. Burgess an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 3, strike "First Lieutenant" and insert "Captain".

Page 1, line 5, strike "\$1,085.78" and insert "\$620."

Page 2, line 5, after "respect to the" insert "amount of".

Page 2, line 9, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

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

The title was amended so as to read: "A bill for the relief of Capt. Jackie D. Burgess."

A motion to reconsider was laid on the table.

BLY D. DICKSON, JR.

The Clerk called the bill (H.R. 12176) for the relief of Bly D. Dickson, Jr.

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

H.R. 12176

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

SECTION 1. The Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Bly D. Dickson, Junior, of Seattle, Washington, the sum of \$2,231.75 in full settlement of all his claims against the United States for reimbursement of expenses arising in connection with the sale of his Billings, Montana, residence pursuant to his 1967 transfer of official station (from Billings, Montana, to Seattle, Washington) as an employee of the Post Office Department.

Sec. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out "\$2,231.75" and insert "\$1,034.50".

Page 2, line 2, strike out "in excess of 10 per centum thereof".

The committee amendments were agreed to.

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

JOHN A. AVDEEF

The Clerk called the bill (H.R. 12887) for the relief of John A. Avdeef.

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

H.R. 12887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Avdeef, of Mineral Wells, Texas, the sum of \$76.32 in full settlement of all his claims against the United States for the storage of his household furniture while he was assigned by the United States Army to active duty at Fort Wolters, Texas, and Fort Rucker, Alabama, during the period November 1964 to August 1965.

With the following committee amendment:

Page 1, line 10, after "August 1965," add the following: "No part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

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

ANTHONY P. MILLER, INC.

The Clerk called the bill (H.R. 15354) for the relief of Anthony P. Miller, Inc.
H.R. 15354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of Anthony P. Miller, Incorporated, for installation of fire resistant wallboard in the ceilings of forty-one garages located in an Air Force Capehart housing project at Niagara Falls Municipal Airport, Niagara Falls, New York, and to allow in full and final settlement of such claim the sum of \$2,135.28. There is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of \$2,135.28 for payment of said claim.

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

PATRICIA HIRO WILLIAMS

The Clerk called the bill (H.R. 11578) for the relief of Patricia Hiro Williams.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present to hear these bills considered.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOLAND. 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. 19]

Abbutt	Clark	Gibbons
Adair	Clausen,	Goldwater
Adams	Don H.	Gray
Addabbo	Clay	Grover
Ashbrook	Corbett	Gubser
Ashley	Corman	Hanna
Baring	Cramer	Hansen, Wash.
Beall, Md.	Culver	Harsha
Blackburn	Dawson	Hastings
Blanton	Diggs	Hathaway
Brademas	Dingell	Hawkins
Brasco	Dulski	Hays
Brown, Calif.	Eckhardt	Hébert
Brown, Mich.	Evans, Colo.	Henderson
Broyhill, N.C.	Evins, Tenn.	Horton
Burton, Calif.	Fallon	Hosmer
Burton, Utah	Findley	Howard
Button	Fisher	Jarman
Byrnes, Wis.	Ford,	Jones, Ala.
Celler	William D.	Karth
Chisholm	Fraser	Keith

King	Morse	Scheuer
Kirwan	Moss	Springer
Kleppe	Murphy, N.Y.	Stubblefield
Landgrebe	Myers	Sullivan
Long, Md.	Nix	Teague, Calif.
McCloskey	O'Hara	Teague, Tex.
McDade	Ottinger	Thompson, N.J.
McDonald,	Patman	Tunney
Mich.	Pelly	Udall
McMillan	Pettis	Utt
Mailliard	Powell	Waldie
Mann	Price, Tex.	Watkins
Mathias	Rees	Welcker
May	Reid, N.Y.	Widnall
Mink	Reifel	Wilson,
Monagan	Rivers	Charles H.
Moorhead	Rosenthal	Wright
Morgan	Roudebush	Yates

The SPEAKER pro tempore. On this rollcall 318 Members have answered for their names, a quorum.

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

PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will continue the call of the Private Calendar.

PATRICIA HIRO WILLIAMS

The Clerk called the bill (H.R. 11578) for the relief of Patricia Hiro Williams.

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

H.R. 11578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Patricia Hiro Williams may be classified as a child within the meaning of section 101 (b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Technical Sergeant and Mrs. Wayne V. Williams, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "and a petition filed in her behalf by Technical Sergeant Wayne V. Williams, a citizen of the United States, may be approved pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

REFERENCE OF H.R. 8568 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called House Resolution 324, to provide for sending the bill H.R. 8568, with accompanying papers, to the Chief Commissioner of the Court of Claims.

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

H. Res. 324

Resolved, That H.R. 8568, entitled "A bill for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu," together with all accompanying papers, is hereby referred to the Chief Commissioner

of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.
A motion to reconsider was laid on the table.

ROBERT C. SZABO

The Clerk called the bill (S. 1678) for the relief of Robert C. Szabo.

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

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert C. Szabo of Riverdale, Maryland, a retired supply clerk at the wholesale stamp window in the Washington, District of Columbia, post office, is hereby relieved of all liability for repayment to the United States of the sum of \$4,326.16, representing the amount of a postage deficiency in his fixed credit account, the deficiency having been incurred in making exchanges of postage stamps following enactment of the Postal Revenue and Federal Salary Act of 1967, which provided for increased postal rates.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Robert C. Szabo the sum of any amounts received or withheld from him on account of the deficiency referred to in the first section of this Act.

(b) No part of any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding \$1,000.

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

JIMMIE R. POPE

The Clerk called the bill (S. 2566) for the relief of Jimmie R. Pope.

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

S. 2566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jimmie R. Pope, of Goldsboro, North Carolina, the sum of \$1,758.14, representing reimbursement for relocation expenses incurred by him in 1967 in moving from Hixon, Tennessee, to Goldsboro, North Carolina, for the purpose of accepting civilian employment at Seymour Johnson Air Force Base, North Carolina, Air Force personnel having erroneously informed the said Jimmie R. Pope that such expenses were reimbursable: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

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

CLAIM OF JULIUS DEUTSCH AGAINST THE GOVERNMENT OF POLAND

The Clerk called the bill (H.R. 7267) to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes.

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

H.R. 7267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any prior decision of the Foreign Claims Settlement Commission, the Commission is authorized and directed to reopen and redetermine, after hearing, the claim of Julius Deutsch against the Government of Poland based upon the claim of said Julius Deutsch of a 50 per centum interest in the Polish corporation, "Lenko" S.A. Any award made by the Commission after said redetermination shall be paid by the Secretary of the Treasury from the Polish Claims Fund to the same extent as if said award had been made prior to March 31, 1966.

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

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. The Chair will count.

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. 20]

Anderson, Ill.	Corbett	Kirwan
Anderson, Tenn.	Corman	Kleppe
Ashbrook	Cramer	Koch
Ashley	Culver	Kuykendall
Aspinall	Dawson	Landgrebe
Baring	Diggs	Landrum
Berry	Dulski	Leggett
Bingham	Dwyer	Long, La.
Blackburn	Eckhardt	Long, Md.
Blanton	Ellberg	McCarthy
Blatnik	Erlenborn	McCloskey
Bolling	Evans, Colo.	McDade
Brademas	Fallon	McDonald,
Brasco	Fisher	Mich.
Broomfield	Ford,	Mailliard
Brown, Calif.	William D.	Mann
Brown, Mich.	Fraser	Martin
Burton, Calif.	Fulton, Tenn.	Mathias
Burton, Utah	Gibbons	May
Button	Goldwater	Meeds
Byrnes, Wis.	Green, Pa.	Mikva
Carey	Gubser	Miller, Calif.
Cederberg	Hanna	Mink
Celler	Harsha	Minshall
Chisholm	Hawkins	Monagan
Clark	Hébert	Moorhead
Clausen,	Henderson	Morse
Don H.	Howard	Moss
Clay	Jacobs	Myers
Conyers	Keith	Nichols
	King	Nix

Obey	Riegle	Ullman
O'Hara	Rivers	Utt
O'Neill, Mass.	Rosenthal	Waldie
Ottinger	Roudebush	Watkins
Passman	St Germain	Whitten
Patman	Scheuer	Widnall
Pelly	Smith, Calif.	Wiggins
Pepper	Springer	Wilson, Bob
Pettis	Steiger, Ariz.	Wilson,
Pike	Stubblefield	Charles H.
Powell	Teague, Calif.	Wydlar
Price, Tex.	Teague, Tex.	Yates
Rees	Thompson, N.J.	Young
Reid, N.Y.	Tunney	
Rhodes	Udall	

The SPEAKER pro tempore (Mr. PRICE of Illinois). On this rollcall, 299 Members have answered to their names, a quorum.

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

THE DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1970

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

Mr. MAHON. Mr. Speaker, I think it might be helpful to call to the attention of Members our plans and our hopes with respect to consideration of the new Labor-HEW appropriation bill for the current fiscal year, which was reported yesterday.

The Committee on Appropriations is planning, in cooperation with the leadership, to bring up the Labor-HEW appropriation bill in the House on Thursday of this week. I do not know how long it will take to conclude consideration and pass the bill, but with 7½ months of the fiscal year already gone by, we just must get this bill behind us as promptly as possible. If it requires more than 1 day, we would hope and expect to continue on Friday and, if necessary, Saturday of this week.

That is the desire of the Committee on Appropriations and, I believe, of the distinguished Speaker and the distinguished majority leader. We want to finish consideration of the bill this week, and if our plans meet with the approval of the leadership, which I think they do, that would be what we will undertake to do.

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

Mr. MAHON. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, the gentleman from Texas is correct. As everyone knows we have finished the legislative business which we will undertake today. Tomorrow we will continue with the two bills that we had scheduled following the call of the Private Calendar. We will begin, as the distinguished chairman of the Committee on Appropriations said, consideration of the Departments of Labor and Health, Education, and Welfare appropriation bill for 1970 on Thursday and proceed with the consideration of that bill hopefully until we finish it as soon as possible this week. It could be Friday or Saturday.

I thank the gentleman from Texas for yielding.

SOME PROBLEMS CREATED BY URBANIZATION

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

Mr. WHITTEN. Mr. Speaker, I include as part of my remarks the address I made at the national convention of the National Limestone Institute:

SOME PROBLEMS CREATED BY URBANIZATION

This subject, of course, is as broad as the number of our population is large, which naturally leads to some selectivity in the points I hope to make.

To begin with, I want to say that I appreciate this organization. I know of no other organization that could have more people come out on a night such as tonight than the Limestone Institute. I do not know anyone who can organize public sentiment, including the Congress, any better than Bob Koch who has done such a wonderful job for your organization. Consequently, I appreciate the opportunity to speak to members of your fine organization and to your many guests, including many of our colleagues—particularly those from urban areas, for with only 47 Members out of 435 having as many as 20 percent of their people engaged in agriculture, now and in future years agricultural legislation must of necessity have the approval of urban Members. This I believe we will have, if we can get the issues understood. So, I welcome the opportunity tonight to speak to so many of my colleagues, and I am happy so many of them are here. Because of your organization, and other things, colleagues of mine who are here tonight are interested in all America and in all of our well being and in our standard of living and in agriculture.

I appreciate the signal honor you have given me on this occasion; but most of all, I appreciate the opportunity granted me through the years to present annually to the Congress and to the people the case for protecting the source of our well-being, the necessities of life, the biggest market for the products of industry and labor, the biggest bargain of the consumer and above all the key to our prosperity, American agriculture, where 5.6 percent of our people provide food, clothing and shelter, leaving the remaining 94.4 percent free to provide all the things which make for our high standard of living.

Today that high standard of living is in jeopardy because the public is not told that farm programs are not welfare programs but are necessary to keep a balance with industry and labor; to keep up farm purchasing power.

Some way we must get the public to realize that such farm purchasing power is essential to the whole economy; for history shows that a drastic break in farm prices and income, with the resulting drop in farm purchasing power, caused the panic of the 1920's, just as it brought on other depressions. When 453,000 farms were foreclosed, thousands of banks failed. The Dow-Jones Stock Price averages dropped from 381.2 in September to 41.2 in July of 1932. Suicides among nonfarmers for financial reasons reached an all-time high.

Following these conditions farm programs were initiated not as relief programs but to restore and protect purchasing power so essential to the whole economy, while making certain we had adequate supplies of food and fiber.

If we do not continue to make it worthwhile to produce food and fiber, which means see that income—which consists of units, times price, less cost—is sufficient to interest the individual in continuing agricultural pro-

duction, we will not have the food; and when that time comes, all the food stamps and all the money in the world will be of no avail, because the food simply will not be here.

POLLUTION, A MAJOR PROBLEM AND LIVE SUBJECT

There was a time when the "open sesame" to Federal money was research. Even today some of the projects under the Atomic Energy Commission and the Defense Department are rather farfetched. Today, with real cause, the subject that has real appeal and which everybody goes for—including the President—is pollution, man's injury to his environment. This I recognize fully. But here, too, we are finding that seven different agencies and departments have plans for laboratories for research on pollution.

While I have been a supporter of efforts by the Government, and support such efforts now, it is hard to understand why while these tremendous amounts of money—in excess of \$2 billion for the current year, and probably twice that amount for the next year—are recommended by the Bureau of the Budget, on the President's recommendation—yesterday \$10 billion over a 5-year period was recommended—at the same time the Bureau of the Budget recommends, as it has for 14 years, a drastic reduction in or elimination of the agricultural conservation program, wherein 1 million Americans put up their time and their money—two thirds of the cost—not only to save the lands for future generations but to help to preserve our water as we protect man from the pollution of our streams.

While we read about what there is to be done and how much money is to be allocated to the States and to the cities and to various and sundry organizations in the antipollution fight, the same Bureau of the Budget recommends and gets the Executive Department to cut the watershed program of the Soil Conservation Service in half and to seriously cut back provisions which the Congress has made to help preserve land for the present and for the future.

The former Chief Justice of the Supreme Court, Mr. Warren, in the redistricting cases went so far as to say that Members of Congress did not represent acres and trees, but represented people.

My friends, if somebody does not represent the land and the trees and the natural resources and see that those who produce food for the rest of us get a fair shake, there will not be any people to represent.

And when it came to representing the land and the trees and the natural resources, I do not know of any organization that has thrown its shoulder to the wheel any more than yours has. You have not limited yourselves to your own vested interests, because through Bob Koch you have worked for the good of America and many causes which all help not only the man in rural areas but the man in the city as well.

MAN'S WASTE OF HIS NATURAL RESOURCES

Perhaps the greatest single fault of mankind through the annals of recorded history has been his failure to preserve and protect the natural resources which provide him with his basic necessities of life—food, clothing, and shelter. History indicates that each civilization developed by mankind through the course of the centuries, regardless of the degree of sophistication and advancement attained, has disappeared from the earth because of man's abuse of the soil, water, forests, and other basic resources passed on to him for his use and custodianship.

One of the most serious questions facing our highly developed civilization of the 20th century is whether or not, through more intelligent use of our natural resources and more advanced agricultural technology, we can meet the ever-increasing demands of

rapidly expanding populations for food, clothing, and shelter.

A review of the earlier civilizations of the wornout and food-deficient areas of the world indicates what has resulted from the failure of man through the ages to apply an adequate portion of his wealth to the protection of the soil, the forests, the rivers and lakes, and other resources as he used them to feed and clothe himself.

In 3500 B.C. the valleys of the Tigris and Euphrates Rivers supported a large and prosperous civilization. By the year 2000 B.C., great irrigation developments had turned this part of the Middle East into the granary of the great Babylonian Empire. Today, however, less than 20 percent of this area is cultivated because, as they became urbanized, the people of that civilization failed to continue to preserve the productive capacity of the land, according to LaMont C. Cole of Cornell University:

The landscape is dotted with mounds, the remains of forgotten towns; the ancient irrigation works are filled with silt, the end product of soil erosion; and the ancient seaport of Ur is now 150 miles from the sea, its buildings buried under as much as 35 feet of silt.

Extensive irrigation systems were established in the Valley of the Nile before 2000 B.C. to create the granary for the Roman Empire. This land, which is made fertile by the annual overflowing of the Nile, continued to be productive for many centuries. However, in recent years, as the result of more intensive use of the land and inadequate attention to conservation measures, the soils have deteriorated and salinization has decreased the productivity in the valley to the point where this area is now largely dependent on food shipments from other parts of the world to feed its people.

Ancient Greece had forested hills, ample water supplies, and productive soil. In parts of this area today, the old erosion-proof Roman roads stand several feet above a barren desert. Ancient irrigation systems in many parts of China and India are abandoned today and filled with silt. Most of India's present land problems are due to excessive deforestation, erosion, and siltation made necessary by tremendous population growth during the past two centuries.

The highly developed civilizations of ancient Guatemala and Yucatan are merely history today. Archeologists believe that they exploited their land as intensively as possible until its fertility was gone and their prosperous civilizations vanished.

The city-States throughout history have failed to realize that the cost of food, clothing, and shelter is going to be paid, either by the consumer or by the land from which they come. They have ignored the fact that soil cannot be cultivated year after year unless as much fertility is put back each year as is taken out.

WASTE OF NATURAL RESOURCES IN THE UNITED STATES

The United States is still a young country in relation to the ancient civilizations referred to above. During our short history, however, we have used up and destroyed vast amounts of the plentiful supply of natural resources which were here when the Pilgrims landed at Plymouth Rock. The continuation of such abuse could eventually reduce this country to a barren wasteland with the low standard of living found in much of Asia and the Middle East.

This country had 8,000 billion board feet of timber about 150 years ago. Today we have around 1,600 billion board feet left—only 20 percent of the original stand. This terrible waste of timber resources points up the extent to which our highly competitive economy can deplete a national asset in the generation of new wealth. It points up the

need for continuing and expanding conservation efforts on a national basis.

Only 175 years ago we had 500 million acres of fertile soil in this Nation. We have already wasted 200 million acres—40 percent—and another 100 million acres—20 percent—is washing away today. It has been estimated that an average of 40 acres of top soil flows down the Mississippi River each day of the year. Also, estimates are that more than 1 million acres of arable land are lost to residential areas, highways, and other urban developments each year.

OUR CITIES

Let us look at our older American cities. In our appropriations for agriculture we provide funds for studies and planning of wholesale market facilities in our cities. I have visited the 14th Street Market in New York City and the run-down areas of many of our major cities. As you stand in some areas with narrow streets, high buildings with panes broken out; as you travel through these areas and see the woeful, pitiful conditions which exist, so far as property is concerned, so far as public service is concerned, so far as sewerage is concerned; when you get down on the waterfront, which is referred to as an open sewer, you can clearly see that somehow, somehow, we must help to restore these areas—knowing full well if they are to stay in good shape we must see that the landowners, the property owners or those who use the property, spend a reasonable amount regularly in maintenance and modernization, just as we must do with the caretakers of farm lands.

SOIL AND WATER CONSERVATION

Remarkable progress has been made in soil and water conservation in the United States in the last 25 years. The major part of the soil conservation job still lies ahead, however. The United States continues to suffer heavy soil erosion losses. Some 120 million acres are endangered seriously, and only about a third of our land is safeguarded adequately. More than half the estimated \$1.2 billion average annual flood water and sediment damage in the United States occurs on the headwater streams and small tributaries. And sediment causes costly damage to the Nation's 10,000 major water storage reservoirs. The amount of erosion-produced sediment dredged annually from our rivers and harbors exceeds the volume of earth dug for the Panama Canal.

Increased farm production resulting from tremendous advances in science and technology tends to obscure the fact that, to meet food and fiber needs of a few years hence, this country will need the production equivalent of around 200 million more acres, based on current yields. Since we do not have additional acres of cropland available in the United States, this production must come largely from increased yields on existing cropland. This is in the face of continuing annual losses of some 400,000 acres of cropland because of erosion, and three times that amount each year through conversion of good farming land to urban and industrial uses.

FUTURE WATER SUPPLIES

Nearly one-fourth of the people of the Nation face problems of water shortage, poor water, or both. The rate of water use predicted for 1980 is nearly twice what it was in 1955. In some areas of this country we are already finding that expansion of population and industry is limited by the lack of adequate sources of water.

An official of the Department of Agriculture recently described one of the Nation's major problems of water conservation as follows:

"The Nation is concerned about its water problems but it seems that very few people are aware that 70 percent of the Nation's

water budget that comes as rain or snow is lost by evapotranspiration from vegetated lands. Only 30 percent of our water budget becomes massed flow into streams and reservoirs.

"For example, during the average growing season in New York State a half million gallons of water will evaporate from an acre of potatoes, regardless of the kind of crop produced, since the evaporation is largely determined by solar radiation. The farmer who produces 500 bushels of potatoes per acre is producing 1 bushel of potatoes for every thousand gallons of water evaporated. If his yield is only 50 bushels of potatoes per acre, he will use 10,000 gallons of water for each bushel of potatoes produced. . . ."

Today's 200 million Americans are figuratively and literally "abusing the privilege" where the use and handling of water is concerned. Our lakes and rivers have become catch basins for the residues of our factories, automobiles, household and agricultural chemicals, for human wastes from thousands of villages, towns, and cities. How well we clean up this situation and learn to handle it without restricting man's means of providing our high standard of living may well determine the future of our Nation.

As we approach this problem, we must keep in mind that the power to control water quality or quantity is not only the power to make or break business, but is a power over the life of the Nation itself. We must also keep in mind that agriculture's claims and responsibilities for the use of water are second to none, for agriculture provides our food, clothing and shelter, the basic necessities for life.

If we leave to future generations a fertile land, this country will be able to meet its future domestic and international problems. After all, our children and our children's children could establish their own financial system; but if we leave them a wornout country, they will have nothing on which to build and our country could go the way of India, China, and the Valley of the Tigris and Euphrates—a nation of mounds, remains of forgotten towns and cities.

Thank you for inviting me to be with you. And thank you too for the efforts you made through the years in helping us with our fight in Congress.

CONSERVATION OF OUR NATURAL RESOURCES

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

Mr. SEBELIUS. Mr. Speaker, conservation of our natural resources has recently become a most popular national cause. It is because of our Nation's recent "environmental reawakening" that I should like to comment on a recent award presentation to one of our Nation's most distinguished and respected leaders.

As many Members of Congress know, Clifford R. Hope is one of our Nation's foremost authorities on agriculture. As many of his friends in this body will recall, Congressman Hope served his State of Kansas for 30 years and was the chairman of the House Agriculture Committee.

On February 4, the National Association of Conservation Districts recently presented Cliff with its Distinguished Service Award in honor of his great and many contributions to conservation. In effect, this award not only speaks for the National Association of Conservation Districts, but also for the people of Kansas and the people of this Nation who

owe much to the direction and leadership which Cliff Hope gave to this Nation's efforts to conserve and improve our natural resources.

Mr. Speaker, to judge by today's headlines one would think concern and interest regarding our environment were limited to today's contemporary political scene. Yet, as often is the case, upon investigation of the RECORD, we find many of our former colleagues were concerned with conserving our Nation's resources long before it became politically profitable to do so.

What a wonderful tribute to such a man. When Clifford Hope left office, he left our great land a better place than when he first took on the responsibility of public trust in the days before conservation, reclamation, and water resources became common terms. And, what a fitting challenge to us all to follow Clifford Hope's example as we join together in a bipartisan effort to conserve and protect our great land.

It is with great pride that I submit the following remarks honoring Cliff Hope for inclusion in the RECORD:

CITATION TO CLIFFORD R. HOPE

The National Association of Conservation Districts paid tribute Wednesday, February 4, to former U.S. Congressman Clifford R. Hope, who served in Congress for 30 years, longer than any other Kansan, with its highest award for service in resource conservation.

The award was presented by NACD outgoing president Sam S. Studebaker of Tipp City, Ohio, as a highlight of the association's 24th annual meeting in San Francisco. The citation:

For his sustained efforts over a period of more than 40 years to increase public understanding of the urgency and value of soil and water conservation;

For his initiative and leadership—as a member and as chairman of the committee on agriculture of the U.S. House of Representatives—in fostering the enactment of laws establishing the Soil Conservation Service and the nationwide program of soil and water conservation in 1935, the pilot watershed program 1953, the watershed protection and flood prevention program in 1954, and the Great Plains Conservation Program in 1956;

For his unflinching support and invaluable encouragement to soil and water conservation districts in making their contribution to erosion control, flood control, watershed development, and environmental quality; and

For his continuing recognition that local people and local institutions are the ultimate source of strength in the long campaign to protect and develop the Nation's natural resources—

We, the officers and directors of the National Association of Soil and Water Conservation Districts, are honored to present to Clifford R. Hope, of Garden City, Kansas, the Distinguished Service Award of this Association.

Given in San Francisco, California, on the fourth day of February, 1970.

SAM S. STUDEBAKER,
President.

BALANCED TRANSPORTATION

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

Mr. VIGORITO. Mr. Speaker, there is great national concern about the future of our transportation systems. I feel that

my colleagues might be interested to read excerpts of an excellent talk delivered before the National Transportation Institute, Transportation Association of America, at New York on January 28, by Mr. Bryce W. Wyman, vice president and general manager of General Electric's Transportation Systems Division of Erie, Pa.:

BALANCED TRANSPORTATION—FACT OR FICTION IN THE 1970's

Getting there *used to be* half the fun.

But, today each one of us here experiences daily many agonizing situations as we travel to and from work and from city to city.

In the most *advanced technical nation* of the world, why are we willing to put up with such frustration—such loss in time—such inefficiency—such loss in national productivity—such loss in population mobility—such loss in employment accessibility? . . . Why are we willing to contaminate our atmosphere with so much noise and pollution—170 million tons of smog annually? A prominent biologist says, "Automobile smog hangs like a pall over even Denver and Phoenix . . . we are approaching the point of no return . . . our survival is at stake."

Remember when our cities used to be beautiful places to live—characterized by both economic and cultural vitality? Why are we converting 60 to 70 percent of so many of their centers into parking lots, expressways, support facilities and airports—allowing center city blight, ghettos, unemployment and crime to drive new home construction, and commerce to the suburbs? . . .

Our foremost national planners predicted today's situation as far back as two decades ago.

Sowing the wind, we are now reaping the whirlwind. Two decades from *now*, 85 percent of our population will live in urban areas. Our highways will be clogged with 150 million autos travelling bumper to bumper. Giant jets will be dumping 500 or more people per plane from our skyways into our already crowded airports. . . .

What has prevented us from keeping up with our growing transportation problem? Have we been unwilling to commit enough of our national resources to finding a better solution? Hardly!!! We have been spending the dollars—20 percent of our Gross National Product—190 billions of dollars each year just to transport our people and their needs. . . .

No, it's not a case of the dollars. It is a case of the lack of balance and the lack of integration between modes that has generated the transportation gap with which we enter the 70's. We have been unwilling to look at passenger transportation as a total system from point of departure to point of destination.

Each transportation mode has looked on every other mode as its mortal enemy that it must fight to the death. . . .

To date, the senseless in-fighting between modes has prevented any semblance of broad scale systems planning. Herein lies the major problem.

We can never optimize the balance between modes, unless we simultaneously optimize the funding available for each mode—a chain is no stronger than its weakest link.

Trade-offs will, of course, be necessary. But, the day is gone when we can afford to throw efficiency to the wind in the use of any of our natural resources—land, fuel, or most importantly, time. . . .

Time has run out when as a nation we can continue to neglect the social, aesthetic, health, natural resource preservation, noise, pollution, passenger frustration, national death toll and all the rest. . . .

But transit systems, like a highway network, require years to plan and construct. Like highway systems, they require similar

long term financing commitments—not on-again, off-again yearly appropriation battles.

Many legislators and municipal officials have, therefore, urged "Transit Trust Fund" similar to the Highway Trust Fund as the only way to adequately fund the long lead times for transit systems.

A balanced transportation system can only come about when all modes of transport are treated alike. The serious deterioration brought about by insufficient funding of present metropolitan transportation systems and the steadily increasing traffic congestion, are evidences of the fact that we badly need an all-encompassing total "Transportation Trust Fund".

Such a program would provide "balanced financing" and permit the tailoring of transportation facilities to meet local problems. There has already been some important progress in balanced financing at the state level.

Rapid transit lines increase the capacity of an average freeway five fold. Unless we want to convert our inner cities into concrete landscapes, we must convert our freeways into coordinated transportation corridors, combining auto and transit—and quickly—if we hope to take care of our future travel requirements without fantastic sacrifices in land and cost.

Though needed progress is being planned and implemented in many U.S. cities, many more are allowing the situation to steadily deteriorate by inaction. European cities are moving faster. Since World War II, 19 cities in Europe have built or are building new, efficient rapid transit systems.

What lies ahead for the 70's?

All new transit lines will be automated to provide the maximum in safety, efficiency, and passenger comfort.

To eliminate the smog and congestion of short distance, cross-town traffic, or between shopping centers, or around airports or student movement around university campuses, small electric automobiles or small electric dial-a-buses will likely find wide application with automatic computer control of both battery powered vehicles and roadways.

As our cities spread and overlap one into another, giant corridors are forming, such as the Northeast Corridor between New York and Washington, or New York and Boston—too short for efficient air travel, but too far for 80 to 100 mile per hour transit.

Dramatic progress in such intercity transportation has been made in the past year, when the first of the new, individually powered Metroliners capable of 160 miles per hour were first put into revenue service on the Penn Central Railroad.

These safe, all-electric, smog-free, quiet Metroliners with 2500-HP per car, have rolled up millions of miles of service in the past year, spanning the distance between New York and Washington in 2 hours and 30 minutes nonstop.

Many other "population corridors" are developing in the U.S., which are too close for efficient air travel, and must develop similar high-speed corridor transportation.

Here again, revision of our outmoded competitive, privately funded transportation policies is mandatory if these regions are to have the kind of passenger transportation they so desperately need.

During the 70's also, development and demonstration projects will be pushed rapidly for wheel-less, air cushion trains supported on thin films of air capable of 200 to 500 miles per hour.

Speeds such as this will completely alter real estate values and living patterns when people can work in New York and commute from New Hampshire or Virginia. Powered by electric linear induction motors, these trains will require no physical contact between vehicle and guideway.

In revenue service by the end of the decade, these trains will be as smooth and as quiet as sitting in your own living room easy

chair. Such trains will also be required to link future airports which, of necessity, will be located many miles from the center of most cities.

Visionary or blue sky? Not at all.

Such passenger transportation is completely consistent with our technological capabilities. The bold innovative research and development is already underway. As a people who can deliver a passenger non-stop to the moon, we have proved we can do what we want to do—if we want to do it badly enough—and are willing to devote the balanced funding that will be necessary.

The priorities will vary from area to area, but balanced transportation, cutting across the broad spectrum of our social development, will have to provide the foundation and the catalyst for America to maintain its role of world leadership.

TO PRESERVE PUBLIC SCHOOL SYSTEM

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

Mr. BENNETT. Mr. Speaker, recent decisions by the courts have caused great concern and difficulty in the Third Congressional District of Florida, which I represent. The public school system, which includes over 122,000 students in 135 schools in Duval County, is threatened by compulsory involuntary busing for racial ratios.

I have introduced several pieces of legislation which I believe would correct the injustice by these court decisions.

One, House Joint Resolution 1045, is a constitutional amendment to prohibit the involuntary busing of students from their own neighborhood school to another area.

Another bill, H.R. 15437, would relieve pressure for school integration in each school once the national average for a minority is reached in the school.

A third bill, House Joint Resolution 1047, would amend the Constitution to require that Federal judges be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of judges at the age of 70.

Mr. Speaker, the Florida congressional delegation has had several meetings on the problem of forced busing, because it is a critical problem in our State. The delegation has requested a meeting with the President or Vice President Agnew's new school committee. We hope to present Florida's position and that of our own districts to the administration as soon as possible. On January 14, 1970, I also asked the Supreme Court to allow me to intervene in cases to make a plea before the Court against involuntary busing for racial ratios.

I include in the CONGRESSIONAL RECORD the three bills which I have introduced:

H.J. RES. 1045

Proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the follow-

ing article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"SECTION 1. No child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child."

H.R. 15437

A bill to require that public schools throughout the United States achieve equality of integration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when the national average of our greatest minority racial group is reached as a percentage of the total population in any particular public school, such school shall not be required to take further steps toward integration, providing that it is open for attendance by all those who seek such attendance.

H.J. RES. 1047

Proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every six years, to require five years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of seventy years

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid only if ratified by the legislatures of three-fourths of the several States within seven years from the date of final passage by the Congress:

"ARTICLE

"Sec. 1. No person may serve as a judge of the Supreme Court or of any court ordained and established under section 1 of article III unless the Senate reconfirms his appointment to that office during the last year of each period of six calendar years beginning after the year of his initial appointment, except that for the purposes of this article a judge holding office on the date of the ratification of this article by a sufficient number of States shall be deemed to have been initially appointed as such on the date of ratification.

"Sec. 2. No person may be appointed as a judge of the Supreme Court who, at the time of his appointment, has not served for at least five years as a judge of a court of record of a State or of a court provided for in section 1 of article III.

"Sec. 3. No person who has attained the age of seventy years may serve as a judge of any court of the United States but any person who ceases to serve as a judge of such a court because he has attained the age of seventy years shall continue to receive the compensation to which he was entitled as a judge."

GEN. LEWIS B. HERSHEY STEPS DOWN

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

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday Gen. Lewis B. Hershey stepped down as the Director of the Selective Service, a post he has held for

28 years. During that time critics have lambasted him; friends have praised him. And he himself has waxed and waned between witty, lighthearted humor, and stern disciplinary grumblings. Yet one thing that never wavered was his devotion to his duty and his service to his country.

The job of Draft Director is certainly not an enviable one, as the recent difficulties in finding a successor to General Hershey have proved. Some would suggest that the job rests somewhere between the task of lord of the heavens and master of hell. On one hand it has been argued that the Director has complete control over life and death; and on the other it is said that he seems to exercise satanic whims to try men's souls.

Yet neither of these is a true picture. The task is an administrative one. It is made difficult through the multitude of conflicting rules and regulations built up over the years by Executive order, congressional laws, and Selective Service directives. No doubt very few people, if any, know exactly how all the rules apply.

General Hershey, however, continued in this task for the last 28 years, knowing it to be unglamorous in almost every respect. In recent years, I am sure he foresaw the difficulties of conducting the draft during a war that was growing unpopular among those being drafted. Yet, true to his principles of service to his country, he continued in his work as long as his country called. Never once did he publicly waver in answering that call.

His rewards over the past years have been a series of attacks by radical groups, hangings in effigy, ridicule by some members of the press and accusations of incompetence, senility, and ineptitude by numerous others. Yet true to his sense of devotion to his duty, he ignored these insults and continued in his task.

For his years of undying service, for his trials of times past, for his unmatched devotion to his country let me add my personal note of praise and thanks. He has answered the call of his country and for that his country owes him much.

Soon we in this body will turn to the task of correcting some of the conflicting rules, laws, and regulations that made his job so difficult. Let us remember as we get into this work the trials and tribulations of this man. There are few men left today who would answer the call from his country to perform such a monumentally difficult and oftentimes inglorious job. That General Hershey has been willing to labor so diligently for all these years is to his everlasting credit.

DEATH OF DELAWARE GOV. CHARLES L. TERRY, JR.

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

Mr. ROTH. Mr. Speaker, February 6 was a sad day for Delaware. On that day we lost Gov. Charles L. Terry, Jr., the

only man in the history of the First State to serve as secretary of state, chief justice, and then chief executive. Governor Terry was a remarkable person, loved by people from all walks of life and all political backgrounds.

As Governor, he was often fiercely partisan. He loved his Democratic Party and in the final days of his life won his last political battle. At the same time, he did not let politics interfere with the common good. Although I am a Republican, he gave strong support to my legislative proposals to improve Government services. At a 1968 Governors' Conference, Governor Terry obtained the unanimous consent of the conference for two of my bills.

Governor Terry lived the full life. He was a counselor to Presidents, a great sportsman, as well as a fine raconteur of stories. He loved to hunt and play golf, and he was an outstanding athlete at Washington and Lee University. His imposing presence—reminiscent of our earlier Colonial Governors—commanded attention wherever he went.

Governor Terry's unfailing kindness to great and small alike won him friends everywhere. I remember well my first meeting with him at an American Bar convention. Despite the fact that I was a young, unknown attorney, when the then chief justice met me as a fellow Delawarean, he included me in many events that would have otherwise been unavailable to me.

I would be remiss in not mentioning his good and gracious lady, Jessica Terry, who as first lady presided with grace and dignity at Woodburn, the Governor's mansion, and like the wives of yore, she led the battle when the Governor was struck down by a heart attack during his last political campaign for office.

Governor Terry made his fellow men and this Nation richer. Delaware shall be poorer without him.

Mr. Speaker, I include a series of editorials memorializing the life of this fine citizen and public servant:

[From the Delaware State News, Feb. 9, 1970]

AN AFFECTIONATE FAREWELL

(By Jack Smyth)

It is difficult to write about the passing of former Governor Charles L. Terry Jr.

This is because his memory deserves more than the commonplace expressions of regret. It just wouldn't be right to be trite about Gov. Terry, because he was not a conventional person.

There was greatness in Charles L. Terry Jr. It was in his proud bearing, the steadfast look in his eyes, his strong features. It was in his quick, wide and wonderful smile. But it became most evident when you got to know him and realized how much love he had in his heart for his fellow human beings.

There was nothing simple about this 56th governor of the "First State." Although a man with a strong, even stubborn, will—he had a difficult time giving up basic pleasures of life—eating, drinking and smoking. He chafed when doctor's orders forced him on a restrictive regime.

"Charley" Terry seemed to love everything about his life. He relished good companionship—the kind he found at the card table, out on the field and stream, at sporting events. He enjoyed the game of politics, too, and was a loyal ally and a tough enemy.

When I first became good friends with the late governor, he was a judge. It was shortly after I had arrived in Delaware, a native of Pennsylvania who had been a small town editor. The small daily I had launched, the first in Dover's history, was struggling. We met on an Air Force junket to Florida—to see an exhibit of fire-power at Eglin AFB. Judge Terry and I sat together on the plane. We exchanged our life histories and points of views as new-found friends often do. And our relationship remained constant until 12:45 last Friday afternoon.

Those in public life and people who write and edit the news make a quiet sacrifice if they properly do their respective jobs. It is the giving up of any real intimacy which is found in truly close friendship.

A newspaper editor can never be in the confidence of a public servant. Many have, of course, but when they make this choice they no longer can properly strive for the objectivity their readers have the right to expect.

Gov. Terry had a great insight into this delicate relationship. And he respected the need for an arms-length association that allowed for mutual friendship but with no strings attached.

The functioning of our democracy becomes especially fascinating if you observe how our leaders evolve. I'm always intrigued by the process—on all levels, national, state, county and local. And, while you learn to expect the unexpected, Terry's greatness as governor gave me a thrilling surprise.

Attorneys who become judges are usually happy with the security provided by the bench. When Charles L. Terry Jr. became chief justice of the State Supreme Court, this was a distinction that would have satisfied most men. But here we had a most extraordinary individual.

So when Terry plunged into the stormy sea of active politics at his age, I had my doubts. Not that I had any misgivings about his intellectual capacity and deep integrity. But I figured, if elected to the state's highest office, we would have a calm, judicial and complacent Governor Terry.

I've been wrong often before—but seldom so completely. Within the first few months of 1965 the people of Delaware realized they had elected a competent, effective, hard-hitting executive who was his own man, bent on nailing down his pledged platform to the smallest plank.

So today we are placing in his final resting place a truly remarkable man, a good and faithful public servant. Every Delawarean, native or adopted, bids Charles Laymen Terry Jr. an affectionate farewell. We are all better citizens for his full and wonderful life. He will be greatly missed and long remembered.

[From the Wilmington (Del.) Morning News, Feb. 9, 1970]

LARGE TERRY LEGACY

This afternoon, sometime after 2, a minister will meet the body of Charles L. Terry Jr. in Christ Episcopal Church in Dover and recite the phrase "... We brought nothing into this world, and it is certain we can carry nothing out."

The words are included in the opening paragraphs of the order for the burial of the dead in The Book of Common Prayer. They are good and sensible words. And there is no desire here to dispute them. But a word or two is called for this morning on those things Gov. Terry has left behind now that he had departed this earth.

The most obvious and oft-cited of his legacies is his record of public service: Attorney for the Kent County Levy Court and General Assembly, secretary of state, Superior Court judge, Supreme Court justice,

chief judge of both those courts, governor. Charles Terry had about done it all, when it came to public office. The judicial efficiencies, the governmental reforms, the new state programs effected under his leadership are also numerous and well-known.

Equally formidable is the list of friends and supporters who respected, admired and, yes, loved Charles Terry. That is something else left behind, for this was strong man who inspired strong emotions. And while it is true that sometimes those emotions were violently negative, by our observation, most people, even the governor's staunchest political enemies, conceded that they were impressed and touched in some way by the man.

Armies of friends and admirers, a record of over 40 years of public service; who could hope to leave more behind? Some might say you, "Well, what about a firm place in history? That is something more." And so it is. But there doesn't seem to be any doubt, that Gov. Terry's place in Delaware history is already secure. It is true that we are all too close to the events of his four-year term in office to assess them with any perspective. Such evaluations will have to come later. But such was the force and energy of Charles Laymen Terry's Jr.'s personality that both he and his term in office will be remembered, long after other men who have served the state in similar capacities will have been forgotten.

[From the Wilmington (Del.) Evening Journal, Feb. 7, 1970]

A DELAWARE NATIVE SON

Death always comes too soon. And so it was with Charles Laymen Terry Jr.

This realization obscured all else when the news came from Dover yesterday shortly after 1 p.m.; "Governor Terry is dead!"

It was too soon—too soon into his well-deserved retirement and chance to enjoy the pleasures of private life; too soon for political wounds to have healed, for emotions to have been dissipated, for perspective to have returned. It was too soon for a man with Charles Terry's zest for life and living.

But there it was. It had happened. What was one to say?

Well, first of all, let's kid no one, least of all ourselves. We had our differences with the former governor, particularly during his last two years in office. No amount of sentimentality can, or should, obscure that fact. And sometimes those differences were as basic as differences between civilized men can be, as in the case of our persistent and outspoken opposition to Gov. Terry's election to a second term. This newspaper tried its damndest to help elect Russel W. Peterson.

Was it right? Was it wrong? Who knows? Let's say it was politics, and take comfort in the fact that Gov. Terry was able to tell the General Assembly that he left office "with the absolute knowledge that (I have) done (my) very best in the service of (my) fellow men."

There is no denying the truth of that statement or the conviction with which it was given. And there is no denying, either, the fact that in terms of Delaware history few men of recent times have served the public as long or in as many capacities as did Gov. Terry. He began as an attorney for the Kent County Levy Court in 1926 and filled public offices without interruption thereafter until Jan. 23, 1969. During those years he accomplished a great many notable things which are chronicled elsewhere in this newspaper.

We do not dwell on them, as significant as some of them are—like the establishment of the technical and community colleges and the new magistrate system. This is because even more impressive for us was Gov. Terry, the man, the individual, the entire package. We liked him. He was a personage, as well as

a person; he was a paradox, a good guy, happy talking baseball and bird shooting, and one of the most Leonine of judges. He was loyal to his friends and they were loyal to him—just talk to anyone who ever worked closely with him. Such devotion is as much testimonial as any man could ever wish.

But, perhaps, most of all Charles Terry was for and of Delaware. From the tip of his toes to the top of his head, in dialect, heritage, reaction, pride and heart he was that all too rare breed, the native son. And if not an atavist, he somehow was able to radiate a strong sense of Delaware's past, as well as her present. Jamie Wyeth's portrait of him on the second floor of Legislative Hall captures this aspect of his character. As some have remarked, it might well be a John Trumbull impression of an 18th Century Federalist judge.

It was this deep rootedness that for us most typified Gov. Terry. It was also his greatest strength as a leader. It is not too fashionable right now to look beyond today. Tomorrow? Yesterday? Who cares?

Charles Laymen Terry Jr. did. And, as we said, death came too soon for him.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

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

Mr. McCULLOCH. Mr. Speaker, it gives me great pleasure to introduce, today, the administration's amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968. Title I established a Federal program of block grants to the States to encourage and aid them in their fight against crime.

On October 9, 1969, I introduced H.R. 14296, which would authorize an appropriation of \$650 million for fiscal year 1971. The administration bill provides an open-ended authorization for the next 3 fiscal years. The President's budget allows for an appropriation of \$480 million for the next fiscal year. It is my sincere hope that in the course of the legislative process a reasonable accommodation can be reached between the disparate but competing demands of inflation and public safety.

The administration bill provides for 13 additional amendments to title I of the act. None of them would alter the basic block-grant approach to the crime problem. Rather, they are designed to perfect the administration of the block-grant program.

The forgotten front in the war on crime is that of corrections. Frankly, rehabilitating criminals is not very popular in a day when dollars are scarce and criminals stalk the streets with increasing impunity. But such an attitude is shortsighted. It is the crime against the stranger that strikes fear in our hearts. Such a crime is likely to have been committed by a recidivist, a person who has failed rehabilitation at a correctional institution.

The administration bill would require that funds be earmarked for State and local correctional programs. This would prevent State and local governments

from indulging in the temptation to utilize all their anticrime grants to catch criminals and then send them to institutions which educate them and encourage them to commit crime again. In all too many parts of the country, so-called correctional institutions serve the very opposite purpose.

The administration bill would also relieve States with no large cities of the requirement of passing on to local government 40 percent of the "planning" grants and 75 percent of the "action" grants. Such States typically make their major anticrime effort at the State, not the local, level of government. It is thus inappropriate to force money in such States down to the local level where there is no significant anticrime effort. In Alaska last year, the local governments waived their rights to a share in the State's grant because they do not typically undertake such efforts. A more flexible provision must be written—one that permits the large cities to receive substantial aid in their anticrime efforts but does not hamper the anticrime efforts in some of our States with small populations.

Furthermore, the administration bill would make clear that 15 percent of the total funds, which may be allocated at the discretion of the Law Enforcement Assistance Administration, could be given without regard to any population standard and would not be subject to the matching-grant requirements applicable to the formula grants. Rather, they would be subject to a much more lenient matching-grant requirement. This is in contrast to my bill which would completely eliminate matching-grant requirements for discretionary grants.

The administration bill also limits the provision that no more than one-third of police salaries may be paid by Federal grants in two ways:

First, by making the limitation applicable only to formula grants and not to discretionary grants; and

Second, by making the limitation applicable only to the traditional law enforcement officer and not to "personnel engaged in research, development, demonstration or other short-term programs."

These limitations will allow more Federal money to be spent directly on police.

Moreover, the administration bill would make clear that LEAA may develop and support regional and national programs to instruct State and local law enforcement officials in improved approaches to the administration of criminal justice. The bill also amends LEAA's educational program to authorize persons employed or preparing for employment as full-time teachers of courses related to law enforcement to participate in the program. Another amendment would authorize grants for the purpose of developing new and improved programs of law enforcement education and curriculum materials.

Since the amendments are technical in nature, I offer the following section-by-section analysis to aid in the study of this legislation:

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND TITLE I OF THE OMNIBUS CRIME AND SAFE STREETS ACT OF 1968, AND FOR OTHER PURPOSES

Section 1: Enacting and title clause.

Section 2: Amendments to the Omnibus Crime Control and Safe Streets Act:

(1) *Amendment to section 203(c)*. This amendment would permit LEAA, in its discretion, to waive the requirement in section 203(c) that each State planning agency assure that at least 40 per centum of all planning funds granted to it by LEAA for any fiscal year will be made available to local governmental units within the State to permit such units to participate in the formulation of the State's comprehensive law enforcement plan.

(2) *Amendment to section 301(c)*. This amendment recasts the language of subsection (c) of section 301 to make it clear that the various percentage limitations on Federal expenditures set forth in the subsection apply only to block grants to State planning agencies made under section 301, and not to discretionary grants made under section 306.

(3) *Amendment to section 301(d)*. This amendment complements amendment (2) by changing the word "part" in the first sentence of section 301(d) to "section" so that the limitations on the use of block grant funds under that section to compensate law enforcement personnel will not apply to discretionary grants under section 306. The remaining changes made by the amendment are intended to make it clear that the personnel compensation restrictions set out in the section are limited. The amendment would provide that the use of grant funds for the salaries of personnel engaged in research, development, demonstration projects, or short-term programs would not be subject to the limitations set forth in section 301(d). They would, however, remain subject to the State and local matching fund requirements set forth in section 301(c).

(4) *Amendment to section 303(2)*. This amendment is a companion to amendment (1). It would permit LEAA to waive, in appropriate cases, the requirement that 75 per centum of the action funds granted to a State for a fiscal year be made available to local units of government to permit them to participate in the implementation of criminal justice reform programs.

(5) *Amendment to section 306*. This amendment would modify the present language of section 306 and designate it as subsection (a), and would add a new subsection (b). The modifications in the present language would make it clear that LEAA may utilize the 15 per centum discretionary funds for direct grants to local governmental units or for grants or contracts to other grantees appropriate to the purposes of title I. Of the discretionary funds, 20 per centum may be utilized to finance programs or projects in their entirety. No other grant may be for more than 75 per centum of the cost of the program or project.

The new subsection (b) would authorize LEAA to reallocate funds allocated to a State for any fiscal year but not utilized by that State during the year. LEAA would be permitted to use such unclaimed funds for grants under part C to other State planning agencies, local units or other appropriate grantees, thus assuring utilization of all funds appropriated by Congress for the purposes of the Act.

(6) *Amendment to section 406*. This amendment would make a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled

in law enforcement studies who are either employed in law enforcement or are students desiring to pursue law enforcement careers.

Amendment (a) would conform the language in subsection (b), describing the types of degree and certificate programs that qualify under the loan provisions, with the language of subsection (c), describing the programs that qualify under the grant provisions. It would then be clear that the applicable standards are the same in both cases, as they should be.

Amendment (b) would amend the grant subsection to permit grant funds to be used for the purchase of books as well as for tuition and fees.

Amendment (c) would add three new subsections to section 406:

New subsection (d) would incorporate language, which is standard in Federal student aid legislation, to permit persons receiving Veterans Administration or Social Security assistance to receive LEAA funds concurrently without endangering their VA or Social Security benefits.

New subsection (e) would authorize LEAA to authorize loans and grants (and forgiveness and cancellation benefits) for persons employed or preparing for employment as full-time teachers of courses relating to law enforcement.

New subsection (f) would authorize LEAA to make grants for the development and revision of programs of law enforcement education and for the development of curriculum materials.

(7) *Addition of a new section 407*. This amendment would add a new section authorizing LEAA to develop and support regional and national training programs and training teams to instruct State and local law enforcement personnel in improving methods of law enforcement. The section would provide explicitly that LEAA's training activities would not duplicate those of the Federal Bureau of Investigation under section 404.

(8) *Addition of new Part E concerning correctional institutions and facilities*. This amendment would add a new part to title I to establish a specific program of grants to States for the purpose of the construction, acquisition and renovation of correctional institutions and facilities and the improvement of correctional programs. State applications for such funds would be incorporated in the comprehensive plans now required to be filed under the Act and grants would be made to the State planning agencies now administering the block grants made under part C of the Act.

(9) *Amendment to section 508*. This section is redesignated section 608, and is amended to authorize LEAA to receive and utilize funds or other property transferred by other Federal agencies or donated from outside sources.

(10) *Amendments to section 517*. This section is redesignated section 617, and is revised to authorize LEAA to appoint individual consultants as well as technical advisory committees, and to provide that the technical consultants and committees may be appointed without regard to the civil service and classification laws. The amendment would also provide a maximum daily rate of compensation for consultants and technical committee members not to exceed the daily equivalent of the rate for GS-18.

(11) *Amendment to section 519*. This section is redesignated section 619, and as amended would change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31.

(12) *Amendment to section 520*. This section is redesignated section 620, and would authorize the appropriation of funds for

fiscal year 1971 and beyond. It is proposed that the Act be amended to authorize the appropriation for those fiscal years of such sums as Congress might deem to be necessary for the purposes of title I. The amendment would also add a provision permitting funds appropriated for LEAA to remain available until expended.

(13) *Amendment to section 601*. This section is redesignated section 701, and the amendment would add a definition of "correctional institution".

Sec. 3. This section would amend 5 U.S.C. 5108 to authorize LEAA to place a total of 25 positions in GS-16, 17, and 18.

PRESIDENTIAL PRAYER BREAKFAST REMARKS

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

Mr. ALEXANDER. Mr. Speaker, recently, many of us had the opportunity to attend the Presidential prayer breakfast. This was a significant occasion and one which had great meaning for this Congress and for this country.

It is a measure of the strength and greatness of the United States when the leaders of this country gather to demonstrate our reliance upon God in our private lives and in our public deliberations. Some of the most pertinent and meaningful comments delivered at the Presidential prayer breakfast came from one of our distinguished colleagues, the Honorable BURT L. TALCOTT, of California. I would like to share those comments with our colleagues who perhaps were unable to attend this important meeting:

PRESIDENTIAL PRAYER BREAKFAST REMARKS BY CONGRESSMAN BURT L. TALCOTT, FEBRUARY 5, 1970

Good morning Mr. President, my colleagues, and friends: With personal humility, but great representative pride, I bring warm greetings from the House Prayer Group.

Some Americans would probably consider a hotel ballroom in Washington, on a Thursday morning, with no clergyman on the platform, and with a quorum of the House and Senate present, to be the least likely situation for a meeting at which prayer is the principal attraction.

For those I have a message that I invite you to convey to your associates in your home communities: Among your elected representatives there is a growing conviction that universal understanding, domestic tranquility and peace can be greatly advanced by a fellowship based upon a belief in God and sustained by prayer.

The most venerable of all traditions of the House of Representatives is that every daily session, from the first session in Philadelphia until today, has been opened with prayer.

Mr. President, we are especially grateful to you for your contribution, by personal example, to the spiritual renaissance so needed by our society today. Your presence here, your innovation of holding Sunday religious services in the East Room, and your prayer breakfast in the White House gave tremendous impetus to the concept of men meeting together on a spiritual basis.

The meetings of our House prayer group are informal, with minimal organization—there are no dues or "membership lists." Only members, and elected members of foreign Parliaments, attend our meetings. All discussions are "off the record"—this prece-

dent enhances the candor of our discussions and the intimacy of our fellowship.

Capitol Hill is one of the most avidly political and keenly partisan places on Earth; but our group is strictly non-political and non-partisan.

Upstairs, on the House floor, we are fiercely adversary—disputation is the vogue; but downstairs at breakfast we are friends, the mode is to listen, exchange ideas and to discuss points of view.

Our group does not profess any particular theology—there is little religiosity and no liturgical trappings; we are ecumenical—and we were long before ecumenism became popular. Men of all religious persuasions attend our Thursday breakfasts. Ours is a simple fellowship of communication, of conciliation and concern.

Each of us is different—from widely different districts, with quite different backgrounds, training and religious experiences.

But, like mankind everywhere, it is essential that we retain a bond of friendship in spite of our extraordinary differences.

We open and close each meeting with prayer—some say "grace," some ask a "blessing," some give an "invocation" or "benediction." Sometimes we pray silently, each in his own way. But prayer is central to our meetings—it gives us a feeling of renewal, a spirit of unity with God, and a sense of oneness that is somehow above partisanship and politics—and somehow, almost mysteriously, inclusive of all our denominational, ethnic and national differences.

We Legislators deal with the future—the laws we enact are all prospective. So in our search for solutions, we are naturally attracted to the hope, the optimism, and the love of Christ.

We are living in a developing world, where people are continually changing and nothing is finished, but we find certitude in Christ, the eternal contemporary.

We believe that a network of private prayer meetings—whether at breakfast or lunch (or even without food)—whether in the Capitol, a church, an office or your home—whether you tackle hard political issues, difficult social concerns or nagging personal problems—is compatible with the teachings of Christ and the Kingdom of God.

If Members of the Congress—with all of our diversity and adversariness—can meet weekly in spiritual fellowship—certainly every other vocational group could do better.

So with our greetings this morning, the House Prayer Breakfast Group earnestly invites you to join and support the prayer group movement where you live or work. You will be promoting a growing, worldwide fellowship which we are convinced is the best hope for mutual understanding among men, tranquility within communities, and Peace with Freedom among Nations.

SOME QUESTIONS ABOUT H.R. 12025

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

Mr. GOLDWATER. Mr. Speaker, the House votes soon on H.R. 12025, the National Forest Timber Conservation and Management Act of 1969. The alleged purpose of this measure is to meet increasing national demands for lumber and other wood products, especially for home construction, by significantly increasing the timber yield from the commercial forest land of the national forests. The funds to be realized from

higher timber sales can then be appropriated by Congress for improvement and better production methods on the commercial areas of the National Forest.

Proponents of this act argue that it will enable demands for future construction supplies to be met from existing national forest inventories. They cite the tremendous backlog of forest management activities which would be fulfilled utilizing the funds gained from high timber yields.

Let us take a closer look at this measure, and at the issues involved. First of all, the President has created an ad hoc task force on lumber to study the supply-demand relationship in the lumber and plywood industry. Their study has been completed, and a draft of their findings is in circulation among top-level officials. It is not premature on our part to push through legislation without having recourse to the findings of experts on this subject? Why are the lumber lobbyists so anxious for action now, rather than waiting to hear what their own experts have to say?

Even more important, the legislation itself is questionable on two counts: First, it is poorly and ambiguously worded; and, second, the same purposes should be accomplished by more direct means, without threat to the conservation and recreational purposes which have become central national priorities within the recent past.

Let me make it clear at this point that I am fully in accord with the stated purpose of the bill to "provide for the more efficient development and improved management of national forest commercial land." Forest Service experts have testified that there is a \$900 million backlog of work which must be accomplished in order to bring our national forests to maximum condition and productivity. This work includes thinning, replanting, fire protection, insect control, and watershed development.

Some funds are already available for this work, but they are basically inadequate. Timber receipts from national forests averaged \$233 million in 1968-69. Of that sum, 25 percent reverted immediately to counties within which the national forests lie, for use on schools and roads. Another 10 percent of these receipts went for road construction within the national forests. This left 65 percent, or \$151 million, which reverted to the General Treasury revenues.

As of now, funds for necessary reforestation activities come from two sources. The Knutsen-Vanderberg Act of 1930 provides that the Secretary of Agriculture may require any purchaser of national forest timber to make deposits of money, in addition to payment for the timber, to cover the cost to the United States of replanting and otherwise improving the stand which has been cut over by the purchaser. The second source is annual budgetary appropriations.

The 1970 budget for the U.S. Forest Service is very interesting. Selecting out that category which deals with forest land management and research, we find the following figures:

FOREST PROTECTION AND UTILIZATION			
Program and Financing (in thousands of dollars)			
Identification code	1969 actual	1970 estimate	1971 estimate
05-96-1100-0-1-402			
Program by activities:			
1. Forest land management:			
(a) National Forest protection and management	163,029	181,910	189,681
(b) Water resource development related activities	9,254	7,339	5,109
(c) Fighting forest fires	25,697	4,275	4,410
(d) Insect and disease control	5,813	9,843	11,346
(e) Acquisition of lands	3,148	1,298	1,300
Total, forest land management	206,941	204,665	211,846
2. Forest research:			
(a) Forest and range management	16,841	18,028	18,297
(b) Forest protection	10,306	11,414	11,414
(c) Forest products and engineering	7,953	8,966	9,307
(d) Forest resource economics	5,067	5,441	6,048
(e) Forest research construction	1,565	567	36
Total, forest research	41,732	44,416	45,102
3. State and private forestry cooperation:			
(a) Forest fire control	13,901	16,469	14,469
(b) Forest tree planting	250	313	313
(c) Forest management and processing	3,556	4,130	4,950
(d) General forestry assistance	1,685	2,027	2,207
Total, State and private forestry cooperation	19,392	22,939	21,939
Total program costs, funded	268,065	272,020	278,887
Changes in selected resources	-2,206	-3,213	379
Total obligations	265,859	268,807	279,266

It is obvious from the foregoing figures that the \$151 million from timber receipts left over after county and road payments are made is inadequate for current forest development needs. Forestry experts believe an additional \$200 million per year would be required to bring our forests up to maximum yield.

The proponents of H.R. 12025 argue that it is the provision of these extra funds which is the main purpose of this measure. But where are these funds to come from? Even current receipts are inadequate. How are they to be appropriated?

Current logging procedures, compatible with the "sustained yield" principles of the Multiple-Use Sustained Yield Act of 1960, produce the foregoing revenues. Investment of additional funds can produce more harvestable timber, and thereby, more revenues for better forest management—a highly desirable economic circle, were it to occur.

However, the initial question remains—where are the funds to come from to generate this process? Proponents of H.R. 12025, including members of the Forest Service, assure us that the bill will not lead to an immediate increase in the amount of logging undertaken. The increased yields, they say, will be possi-

ble only after several years of intensified forest management techniques. Where, then, are the additional funds for this management to come from unless, in fact, the high-yield logging will start immediately.

The bill itself states:

Increased annual harvests from national forest commercial land may be permitted under sound conservation principles on the basis of short-range accomplishments so long as long-range goals are assured; and that to accomplish an increased annual harvest is necessary to provide a reliable and adequate source of funds. (Italics mine.)

Note that there are no time limits or cautions contained here. This wording can be construed as a go-ahead for immediate, high-yield logging. Indeed, to provide the funds, it is almost necessary to do this, unless Congress is willing to appropriate funds now for a result which will not be seen for years.

Even more inauspicious is the procedure by which the high timber yield fund will be administered. There is no guarantee contained in H.R. 12025 that these funds will go for improved forest management. The bill states that Congress must appropriate the moneys contained in the fund within 2 years, or it will revert to the Treasury as general revenues. This makes of the timber fund a political football, subject to the whims of a Congress whose record on appropriations measures has been rather economy oriented of late. There is no guarantee that all of the timber funds will go for forest management—only that amount which Congress chooses to appropriate. In an economy year, the temptation would be great to utilize these moneys as general revenues instead.

Finally, let me point out that the net result of this act would be to emphasize timber production at the expense of other national forest uses. In the light of President Nixon's recent pronouncements on the preservation of our environment, it seems to me that it is time we take a long, long look at our priorities in this area. The shortest possible rotation cycle for most timber is 60 years; during that period of time it is entirely possible that our advanced technology could produce more economic substitutes for wood products, thus leaving us with a heritage for our grandchildren unspoiled by immediate needs of the urban 1970's.

Lest these recreational considerations be casually sloughed aside, let me point out some figures for the State of California. California contains 20,040,241 acres of national forest, only 10.7 percent of the total in the United States. Yet the total number of visitor-days in California national forests in 1968 was 46.184 million, or 30 percent of the total visitor-days all over the country. Perhaps it is time we reorient our thinking about the use priorities of our national forests, a reorientation geared directly to people and their love of our wilderness heritage.

WOLD TELLS CONGRESS IMPORT QUOTA VITAL TO AMERICA'S ECONOMIC AND NATIONAL SECURITY

(Mr. WOLD asked and was given permission to address the House for 1 min-

ute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLD. Mr. Speaker, the oil industry has taken its lumps in this Congress. It has seen the very important oil depletion allowance cut in the name of equity. It has been attacked as never before by those whose image of the industry is that of well-heeled, Cadillac-transported millionaires taking a joy ride at the taxpayer's expense. As a geologist with some experience in the finding and production of oil, I can assure the Congress that this image is not appropriate for an industry with a high risk factor and a very small percentage of truly successful participants.

The most important problem relating to the oil industry and affecting all Americans is the rumor of a capricious suggestion by the Cabinet-level Task Force on Oil Imports that the quota system of oil imports be changed to a more liberal system of tariffs.

The recommendation has never been officially announced but the thrust of the report has been carried in a myriad of journals and in the CONGRESSIONAL RECORD itself. As well intentioned as the report may be, it does in my opinion, ignore some very important questions which relate directly to the security of the United States and the general health of one of America's most fundamental industries.

One of the most persistent reports in Washington is that the task force has recommended to President Nixon substantial revision of the import system.

In 1959, President Eisenhower established the current oil import quota system. His action followed 3 years of unsatisfactory attempts to control foreign petroleum imports on a voluntary basis after the Suez crisis of 1956. The system has been in operation for over a decade now. With few exceptions it has been an unqualified success in insuring an adequate and nationally secure supply of petroleum at reasonable rates.

The reasons for the imposition of the quota system were sound. I believe they are equally sound today and are, in fact, reinforced by other criteria.

The reports which we have been hearing indicate the task force has recommended that the quota system be replaced by a preferential tariff system designed to reduce the price of domestic crude by between 30 and 80 cents per barrel at the wellhead.

Such an action would, in my judgment, jeopardize the Nation's security and it would deal a striking blow to the petroleum industry—particularly, to the small operator.

At first glance, importing low-cost petroleum may appear to be attractive, but over the long haul it would put our Nation in a vulnerable position. The experience of 1967 and of 1956 is that foreign oil will be inexpensive only as long as we are not dependent upon it for our needs and security.

Indeed, there are strong grounds to believe our reliance on foreign oil is already too great. Imports of crude oil and refined products now equal more than one-third of total U.S. production. Seventeen Eastern States are now dependent on foreign petroleum sources for 40 percent of their requirements. A loss of this sup-

ply would result in critical shortages in a vital, national, industrial area.

We also need to survey our balance-of-trade position before making any changes which would increase the importation of foreign oil. Already oil imports constitute the largest commodity deficit item in our balance of trade, totaling \$2.6 billion annually. To increase the import level would only aggravate our balance-of-payments difficulties.

I believe it cannot be emphasized too strongly that the Nation's security will be dangerously impaired if the level of imports is increased. The present uncertain conditions in Libya and the Middle East should remind us today of this sword hanging over our heads.

In addition, increased imports would bring about serious economic problems for the areas in which petroleum production plays a significant role. The consequences of a 30- to 80-cent-per-barrel enforced cut in the price of domestic crude would be debilitating in many areas and disastrous in others.

A field study by the Oil and Gas Journal showed such a step would likely result in the eventual monopolization of the industry by squeezing out independent producers. Two hundred and thirty thousand stripper wells producing 1.3 million barrels per day would have to be plugged in the States of Texas, Louisiana, California, Oklahoma, and Kansas. Exploration for oil and natural gas would be cut by as much as 50 percent as risk capital leaves the oil industry for other areas paying greater rates of return.

Furthermore, the study showed that the greatest impact of an enforced price cut would be borne by the producing and exploration segments of the industry. As you know, these are generally the small operators and independents. Small refiners will find their positions jeopardized as their sources of crude shut down and they are put at a disadvantage with large coastal refiners.

The consequences would be worse if the cut were greater. The Independent Petroleum Association of America estimates that a 50-cent reduction in crude oil prices per barrel would result in a loss of income on U.S. production of \$1.68 billion per year. This would be two-thirds of the \$2.5 billion spent on U.S. exploration in 1968.

I am especially concerned about the impact an enforced cut in petroleum prices would have upon my district, the great State of Wyoming. Twenty-one of the 23 counties in Wyoming have oil or gas production. Six thousand, seven hundred eighty-eight persons are directly engaged in crude oil and natural gas production and additional thousands have related jobs. Petroleum accounts for 75.5 percent of the mineral industry's output which is the largest industry in Wyoming. Alone, the petroleum industry is the biggest in the State.

At the present time 37 percent of the State's total taxable valuation is dependent upon oil and gas production—one-third of Wyoming's total income for education and other government services.

In light of the above figures, I cannot overemphasize the disastrous effect enforced price cuts would have on the economy of Wyoming. Cuts in explora-

tion and production would severely cripple producers. Thousands of petroleum employees would face the threat of losing their jobs.

The corresponding decrease in tax revenues would cause havoc in our State's educational system. The decrease would probably result in increased levies on the balance of our economic base—something other industries and our citizens can ill afford. It is doubtful that tax increases in other areas could even begin to compensate for such a loss. Our citizens would be forced to face a reduction in the basic services that State and local governments provide.

These, then, are the reasons for my concern. To remain idle would be a dereliction of my duty. Therefore, I have long pleaded the case for continuance of the quota system. In December 1969, I joined with some 100 Members of this body in sending a letter to President Nixon expressing our feelings and convictions. I have also joined with a colleague from Oklahoma on the other side of the aisle in proposing that the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs hold public hearings on the recommendations of the task force.

In my judgment, the reasons for continuation of the quota system are compelling. I hope that President Nixon shares these views and that his decision will be in the best interests of this vital industry and the Nation.

LOWER TELEVISION RATES FOR POLITICAL BROADCASTS

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

Mr. MURPHY of New York. Mr. Speaker, I think everyone here will agree that it is vitally important that the cost of campaigning be reduced. Nothing is more important, in these vital times, than making sure that the general public has every opportunity to know and understand the positions of the various candidates before an election. That is why television has become one of the most effective—and expensive—mediums for presenting a candidate and his views.

Television time has driven campaign costs to all-time highs. The cost of appearing "live and in color" has dominated political fundraising and spending—and even the selection of candidates. Anyone should be able to run for public office, but how many able men never get out of the starting gate because they cannot afford the prohibitive price of prime time.

This problem is particularly acute in the larger metropolitan areas such as New York, Los Angeles, San Francisco, Detroit, and Chicago, where the rates are exorbitant. In my area alone, more than 20 Congressmen are forced to buy substantial amounts of television time. This is a matter which has greatly concerned me for some time, and I know most of my colleagues share that concern.

Recently, there has been a trend by some stations to cut political advertis-

ing rates. I would commend WPIX—channel 11—in New York and its president, Fred M. Thrower, for its new policy of selling time for political spots at a 50 percent discount from normal commercial rates. Such policies make it feasible for candidates to use various stations, in this case WPIX, for their campaigns at more reasonable costs.

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

Mr. MURPHY of New York. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from New York for calling this to the attention of the House. There are several TV stations that are facing up to this serious problem and trying to meet their public responsibilities with respect to increasingly prohibitive costs of television advertising for candidates.

Mr. Speaker, I join the gentleman in commending the New York station to which he refers, station WPIX.

Mr. MURPHY of New York. Mr. Speaker, my colleague, the gentleman from Oklahoma (Mr. EDMONDSON) has informed me that Leake Television, Inc., with stations in Tulsa, Okla., and Little Rock, Ark., has cut its political advertising rate by one-third.

But while I commend these actions, I strongly feel that cost-free time should be made available to all candidates running for public office. The television licenses are using for their own profit a public communications channel. Therefore, public-interest time should include the availability of free time for public servants and for candidates for Federal offices to come before the public.

THE LATE HONORABLE BEN FRANKLIN JENSEN

The SPEAKER pro tempore (Mr. PRICE of Illinois). Under a previous order of the House the gentleman from Iowa (Mr. SCHERLE) is recognized for 1 hour.

Mr. SCHERLE. Mr. Speaker, I have requested this special order to provide everyone an opportunity to honor the memory of our distinguished departed colleague, the Honorable Ben Franklin Jensen.

After other Members who wish to participate have delivered their eulogies, then I shall offer a tribute of my own.

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

Mr. SCHERLE. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I would like to join my friend from Iowa in paying a tribute of respect to the memory of our former colleague, the Honorable Ben F. Jensen, of Iowa.

Ben Jensen was a member of the Committee on Appropriations, and a senior member thereof, when I came to Congress, and was assigned to serve on that committee. I served with him throughout his period of service here in the House.

During the time when he was the ranking minority member I found him to be a courageous, hard-fighting, and dedicated American. He had the courage of his convictions, and always took advan-

tage of every opportunity to speak up for our country and in an effort to promote the cause that would maintain its strength.

Mr. Speaker, I regretted it when Ben Jensen ended his service in the House of Representatives because I felt that I was losing touch with a warm personal friend as well as a colleague, and one whose leadership I was privileged to follow as a young member of the Committee on Appropriations while he served as ranking minority member.

I saw him in Washington and on the floor of the House just a few weeks ago, and I thought to myself that, unfortunately, he did not look well. I am sure he was ill at the time, but of course I had no intimation that the end was so near.

I shall miss him in the years ahead, miss his leadership, his counsel, his guidance, and his friendship.

I extend to all of the members of his family my deep sympathy over his passing.

Mr. SCHERLE. Mr. Speaker, I thank the gentleman from North Carolina for his remarks concerning our distinguished late colleague.

I now yield, Mr. Speaker, to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I am grateful for this opportunity to join in paying tribute to the memory of the late Ben F. Jensen.

We developed a warm friendship over the years. I was honored and pleased to know Ben Jensen and to be associated with him in our national legislative responsibilities. He was a good man.

Ben Jensen served 22 of his 26 years in the House as a member of the Committee on Appropriations, rising to the top ranking position on his side of the aisle.

Membership on the committee affords a unique opportunity for firsthand exposure to the operations of our National Government. Ben Jensen served on a number of important subcommittees handling the budgets of several major departments and related agencies. As the top ranking minority member and as a member of the old subcommittee on deficiencies, his influence on appropriations encompassed the whole range of governmental activities.

Ben Jensen was a self-made man. Born of hardy stock in the rural heartland of America, he deeply loved his country. He loved the soil, and was a champion of efforts to conserve our soil and other natural resources.

He sought to promote economy in Government and authored the so-called Jensen amendment to restrict the number of Federal employees.

He carried the best interests of America in his heart.

Mr. Speaker, may the Lord bless his memory and give comfort to his loved ones.

Mr. SCHERLE. Mr. Speaker, I thank the distinguished Chairman of the Committee on Appropriations for his remarks.

Mr. Speaker, I now yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I join with my colleagues in the Iowa delegation and the House in expressing deep regret with respect to the death of the Honorable Benjamin Franklin Jensen.

It was my privilege to become acquainted with Ben when he became Seventh District commander of the American Legion in Iowa and active in the statewide affairs of that organization. In 1938, he was one of six Republican candidates for Congress from the Seventh Iowa Congressional District and in one of the State's longest and hardest fought district political conventions he won the nomination on the 37th ballot. Thereafter, he served for 26 years in the House of Representatives.

Ben Jensen was an unswerving conservative. Of Danish origin and a member of a large family which was compelled to work hard to obtain a living, he early learned the lessons of frugality and through his long and public career he was an ardent foe of governmental extravagance. He was a veteran member of the House Appropriations Committee and, as such, he spoke out often against waste and other forms of improvident spending.

Only the day before his death he was visited by a member of the House Appropriations Committee staff. Although in severe pain, he discussed the proposed budget of President Nixon and dwelled at length upon his deep concern for the fiscal affairs of the Nation.

Ben Jensen was a good public servant who served well and with distinction his congressional district, the State of Iowa, and his Nation.

Mrs. Gross joins me in extending our deepest sympathy to his widow, Charlotte, and the members of their family.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Iowa yield?

Mr. SCHERLE. I yield to my colleague.

Mr. ROONEY of New York. Mr. Speaker, I should like to add a word to these eulogies of my friend, the late Ben Jensen of Iowa.

When I was first assigned to the House Committee on Appropriations in January 1945, I was assigned to the Interior Department Subcommittee on Appropriations chaired then by the late Jed Johnson of Oklahoma. It was there I learned something about appropriations work, as had Ben Jensen, for a number of years before me.

Ben Jensen and I served for quite a while together on that subcommittee, and as a matter of fact with the other members of the subcommittee, we made a trip all through the then Territory of Alaska just before the end of World War II. I learned from my long association with Ben Jensen that I was fortunate in having made the acquaintance of a great American, a highly capable legislator, and a fine man. His loss is a great loss not only to the people of his part of Iowa, but to the entire State of Iowa and to this Nation as well.

At the time he left Congress Ben was ranking minority member of the House Committee on Appropriations. Ben was a rugged man, but a man, too, of compassion. For instance, Ben and four

other Members of this House were wounded by a group of terrorists in 1954 who considered themselves to be acting in the cause of Puerto Rican independence. When he returned to our midst Ben stated simply that no one "can blame the people of Puerto Rico" for the act of a fistful of extremists.

Mr. Speaker, the House of Representatives has been a better place for the long and brilliant presence of Ben Jensen. To his lovely wife and daughter and family I express the Rooney's deepest sympathy in this time of grief.

Mr. SCHERLE. I thank my colleague for his remarks.

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

Mr. SCHERLE. I yield to my colleague.

Mr. CUNNINGHAM. Mr. Speaker, I join in paying tribute to a dear friend of mine, the late Ben Jensen. His congressional district was separated from mine only by the Missouri River. We worked on many projects together. He was devoted, hard working, honest, and sincere. We shall always miss his good counsel and advice.

I join, as Mrs. Cunningham does, in paying our respects to him and in extending our deepest sympathy to his family.

Mr. SCHERLE. I thank my colleague for his kind remarks.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, it was with deep sorrow that I recently learned that my friend and former colleague, Ben Jensen, was in the hospital and that it was expected to be his last illness. I had visited with him a few weeks ago but did not realize that he was that near to his passing. As might be expected, of those who knew him, he did not make reference to the seriousness of his condition.

I had known Ben, and very fondly, since 1958. We served together as Iowans on the Appropriations Committee and cooperated in several matters of interest to both Iowa and the Nation. He was a man of deep and unshakable convictions. While he was characterized as a conservative, he was certainly not a conservative when it came to supporting whatever he believed to be right and he held the respect and won the admiration of those of widely divergent political viewpoints.

Ben Jensen's word was good. If he said he was for or against something or that he would help someone on a particular legislative matter, no one could shake him from that position.

Ben served in the House of Representatives for 26 years and became the ranking minority member on the Appropriations Committee. In such a position, he became one of the most distinguished members of the House and used that power and position to promote his deep convictions in the field of conservation and water resources. It was my privilege, as a junior member of the committee, but from the majority party and from the same State, to work with him on appropriation bills. In confer-

ences between the House and Senate, he expressed his view strongly but also fully understood the art of compromise and of government by majority rule.

Mr. Speaker, this man loved his country, loved his State, loved his family, and was dedicated as a public servant. He will always be remembered in Iowa as a man who served his State and country unselfishly and in his passing I, as many others, have suffered a deep personal loss. I join with the multitude of friends in extending to the members of his family deep and heartfelt sympathy.

Mr. SCHERLE. I thank my colleague for his generous remarks.

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

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

Mr. McMILLAN. Mr. Speaker, we were all deeply saddened when we learned of Mr. Jensen's passing. We came to Congress together in the 76th Congress. I have always considered him one of my close personal friends. He and Mrs. Jensen were real good friends of Mrs. McMILLAN and myself, and we shall certainly miss seeing him, as he usually came to visit with us on trips to Washington after he failed to return to Congress. I was always guided by his counsel on appropriation matters when they came to the floor of the House. I remember on numerous occasions pieces of legislation would come to the floor and he being very much against them, would talk and talk against those pieces of legislation. Once in awhile they would pass, and in the following years I found out that Mr. Jensen was correct in his statements while trying to defeat those pieces of legislation.

I considered him one of my best friends and one of the greatest men I have had the pleasure of knowing since I have been a Member of Congress. My deepest sympathy goes out to his family, and I hope that he knows that Mrs. McMILLAN and I think about him.

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

Mr. SCHERLE. I yield to my colleague from Iowa.

Mr. MAYNE. I am grateful for this opportunity to join in the tribute to one of the most distinguished men who have ever represented the State of Iowa in this body. While Ben Jensen is principally known for his great work on the Appropriations Committee, where he was the ranking minority member for many years, he is also very warmly remembered in our State as a tremendous battler for the American farmer. He was deeply interested in the problems of agriculture and made a significant and effective contribution toward legislation coping with the farm problem throughout his long service in the Congress.

As the gentleman from Iowa (Mr. SMITH) has already remarked, Ben Jensen was a leader in the great movement for soil and water conservation. A man of great physical stature, he was literally a tower of strength in this body and a very familiar figure going throughout his district in southwestern Iowa, where he had a tremendous personal acquaintance and commanded the affection and re-

spect of his constituents of all ages. He was a tremendous campaigner, who thoroughly enjoyed the personal contacts and excitement of moving from town to town in search of votes, a man loved by his people, and one who made tremendous sacrifices to represent them effectively and well here in the Congress.

There is another aspect of this great American which I do not believe any of my colleagues have heretofore mentioned, and that is Ben's great pride in his Danish ancestry. He always remembered that he came from Danish stock and frequently made prominent mention of this fact in his public utterances. While I am not privileged to be of Danish or for that matter of any Scandinavian ancestry, I know how revered Ben Jensen was and still is revered by his fellow Danes throughout the Midwest. He was an Iowan, a Dane, and an American of whom all who knew him can be very proud, and who served his beloved country with the greatest ability and dedication.

Mr. MILLS. Mr. Speaker, it is with deep sadness that we note in the House today the passing of our dear friend and distinguished former colleague, Ben Jensen.

It was my good fortune to come to Congress at the same time as Ben Jensen. We were sworn in on the same date, January 3, 1939, and it was my privilege to serve with him in this House from the 76th through the 88th Congresses, some 26 years.

Ben Jensen was a dedicated public servant, devoted to his constituency and the House of Representatives.

He served with great distinction for many years on the Committee on Appropriations and was one of the acknowledged pioneers and early leaders in the field of resource development and conservation, a subject that is much in the public mind today with the intensified interest in proposals relating to water and air pollution control. We shall miss Ben Jensen's strong leadership in this important area.

We shall also miss Ben Jensen as a close friend and warm human being, Mr. Speaker. His primary concern was always with the people of his district, his State and the Nation. Our country has benefited greatly by the long and outstanding service of this good man and distinguished legislator.

Our heartfelt sympathy is extended at this time to his widow, Mrs. Charlotte Hadden Jensen, his daughter, Mrs. Donald Fitzpatrick and the other members of his family.

Mr. WHITTEN. Mr. Speaker, I join with his many friends in expressing deep sorrow at the passing of our late colleague and dear friend, Ben Jensen, member of the House of Representatives for many years from Iowa.

Ben Jensen was a loyal American, a party man, but not a partisan, a man with a big heart who never lost sight of the need to be fair and just to all with whom he dealt. Ben was possessed of a strong character and firm convictions; however, he never let these prevent him from appreciating the fact that others might have a different viewpoint.

Through the years it was my privilege to serve on the Appropriations Committee with Ben and for many years on the same subcommittees. In this capacity I came to fully appreciate his many contributions to his district, to his State and to his Nation. Ben was one of my closest friends.

His years of service have come to an end but the good works he did in the Congress will continue on in the years ahead. It is my privilege to know Mrs. Jensen and his daughter, as well as some of his fine grandchildren. To them and to other members of the family we express our deepest sympathy with the full knowledge that Ben's fine record, his many friends, his great contributions will be a comfort to them in this time of sorrow.

Mr. LANGEN. Mr. Speaker, I wish to join with the gentleman from Iowa (Mr. SCHERLE) in expressing my sorrow at the death of former Congressman Ben Franklin Jensen.

As did many of my colleagues here today, I knew Ben Jensen very well. I admired him not only as a distinguished Member of this House, but also as a personal friend. I had many occasions to meet with him and share his perceptive views on matters that came before the Committee on Appropriations on which he had served. His knowledge of matters affecting the committee and the Nation was immense.

Mr. Jensen served his country well during his 26 years with us in Congress. He continued to serve his community and his State and, therefore, his country during the years following his congressional service. Even in his later years, he was a frequent visitor to the Capitol where he made his knowledge and his thoughts available to many of us.

Those Members of the House who were given the opportunity to serve with Congressman Jensen will not soon forget his direct, candid approach to debate. His fresh, clear statement of opinion and fact made him a uniquely able Member.

I extend sincere sympathy on behalf of Lillian and myself to Mrs. Jensen and her family. I know that our pride in the memory of Ben Jensen is surpassed only by the pride in his record of accomplishment and service held by the people of the State of Iowa which he helped to represent.

Mr. REIFEL. Mr. Speaker, in the death of Ben Jensen I lost one of the closest and finest friends I have had in Congress. When I came to this House 9 years ago Ben Jensen was then ranking member of the Committee on Appropriations. He along with another dear friend, MIKE KIRWAN, was on the Subcommittee on Interior and Related Agencies, MIKE as chairman and Ben as ranking Republican. In addition to their wide interests in the betterment of our country they had a consuming and special concern for the welfare of the Indian Americans. Ben felt I could be of assistance to the committee in this regard and told me that as soon as there was a vacancy on it from our side he was going to do everything he could to get me assigned. He did just this and I have been ever grateful.

Ben Jensen has been a great public

servant. Our Nation is better and stronger because of his dedication and untiring efforts.

Mrs. Reifel joins me in extending our deepest sympathies to his family.

Mr. BOW. Mr. Speaker, it was my great good fortune to serve with Ben F. Jensen on the Committee on Appropriations during the years when he served as ranking minority member of the committee, the position to which I succeeded when he left the House. He was an able and aggressive leader and a gentle and compassionate friend. All who served with him will recall his kindness and consideration for his colleagues. I feel a deep personal loss today.

The Nation knew him better as a champion of economy in the operation of the Federal Government and as a man whose innovative and original ideas brought about significant reductions in Federal spending without inflicting hardship upon essential Government programs. The Jensen amendment was one of these. Another was the Task Force on Budget Reduction which he established and which I had the honor to chair. For this work Mr. Jensen was able to recruit the expert assistance of the Honorable Maurice Stans, now Secretary of Commerce, Dr. Raymond Saulnier, Ralph W. E. Reid, Robert Merriam, and others who worked closely with us to analyze the budgets of the Kennedy and Johnson administrations and recommend economies.

Ben Jensen's steadfast devotion to his comrades in arms of World War I made him a leader in the development over the years of programs for the disabled veteran, the veterans' widows and orphans.

His devotion to his native State was another facet of his personality well known to all. Ben Jensen disproved the old canard which says "They never go back to Pocatello." Ben Jensen did go back to Exira and established in his home there, among his friends and neighbors, an historical collection of government materials which will remain a significant contribution to the community.

My friendship with Ben Jensen will always be one of the great privileges of my career in the Congress.

To Mrs. Jensen and her family, Mrs. Bow and I extend our deepest sympathy.

Mr. BELCHER. Mr. Speaker, I knew Ben Jensen for 30 years and we were great friends throughout that entire 30 years. His passing is a great personal loss to me, as I know it is to each and every one who knew him as a friend, for to have Ben Jensen as a friend was to know the true meaning of friendship.

Ben had such a wonderful spirit and a zest for living that was truly infectious. Here was a man with strong and deep convictions and always the courage to defend those convictions. Yet he was never arrogant or disputatious about his views. He had humility, and great wisdom rooted in human goodness.

Ben Jensen was a very dedicated Congressman—his family and this House were, indeed, his life—and he carved an enviable record of hard work, legislative skill, and dedication to the service of

all the people and the solving of their problems.

To his wife Charlotte, their daughter, and to all his family, Mrs. Belcher and I extend our deepest sympathy and pray God's peace and blessing may be with them.

Mr. SIKES. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to our esteemed friend and distinguished former colleague, the late Benjamin F. Jensen, who passed away on February 4. For many years I knew him very well and I counted him a close friend. For over 25 years, Congressman Jensen represented the people of Iowa's Seventh District in this body. He was a dedicated public servant. Prior to entering Congress, Mr. Jensen served as a second lieutenant in World War I and, after the war, became commander of the seventh district of the American Legion.

At the time of his defeat in 1964, he was the ranking minority member of the Appropriations Committee. I had the privilege of working very closely with Ben on the committee for a number of years. I know the quality of his work and the importance of his services to the Congress. His contribution to his committee work was outstanding and of a quality which will not be forgotten.

Throughout his tenure in the House of Representatives, he was a champion of the veteran. He was one of those instrumental in the passage of legislation giving thousands of World War II veterans the opportunity for an education—the GI bill of rights.

Ben Jensen received many awards and commendations. The Social Conservation Society of America made him an honorary member in 1954. He received a Presidential commendation from Mr. Hoover for his efforts against governmental regulation of the electrical power industry. All of these were typical of a big man who served well and who stood by his convictions.

My sympathy and my prayers are with the family during this difficult time.

Mr. ANDREWS of North Dakota. Mr. Speaker, like all of the Members who were privileged to serve with the Honorable Ben Franklin Jensen of Iowa's Seventh District, I was deeply saddened to learn of his death. Those of us who are particularly concerned with the orderly development and the conservation of this Nation's natural resources recognize the great leadership he provided in this area. He was a dedicated servant to the people he was privileged to represent, and he earned the respect and admiration of all of his colleagues on both sides of the political aisle.

Mrs. Andrews joins with me in extending our deepest sympathy to Mrs. Jensen and to the members of their family.

Mr. FISHER. Mr. Speaker, the late Ben Jensen was one of the finest men and one of the most dedicated men with whom I have ever served in this body. He was a man of deep honor and profound integrity and he was fiercely devoted to the good of the country.

The late Ben Jensen was universally respected by all who knew him. He probably had as many or more personal

friends during the time he was a member of this body as any other member who has served here.

A review of the record of this distinguished American will reveal that he always put the welfare of the country ahead of partisan politics. He fought hard for his beliefs and has left a record of which his descendants can be justly proud.

Mr. Speaker, Ben Jensen was a personal friend of mine. I knew him very well personally. I always admired his courage, his forthrightness, and the soundness of his judgment. During his service in this body he made a great contribution.

To Mrs. Jensen and other members of the family, I extend my deepest sympathy in their bereavement.

Mr. SCHERLE. Mr. Speaker, when my friend the Honorable Ben Franklin Jensen passed away 2 weeks ago, he left a heritage that will be difficult to fill, both among his friends in Iowa and his former colleagues here in Congress. Ben was a man of modest origins who, through the strength of his character and the force of his personality, came to occupy an important position in Government and an affectionate place in our hearts.

He was born of Danish parents on a farm near Marion, Iowa, in 1892, one of 13 children. He was educated in Exira, Iowa, and worked as a farmhand and grocery clerk before serving his country in the First World War. After the war he worked at the Green Bay Lumber Co. and rose to become its manager, a position he held until he ran for Congress in 1938. He emerged as the dark horse candidate from a field of six primary contenders, and proved so popular in his first term that he was reelected a dozen times to serve a straight 26 years in Congress.

He went to Congress, he stated, as a "Bull Moose Liberal," but confronted by the alarming increase in the rate of Government spending, he resorted to more conservative positions. His conservatism was most influential in fiscal matters, for he served on the House Appropriations Committee. By the time he left Congress in 1964, he had attained the zenith of his career as the ranking Republican member of the committee. In this position, and during the preceding years of his service on the committee, Ben staunchly defended his conservative principles by voting his convictions while others only talked about economy. It is not an overstatement to say that Ben singlehandedly saved the American taxpayer billions of dollars over the course of his career.

Despite the strength of his convictions and the power of his position, Ben always remained a good-natured, pleasant man, tolerant of those who disagreed with him and friendly with many on both sides of the aisle. He had the true midwesterner's neighborliness toward everyone, and was never too busy to extend a warm welcome to any visitor to Washington.

Ben was a thoughtful and considerate man. In 1962, when our family visited the Capitol, he gave us a personal guided

tour—even to lunch in the Members' dining room, which was the highlight of our trip east. Ben circulated a menu for various Members of the House to autograph. Many of you here today signed it. It is one of my most cherished possessions.

However involved he became in the greater affairs of the Nation, Ben never forgot that he had come to Washington to represent the people of Iowa and that his first loyalty was to them. He had great regard for his constituents, and maintained his close rapport with them throughout his entire term of office. In order to be responsive to their needs and desires, he made it a point to touch home base as often as possible. Representing the citizens of Iowa in Congress was his whole life, and his interest in their welfare continued unabated even after he retired.

His death had deprived us all of a strong principled but generous man, a good conservative, a patriot, and a great American.

Mr. Speaker I include at this point many tributes which have been paid to our late colleague:

[From the Omaha (Nebr.) World-Herald, Feb. 6, 1970]

IOWA'S BEN JENSEN DIES; WAS IN HOUSE 26 YEARS

EXIRA, IOWA.—Ben F. Jensen, U.S. Congressman for Iowa's 7th District for 26 years and one of Iowa's most colorful political figures, died Thursday afternoon in a Washington, D.C., hospital.

Jensen, who died of cancer, had been hospitalized since Jan. 19.

He was 77. Services are tentatively scheduled for Tuesday in Exira with the Corl Funeral Home in charge.

Jensen, who maintained a home in Exira after his defeat in the 1964 congressional election, lived in Washington during the winter months.

Jensen began his 13-term career as a representative in 1938 and was ranking Republican on the Appropriations Committee when he was defeated by John R. Hansen, Manning Democrat, in 1964.

The staunch conservative was first elected on a platform firmly opposed to heavy federal spending and he carried the theme into retirement.

His strong opposition to foreign aid made him harsh critic of the Vietnam war. He said in 1969, "The money we spend there is a disgraceful thing."

In a book titled "Get Out and Stay Out," Jensen wrote, "The irony of it all is that today Uncle Sam has less friends abroad than he had in 1948 . . ."

Of the five presidents Jensen served under, his ideal was Eisenhower, whom he considered a great president and a general.

"I loved Ike," he said in 1969, but I only voted with him on budgets 64 per cent of the time."

Jensen was among five congressmen wounded March 1, 1954, when shots were fired from the congressional gallery. Four Puerto Ricans were convicted for the shooting.

Jensen, who was born on a farm near Marion, Ia., and attended rural schools and high school at Exira, retired to a busy life in his home town.

During World War I he was commissioned a second lieutenant.

Following his 1964 defeat, he wrote two books and spent much of his time on a home museum, which he expanded to include separate rooms on George Washington and Abraham Lincoln.

He maintained a keen interest in the

Audubon County Museum on Exira's main street, which he helped organize.

A retail lumberman by trade, he kept up and added to his large home.

His widow, the former Charlotte E. Hadden of Clearfield, Ia., and a daughter, Mrs. Donald G. (Betty) Fitzpatrick of Marblehead, Mass., are among survivors.

Other survivors: Two sisters, Mrs. Mary Christoffersen of Cedar Falls, Ia., and Mrs. Julia Workman of Colorado Springs, Colo.; a brother, Oscar Jensen of San Diego, Calif.; five grandchildren and one great-grandchild.

[From the Omaha (Nebr.) World-Herald, Feb. 9, 1970]

BEN F. JENSEN

Ben F. Jensen, who is to be buried at Exira, Ia., Tuesday, represented his Seventh Iowa District in Congress for 26 years until he was defeated in 1964. He was a Republican fiscal conservative who voted his convictions while many others in Congress only talked about economy.

He was the kind of man his constituents wanted, and he had 13 consecutive election victories to prove it. He couldn't stand to be idle either in Congress or out of it, and after retirement he wrote two books, one of them a condemnation of involvement in Vietnam. At 77, death from cancer came to him last Thursday in Washington where he and Mrs. Jensen spent the winters. He will be remembered as an honorable man with a remarkable record of constancy and political longevity.

[From the Clarinda (Iowa) Herald-Journal]

BEN JENSEN

Ben Jensen of Exira, for 26 years Representative of our district in Congress, died in George Washington University hospital in Washington Thursday, of cancer. Ben retained his long tenure of office by virtue of his honesty and hard work in the interests of the district and the whole country. He recognized and fought sham in government at all times.

[From the Red Oak Express, Feb. 9, 1970]

CAS LOG

Few politicians served their constituents so long and with such devotion to duty as did Exira Republican Ben Jensen, who died last Thursday in Washington, D.C. He was Iowa's Seventh District Representative in Congress for 26 years. Nishnabotna River flood control was one of the many projects he initiated and he was highly instrumental in seeing Red Oak's flood control levee established.

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

BEN F. JENSEN: INDEED A MAN OF DEEDS (By Mrs. Henry Petersen)

Ben Jensen, 77, of Exira, long time Iowa Congressman, died of cancer Thursday night, Feb. 5, in Washington, D.C. He had entered the George Washington University hospital two weeks previously.

Funeral services for Mr. Jensen were held in the Exira Lutheran Church Tuesday with the Rev. Stanley Hansen, pastor of the church, officiating.

Senator Jack Miller, Sioux City, gave the eulogy.

Interment was in the Exira cemetery. Graveside rites were in charge of the Exira American Legion.

Mr. Jensen was elected to Congress in 1938 as a Republican and served 26 years until his defeat in the Democratic landslide of 1964.

Mr. Jensen was born Ben The Tenth Jensen in Marion county on Dec. 16, 1892, 1 of 13 children. His parents were Martin and Gertrude Andersen Jensen. His father was a Danish tiler, farmer and man-of-all works.

He received an education through the ninth grade and began his career as a farm hand and grocery clerk in Exira.

He was christened Ben The Tenth Jensen, a name that caused him trouble with the country school teachers because none would believe him.

On his own, he made his name over to Benton Jensen and later adopted Franklin as a middle name because he liked it when he found it in his history books.

He married Charlotte E. Hadden, Clearfield, in Taylor county, part of the Seventh district, when she was teaching school in Exira.

They have one daughter, Mrs. Donald G. (Betty) Fitzpatrick, Marblehead, Mass.

He is survived by his wife, daughter, five grandchildren and one great-grandchild.

During World War I, he attended officers training school. After his discharge he went to work for the Green Bay Lumber company, Exira.

After the American Legion was organized, he became a faithful worker in that organization. In 1936, he was elected to the office of the Seventh District Commander of the American Legion.

In 1938, at the age of 45, and while manager of the Green Bay Lumber company, he decided to seek the Republican Congressional nomination as his first political effort.

Five other candidates entered the primary, which went to Republican District Congressional convention for decision. Mr. Jensen, who ran second in the field of six, won the nomination on the 37th ballot.

Two Legionnaires, who didn't like some of his policies—as an example his vote against the Selective Service Act—ran against him in the 1942 Republican primary. Mr. Jensen won with 4,000 more votes than that of his opponents combined.

He once put through a requirement, as an amendment to several departmental appropriations bills, for a 10 percent reduction in replacement of employees leaving the government service.

Another time he succeeded in cutting \$202 million from the Interior Department's appropriations bill.

Mr. Jensen acquired a national reputation as a Treasury watchdog.

As the long-time representative of Iowa's Seventh District, Southwest Iowa, Mr. Jensen rose to become the ranking Republican on the House Appropriations committee.

In 1954 he was one of five Congressmen wounded by a Puerto Rican terrorist during a House debate. He suffered serious wounds in his back.

"I didn't hear the shot until something hit me in the back," he said later. He often mentioned the incident during his campaign stumping through the state.

Mr. Jensen rarely minced his words. He once told a reporter, "I like to talk to school groups even though they can't vote. The kids spread the word at home. You can make a lot of political hay that way."

Mr. Jensen spoke Danish. He cooperated with the Office of War Information in World War II in writing shortwave broadcasts translated into Danish, Norwegian and Swedish.

Mr. and Mrs. Jensen returned to Exira after he left Congress, but spent the winter months in an apartment in Washington, D.C.

An hour of mourning was asked for Tuesday, Feb. 17, in the House of Representatives by Seventh District Congressman Bill Scherle.

The Speaker of the House, John McCormack, remarked to his colleagues that he was sorry to learn of the death of a "dear and valued friend."

"He was a hard worker, decisive and colorful and attacked issues in a direct manner. Ben had the rich quality of being a real friend. Not one who wavered, but one who willingly gave help when it was needed."

Speaker McCormack described Ben Jensen

as a dedicated great American and legislator. "He had a great love for his fellow human beings. Myself and Mrs. McCormack extend our deepest sympathy to his survivors."

Minority Floor Leader Gerald R. Ford termed Ben Jensen a dear friend and expressed his condolences to the family, from Mrs. Ford and himself.

Mr. Ford remarked that he served on the Appropriations committee with Ben Jensen. "He was a strong man and truly devoted to his work with the committee. He had conviction and compassion and did what was right if he had to fight for it."

The Minority Leader said Ben Jensen was a delightful person who "enjoyed discussing the business at hand during social occasions."

"I had nothing but the deepest admiration and respect for Ben Jensen and this feeling came from both sides of the aisles of the House."

Congressman Ford pointed out that Ben Jensen maintained a deep interest after he vacated his seat in the House and was always welcomed in that Chamber.

Floor Majority Leader Carl Albert said Ben Jensen was a true friend of his country and the ruggedness symbolic of Iowa soil from where he came, showed through his work as a legislator.

"I considered him to be strong and able and will long remember that 'Old Ben Jensen Spirit'. He was a great American and a real friend."

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

"SPIRIT" OF BEN JENSEN

The Chamber of the House of Representatives of the United States still echoes with the "Spirit of Ben Jensen" according to one of his colleagues who served with him during Ben's 26 years representing Southwest Iowa.

Ben was a colorful character by his own admission. But he was a fighter for the things he thought were right . . . and most of the time he got what he wanted.

We were handed a note about Ben Jensen who died of cancer recently in George Washington hospital, Washington, D.C.

He was described as a quiet man. "He loved the peace and tranquility of simple living. He cherished his stays and short visits in Exira, his beloved little town.

"He would spend hours visiting friends, farmers, businessmen and just plain citizens. He had an acute interest in all local events, both good and bad.

"Ben spent hours with his flowers and the museum he so diligently worked with after serving his country for 26 years as representative of Southwest Iowa."

Ben Jensen became aware of his illness this last fall. He wanted to get his business in order in Washington, D.C. He enjoyed the past Christmas with his family.

But his one last desire was denied—that he would have enough strength to return to Exira for his "last days."—CHB

[From the Des Moines (Iowa) Register, Feb. 6, 1970]

JENSEN DIES—IOWAN LONG IN CONGRESS

WASHINGTON, D.C.—Ben Jensen, 77, of Exira, long-time Iowa congressman, died of cancer Thursday night.

Mr. Jensen was elected to Congress in 1938 as a Republican and served 26 years until his defeat in the 1964 Democratic landslide.

He entered George Washington University Hospital here two weeks ago.

rites in Iowa

Services and burial will be in Exira. Arrangements were being made Thursday night.

Mr. and Mrs. Jensen returned to Iowa after he left Congress, but spent the winter months in an apartment in Washington.

As the long time representative of Iowa's

Seventh District (Southwest Iowa), Mr. Jensen rose to become the ranking Republican on the House Appropriations Committee.

He is survived by his wife, a daughter, Mrs. Donald Fitzpatrick of Marblehead, Mass., and five grandchildren.

In 1954, he was one of five congressmen wounded by Puerto Rican terrorists during a House debate. He suffered flesh wounds in his back.

"I didn't hear the shot until something hit me in the back," he said later, and often mentioned the incident during his campaign stumping through the state.

BEN THE TENTH

Born Ben The Tenth Jensen in Marion on December 16, 1892, the ruddy rawboned congressman (he was 6 feet 2, 200 pounds) began his career as a farm hand and grocery clerk.

In World War I, he attended Officers' Training School and after his discharge went to work for a lumber company in Exira.

He rarely minced his words.

"I like to talk to school groups even though they can't vote," he once told a reporter. "The kids spread the word at home. You can make a lot of political hay that way."

Mr. Jensen acquired a national reputation as a Treasury watchdog.

He once put through a requirement, as an amendment to several departmental appropriations bills, for a 10 per cent reduction in replacement of employees leaving the government service.

BUDGET SLASH

Another time he succeeded in cutting \$202 million from the Interior Department appropriations bill.

In 1938, at age 45 and manager of an Exira lumber yard, he decided to seek the Republican congressional nomination as his first political effort.

Five other candidates entered the primary, which went to Republican district congressional convention for decision. Mr. Jensen, who ran second in the field of six, won the nomination on the thirty-seventh ballot.

He had been Seventh District commander of the American Legion before he was elected to Congress. Two Legionnaires, who didn't like some of his votes—like his vote against the Selective Service Act—ran against him in the 1942 Republican primary.

Mr. Jensen won with 4,000 more votes than that for his opponents combined.

ONE OF 13 CHILDREN

He was one of 13 children of a Danish tiler, farmer and man-of-all-work. He was christened Ben The Tenth, a name that caused him trouble with a new country school teacher each year, because none would believe it.

On his own, he made his name over into Benton Jensen, and later adopted Franklin as a middle name because he liked it when he found it in his history books. To everybody who knew him, he was Ben.

He married Charlotte E. Hadden, of Clearfield in Taylor County—part of the Seventh District—when she was teaching school in Exira. They have one daughter, Mrs. Donald G. Fitzpatrick, of Marblehead, Mass.

Mr. Jensen spoke Danish. He co-operated with the Office of War Information in World War II in writing shortwave broadcasts translated into Danish, Norwegian and Swedish.

[From the Washington (D.C.) Post, Feb. 5, 1970]

EX-REPRESENTATIVE BEN F. JENSEN OF IOWA

Former Rep. Ben F. Jensen (R-Iowa), who served in the House of Representatives for 26 years, died of cancer yesterday in George Washington University Hospital at the age of 77. He had been in the hospital since Jan. 19.

He was among the five House members who were shot several years ago when four

flag-waving Puerto Rican terrorists shouting "freedom for Puerto Rico" leaped from their seats in the House gallery and fired several volleys of bullets at members seated on the House floor beneath the gallery. The House was debating a Mexican labor bill at the time.

Mr. Jensen was shot in the shoulder. All four of the assailants were captured quickly and were convicted in a federal court on assault charges.

Mr. Jensen was born Dec. 16, 1892, on a farm near Marion, Iowa. He became a retail lumberman and during World War I was commissioned a second lieutenant. He began his service in Congress from the Seventh Iowa district in 1939 and served 13 consecutive two-year terms.

He had served at one point as chairman of the House Appropriations committee. Since his retirement from Congress he had divided his time between Iowa and Washington.

[From the Council Bluffs (Iowa) Nonpareil, Feb. 12, 1970]

BEN F. JENSEN—A GREAT AMERICAN

(EDITOR'S NOTE.—U.S. Sen. Jack Miller of Sioux City delivered the following eulogy at funeral services Tuesday at Exira for former Congressman Ben F. Jensen.

(The senator visited Mr. Jensen at 11 a.m. Feb. 5 at George Washington University Hospital in Washington, D.C. He may have been the last person recognized by Mr. Jensen, who went into a coma about two hours later. Death, from cancer, came at 5:45 p.m.)

Mrs. Jensen, Betty,* and friends of Ben Jensen:

A great Iowan and a great American will be buried on a gentle slope above this little town this morning.

Ben Jensen, whose formal schooling ended with the ninth grade, but whose practical education in business and human relations was the equal of many college degrees, was a powerful and effective voice for the people he represented for so many years in Washington.

Now he has returned to the place he held so close to his heart after losing a patient and dignified battle with cancer.

It's a popular cliché to describe a man as "one of a mold", "unique", "a giant among his peers". Take your pick. Ben was all of these—and a warmhearted, likable, eminently human person besides.

He met folks equally and on the typically Midwestern basis that everyone was a friend and neighbor until he proved himself otherwise.

He was a hard fighter, but, at the same time, tolerant and understanding of those who held contrary views.

He deeply believed in the causes for which he fought, because they were his people's causes, and he loved his people.

It was a great partnership—between Congressman Jensen and the people of the 7th Congressional District of Iowa—and one that endured for 26 years;

Ben was truly a man from the good soil of Iowa, and he never hesitated to let it be known that he was proud of it.

He was a strong partisan, but never questioned the Americanism of his political rivals—merely holding that they were espousing the wrong philosophy and approaches to the problems of our state and our country.

He genuinely liked people, and this showed through in his manner and, even more important, in his deeds. Few members of Congress had as many real friends—on both sides of the aisle.

He took gracefully his only defeat at the polls in 1964 and continued his keen interest in the problems of the 7th District. Instead of being bitter over a heart-rending loss,

*Betty is Mr. Jensen's daughter.

his attitude was one of thankfulness for the honor to have served his people for so many years.

When the doctors reported to him last month that he had a tumor which could not be removed by surgery, his reaction was remarkable—but it was so like him. He conveyed the sad news to a long-time associate with the comment: "Well, if that's the way it has to be, it's OK with me. Life doesn't owe me a thing. It's been plenty good to me!"

The philosophy expressed in those words should be comforting to all of us, who deeply grieve his loss, for we know that God must have smiled on this good man—one who loved life as much as anyone, but who did not fear death—because he believed.

[From the Council Bluffs (Iowa) Nonpareil, Feb. 6, 1970]

IOWA'S BEN JENSEN DIES IN WASHINGTON

WASHINGTON.—Ben F. Jensen, a former Republican representative from Iowa who served in the U.S. House of Representatives for 26 years, died of cancer Thursday in George Washington University Hospital here. He was 77.

Jensen, who had been hospitalized since Jan. 19, began his service in Congress from the 7th Iowa District in 1939, serving 13 consecutive two-year terms, including a stint as chairman of the House Appropriations Committee.

Funeral services will be at 10 a.m. Tuesday at the Exira Lutheran Church, with the Rev. Stanley Hansen officiating. Burial is to be at the Exira cemetery. The Corl Funeral Home in Exira is in charge.

Jensen was among the five House members who were shot in 1954 when four flag-waving Puerto Rican terrorists shouting "Freedom for Puerto Rico" leaped from their seats in the House gallery and fired several volleys of bullets at members seated on the House floor.

The House was debating a Mexican labor bill at the time.

Jensen was wounded in the shoulder.

SHOULDER WOUND

All four assailants were captured quickly and were convicted in a federal court on assault charges.

Jensen was born Dec. 16, 1892 on a farm near Marion, Iowa.

He was christened Ben The Tenth Jensen, a name he changed to Benton Jensen. Later in life he added Franklin as his middle name.

In World War I, the husky former farm hand and grocery clerk attended Officer's Training School and after his discharge went to work for a lumber company in Exira.

During his career as a congressman he acquired the reputation as a Treasury watchdog, at one time succeeding in slashing \$202 million from an Interior Department appropriations bill.

Since his retirement from Congress he has divided his time between Iowa and Washington, D.C.

He is survived by his wife, the former Charlotte E. Hadden of Clearfield in Taylor County; a daughter, Mrs. Donald Fitzpatrick of Marblehead, Mass.; and five grandchildren.

Other survivors include two sisters, Mrs. Mary Christoffersen of Cedar Falls and Mrs. Julia Workman of Colorado Springs, Colo., and a brother Oscar Jensen of San Diego, Calif.

[From the Missouri Valley (Iowa) Times, Feb. 10, 1970]

BEN F. JENSEN, BACKER OF DESOTO BEND REFUGE LEGISLATION, DIES AT 77

The man who steered the appropriations bills through Congress in the 1950s that made possible the establishment of DeSoto Bend National Wildlife Refuge southwest of Missouri Valley died Thursday afternoon of cancer in George Washington University hospital, Washington, D.C.

He was Ben F. Jensen, 77, of Exira, Ia., a Republican who served 26 years as congressman from this (the Seventh Iowa) District until his defeat in 1964 by John F. Hansen, Democrat, who came from Manning.

He entered the hospital two weeks ago.

Mr. and Mrs. Jensen returned to Exira after he left Congress but spent the winter months in an apartment in Washington.

Services will be held at 10 a.m. Tuesday, Feb. 10 in the Exira Lutheran Church, with burial in the Exira Cemetery. The Corl Funeral Home is in charge of arrangements.

As a longtime representative he rose to become the ranking Republican on the House Appropriations committee.

WORKED FOR REFUGE

He held that important committee post in the 1950s when the movement was started (mainly by outdoor sports enthusiasts in Missouri Valley and various wildlife organizations) to have DeSoto Bend National Wildlife Refuge and Recreation Area established and have a curve in the river converted into an oxbow lake on the sanctuary. Congressman Jensen gave his full support.

He worked long and hard for the plan and he pushed through the legislation making the project possible. In 1957 the legislation was enacted which established DeSoto Wildlife Refuge and Recreation Area. The refuge and pleasure spot was established in 1959. As long as he was in Congress, Mr. Jensen continued his support for the DeSoto Bend project and its improvement and development.

SIOUX RIVER PROJECT

As a congressman, Mr. Jensen also gave very valuable assistance to the people of Harrison county in such matters as the Little Sioux river flood control and drainage project, Missouri river erosion control and stabilization of the channel and many other projects.

He was born on a farm near Marion, Ia., on Dec. 16, 1892.

His parents were Martin and Gertrude Andersen Jensen natives of Denmark and he was the tenth child of a family of 13. He was born as "Ben the Tenth". In 1900 he moved with his parents to Audubon county, Iowa and he was reared on a farm. He attended country school and Exira high school.

His parents moved to Exira when Ben was 16. He worked as a farm hand, pearl-button cutter and grocery clerk before becoming yardman for Green Bay Lumber company in Exira in 1914. He was advanced to auditor and extra manager of the lumber firm before joining the Army during World War I in 1917 as a private. After the war, he was honorably discharged from the Army as a lieutenant.

LUMBER YARD MANAGER

In 1917 he was married to Charlotte El Hadden of Clearfield, Ia. They have one daughter, Mrs. Donald G. Fitzpatrick of Marblehead, Mass. Ben is also survived by five grandchildren; one great-grandchild; two sisters; and one brother.

After World War I, Mr. Jensen resumed employment with the lumber company as manager of the Exira yard.

He was active in fraternal work as a member of Masons (32nd degree), Elks, Eagles, Moose, Knights of Pythias, Eastern Star and American Legion of which he was Seventh District commander in 1936-37.

ELECTED IN 1938

He was elected to Congress in 1938, recapturing the Seventh District congressional seat for Republicans after it had been held for six years by Otha D. Wearin, Hastings Democrat.

In early congressional years he served on the Post Office Committee, having jurisdiction over the complex U.S. postal system.

In 1942 he was named to the Committee on Appropriations, most powerful in Congress,

and in which all bills supplying money must originate.

He had served as chairman of Interior and Government Corporations sub-committees and was top Republican on four important sub-committees: Interior, deficiencies, atomic energy and public works, the latter which deals with all flood control.

ACHIEVEMENTS

His legislative achievements include the following:

1. Amended GI Bill of Rights to permit poor man's son to obtain benefits.
2. Imposed proviso on appropriations bills to prohibit payment of treasury funds to Communists and subversives. This is now permanent law.
3. Imposed famed Jensen rider to appropriations bills calling for reduction in government personnel by the attrition method of hiring only one new employee for every four routine vacancies, saving hundreds of millions to taxpayers.
4. Opposed all unnecessary federal spending and centralized power.
5. Opposed waste in foreign aid giveaway programs.
6. Supported Landrum-Griffin Bill to curb labor boss excesses.
7. Known as "Watchdog of the Treasury" by his fellow Congressmen.

WOUNDED BY TERRORISTS

In 1954, Jensen was one of five congressmen wounded by Puerto Rican terrorists during a House debate. He suffered flesh wounds in his back.

"I didn't hear the shot until something hit me in the back," he said later, and often mentioned the incident during his campaign stumping through the state.

Following his 1964 defeat, he wrote two books and spent much of his time on a home museum, which he expanded to include separate rooms on George Washington and Abraham Lincoln.

[From the Shenandoah (Iowa) Sentinel, Feb. 6, 1970]

BEN F. JENSEN DIES—SEVENTH DISTRICT CONGRESSMAN 26 YEARS

WASHINGTON.—Ben F. Jensen, a former Republican representative from Iowa who served in the U.S. House of Representatives for 26 years, died of cancer Thursday in George Washington University Hospital here. He was 77.

Jensen, who had been hospitalized since Jan. 19, began his service in Congress from the 7th Iowa District in 1939, serving 13 consecutive two-year terms, including a stint as chairman of the House Appropriations Committee.

Jensen was among the five House members who were shot in 1954 when four flag-waving Puerto Rican terrorists shouting "Freedom for Puerto Rico" leaped from their seats in the House gallery and fired several volleys of bullets at members seated on the House floor.

The house was debating a Mexican labor bill at the time.

Jensen was wounded in the shoulder.

All four assailants were captured quickly and were convicted in a federal court on assault charges.

Jensen was born Dec. 16, 1892 on a farm near Marion, Iowa.

He was christened Ben The Tenth Jensen, a name he changed to Benton Jensen. Later in life he added Franklin as his middle name.

In World War II, the husky former farm hand and grocery clerk attended Officer's Training School and after his discharge went to work for a lumber company in Exira.

During his career as a congressman he acquired the reputation as a Treasury watchdog, at one time succeeding in slashing \$202 million from an Interior Department appropriations bill.

Since his retirement from Congress he has divided his time between Iowa and Washington, D.C.

He is survived by his wife, the former Charlotte E. Hadden of Clearfield in Taylor County; a daughter, Mrs. Donald Fitzpatrick of Marblehead, Mass.; and five grandchildren.

Services for Ben Jensen will be held at 10 a.m. Tuesday from the Exira Lutheran church with burial in Exira cemetery.

It was to Exira Jensen returned when he finished his long years of political service some six years ago. It was there that he began in his later years to savor the fruits of his achievements and to take the time to do all the things he had wanted to do but never had time for in an active career.

In his office there he was surrounded by remembrances of things past—souvenirs from trips all over the world amid other memorabilia. But he was not content to live in the past.

First he expanded his home museum, devoting separate rooms to George Washington, Abraham Lincoln and Thomas Jefferson, The Audubon County Museum on Exira's main thoroughfare, which he helped organize, was the subject of his continuing interest.

He worked on his memoirs and completed two books which he had hoped to see published. One, "A Ditchdigger's Son Goes to Congress," tells of his experiences as a youth when he was variously occupied as a ditchdigger, farm hand and grocery clerk. He later went to work for an Exira lumber company and became manager there. At the age of 45, he sought the Republican congressional nomination and won in a field of six candidates.

Another book, "Get Out and Stay Out" reveals his opposition to foreign aid. In it, he writes, "The irony of it all is that today Uncle Sam has less friends abroad than he had in 1948." He continues, saying, "At least 95 per cent of the nations to whom these billions have been given are giving us no help in money or men in the Vietnam war; many of these nations are selling the Communists shiploads of commodities of most every nature, including materials of war."

A participant in both major wars of this century, Jensen attended Officers Training School during World War I. His ability to speak Danish was made good use of in World War II when he worked in cooperation with the Office of War Information, writing short-wave broadcasts translated into Danish, Norwegian and Swedish.

On the lighter side, Ben Jensen showed a keen interest in his home and his vegetable garden. He did a bit of tinkering too and invented a golf-type game for senior citizens.

As far as he was concerned, his retirement was "in name only" and he insisted he would never actually withdraw from an active interest in the nation's affairs.

It was during the past year that he spoke out strongly once more concerning his opposition to heavy federal spending. He felt that the country was on the edge of runaway inflation and cited world history as revealing that "any nation which spends more than 35 per cent of its total income in federal, state and local taxes is bound to go under."

Strongly adhering to the Monroe Doctrine, he believed that, with the exception of the Spanish-American War, that policy kept America at peace from 1823 until 1917.

"It should be reaffirmed," he commented. "Money spent for Vietnam is a disgrace. When that war is ended, Chinese Communists will gather themselves to hit again somewhere else on the globe. South America is a very likely spot."

Serving under five presidents, he gave Dwight D. Eisenhower the number one spot in his regard.

"A great president and a great general," he would say, adding cautiously, "of course I only voted with him on the budgets 64 per cent of the time."

John F. Kennedy he considered a hard worker and Harry Truman was a "nice guy" in Jensen's book. On the subject of the other two presidents, Franklin D. Roosevelt and Lyndon Johnson, he was less enthusiastic. They were men who simply would not listen to advice, he felt.

Criticizing FDR on his court-packing proclivities, Jensen felt that the legislative and judicial branches of the government had been weakened with the result that presidents since 1933 had dictatorial powers "never intended by our founding fathers."

Jensen believed that well planned schemes to change our system of government began after World War I and were planned by a world-wide conspiracy of Communists with socialist planners here.

His highly conservative approach to federal spending was demonstrated many times. He amended a number of departmental appropriations bills to require they reduce replacement of employes leaving government service by ten per cent and, more notably, was responsible for subtracting \$202 million from an appropriations bill for the Interior Department.

In addition to his wife, formerly Charlotte E. Hadden of Clearfield, whom he wed when she was teaching school in Exira, his daughter, grandchildren, and other relatives, a host of national figures will pay tribute to him Tuesday whether in Exira or at a distance.

[From the Audubon (Iowa) Nishua Valley Tribune, Feb. 12, 1970]

SOME THOUGHTS ABOUT AN OLD SOLDIER

For nearly the past quarter of a century politics has been this writer's hobby and so it was natural that we should become acquainted with Ben Jensen shortly after we became a resident of Audubon county. Ben was one of those individuals in politics you like—a winner. He won 13 straight elections before a loss; and 13-1 odds are mighty attractive in any race.

There are many things we remember about Ben. He certainly was a thoroughly common individual even though he occupied a position of high power in the Congress of the United States.

Whether Ben was here at home or in Washington he never forgot his friends—his people, if you wish to call them that. Their individual politics made no difference when they came to Ben Jensen for help.

Ben had already served 10 years in Congress when we first met him. But in the ensuing 16 years we worked for him and supported his candidacy and learned much about the game of politics. We often were frightened in those campaigns that Ben was too "easy" a campaigner; but, obviously he knew what he was doing. Ben's opponents, aware that they had an almost hopeless task, would blast Ben, quoting out of context, or clearly distorting his record in office. But Ben always ignored them, and stuck by one of his campaign rules: he never mentioned his opponent.

In his slow, steady, firm manner Ben Jensen traveled the Seventh District meeting the voters and he was an impressive campaigner in appearance.

From the job of a small town lumber yard manager Ben moved to the Congress of the U.S., and became the No. 1 Republican on the powerful Appropriations committee before he left Congress. Appropriations probably is the most vital and powerful committee in the House of Representatives. All bills to appropriate money originate in the House, and Ben's committee held sway on much of the Federal government's spending.

It can honestly be said that Ben Jensen personally saved billions of dollars for the American taxpayer. He was a conservative

Republican who, the Omaha World-Herald said this week, "voted his convictions while many others in Congress only talked about economy."

If the United States Congress had more like Ben Jensen the nation wouldn't be in such financial trouble.

Back in July, 1964, this writer and Dave Lansman—who was then president of the Chamber of Commerce—went to Washington and, in a joint venture with Congressman Jensen, put on a steak feed for leaders of Congress and the Government. We brought several dozen T-Bone steaks from Audubon, and Ben made all the other arrangements (and he picked up the tab for the balance of the dinner outside of the steaks). He reserved the Speaker's Dining Room in the Capitol, and sent out invitations to prominent leaders in both political parties. They were there, too.

After we had returned from Washington, Congressman Jensen sent me a thick file of letters he had received from the various congressional leaders and members who had been at the Audubon T-Bone Steak feed. Here is a paragraph from one of those letters sent to Ben by Congressman Jamie L. Whitten, a Mississippi Democrat:

"Of course, those of us who serve on the Appropriations Committee with you were going to be there; but, I do not know any other member who could have gotten the Speaker, the Majority Leader, the Minority Leader and so many other high ranking House members, as well as Senators, to come out. It was a real tribute to you and your standing."

Because of his long service in Washington Ben has close friends with many men whose names are household words . . . Eisenhower . . . Nixon . . . J. Edgar Hoover . . . and many others.

Ben F. Jensen epitomized the American Dream. Like so many others, he came from a family of modest means, but was willing to get out and campaign for public office. Once elected, he earned the confidence and trust of the people of Southwest Iowa to the end that they reelected him to Congress 12 times. And during those years he became one of the influential political leaders of his day.

Like many, we have lost a good friend and a great American.

[From the Washington (D.C.) Evening Star]

EX-REPRESENTATIVE JENSEN DIES—SHOT BY
FANATIC IN 1954

(By Richard Slusser)

Former Rep. Ben F. Jensen, R-Iowa, who was one of the five congressmen wounded in the House by fanatic Puerto Rican nationalists in 1954, died of cancer yesterday in George Washington University Hospital.

Since his defeat in the 1964 election he had lived in both Exira, Iowa, and at 3636 16th St. NW. The 77-year-old ex-congressman had been hospitalized since Jan. 19.

Mr. Jensen, a conservative, was the top-ranking Republican on the Appropriations Committee when he was defeated by Democrat John R. Hansen in the Democratic landslide in the 1964 election. Hansen was defeated after one term.

SERVED 13 TERMS

Born on a farm near Marion, Iowa, of Danish parentage, Mr. Jensen is said to have earned his first dollar after working on a farm for three months when he was 14. His work was so satisfactory that he received a hog as a bonus.

He began working for a lumber company in 1914 as a yard man and assistant auditor. After serving as an Army lieutenant in World War I he became manager of the lumber yard in Exira, a position he held until he

was elected in 1939 to the first of his 13 consecutive terms in the House.

SPONSORED ECONOMY RIDER

Mr. Jensen was the only Republican congressman wounded by the few flag-waving Puerto Rican terrorists on March 1, 1954, in the House, which at the time was debating a Mexican labor bill. He was shot in the shoulder and was a patient in Bethesda Naval Hospital until March 17. Another of the congressmen, former Rep. Alvin M. Bentley, died last year. Rep. George H. Fallon of Maryland is the only one still in the House.

He was the sponsor of the old "Jensen rider," which was voted into most appropriations bills in the early 1950s. The rider was designed to cut the government payroll by forbidding the filling of job vacancies.

Mr. Jensen listed himself in the Congressional Directory as "student of government science who has devoted much of his life to the problems of the people."

After his defeat he set up a library and museum in a two-room cabin behind his Exira home.

He leaves his wife, the former Charlotte E. Hadden, whom he married in 1917; a daughter, Mrs. Donald G. Fitzpatrick of Marblehead, Mass.; two sisters, Mrs. Mary Christoffersen of Cedar Falls, Iowa, and Mrs. Julia Workman of Colorado Springs, Colo.; a brother, Oscar, of San Diego, Calif.; five grandchildren and a great-grandchild.

Services and burial will be Tuesday in Exira.

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

Seventh District Congressman Bill Scherle Monday morning announced the death of former Congressman Ben F. Jensen, Exira, on the floor of the House of Representatives.

"Mr. Speaker, it is my sad duty to inform the Speaker and the members of the House of Representatives of the death of a former colleague, the Honorable Ben F. Jensen. Ben, who represented the Seventh District for Iowa for 13 consecutive terms from 1939 to 1964, was stricken by cancer at the age of 77 and passed away at Washington at the George Washington hospital Feb. 4.

"Ben was the mentor and guide of my political life and I looked up to him as a second father. I worked with him as county chairman when he served in Congress and it was with his blessing that I ran for a seat in the House of Representatives in 1966. His wise council and unfailing support will be sorely missed.

"On behalf of the Speaker and the members of the House of Representatives I extend to them (the family) our deepest regrets and sympathy.

"Mr. Speaker, I ask unanimous consent for a special order to be held at the close of business Tuesday, Feb. 17, for the purpose of eulogizing our former colleague. During that hour all those who wish to join in paying tribute to Ben F. Jensen may do so."

Sincerely,

WILLIAM J. SCHERLE,
Member of Congress.

[From the Audubon (Iowa) News-Advocate, Feb. 12, 1970]

THE WHITE HOUSE,
Washington.

DEAR CHARLOTTE: Ben will be missed by all who knew him but affectionately remembered for his special human compassion in love of country which made him so fine a legislator and so great an American.

Pat joins me in the hope that you may derive strength as you look back on your long happy life together in comfort from the memory of Ben's unfailing dedication to our party and to the people of Iowa.

President RICHARD NIXON and Mrs. NIXON.

GENERAL LEAVE TO EXTEND

Mr. SCHERLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today, and to include extraneous matter.

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

There was no objection.

U.S. COURT OF LABOR-MANAGEMENT RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Arizona (Mr. RHODES) for 10 minutes.

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

Mr. RHODES. Mr. Speaker, our present institutional machinery is inadequate for purposes of settling protracted labor disputes.

This past year was not a particularly heavy one in terms of large collective bargaining agreements subject to renegotiation. Nevertheless, according to the Bureau of Labor Statistics, the number of work stoppages reached a record high in 1969. The 45 million man-days of idleness resulting from these work stoppages was exceeded only by the 1968 decade high of 49 million.

To complete the statistical picture, the Bureau noted that 26 stoppages beginning in 1969 involved 10,000 workers or more each, accounting for approximately one-quarter of the workers and almost two-fifths of the total idleness reported.

Today, I am introducing a bill which would expand our machinery for dealing with such crippling work stoppages. This bill would establish a U.S. Court of Labor-Management Relations which would preserve the basic processes of collective bargaining and, at the same time, protect the public interest against the devastating consequences of protracted work stoppages in industries affecting the general welfare, health or safety.

Briefly, this measure would establish a five-man court consisting of judges trained and experienced in the fields of law, economics, and industrial relations. The jurisdiction of the court would be invoked upon application of the Attorney General, on behalf of the President, only after all other procedures for resolving the dispute had been exhausted, or upon application of either party to the dispute.

In other words, the court would become involved in a particular dispute only after the parties themselves had exhausted all avenues for voluntary settlement, had failed to come to an agreement and, as a result, a work stoppage appeared imminent.

Once the jurisdiction of the court had been invoked, it would be empowered to enjoin any actual or threatened work stoppage for a period of 80 days. During this time, collective bargaining between the employer and the employee would continue under the supervision of the

court, which would be authorized to issue whatever orders necessary, including the appointment of standing or special masters, to induce the parties to make every effort to settle their differences through collective bargaining.

If, at the conclusion of this 80-day period, the parties advise the court that a negotiated settlement is impossible, the court will continue the injunction and set the case down for immediate hearing and final determination. All due processes of law will be guaranteed and the parties will be given every reasonable opportunity to present arguments in support of their positions.

Finally, a binding judgment will be handed down, covering all matters of dispute including rates of pay, hours, and conditions of work, and any other matters necessary to the dispute.

Mr. Speaker, this country does not find itself in the same economic position today as it did in 1933. At that time, the problem was not the existence of strikes but the existence of jobs. The employer clearly predominated over the employee in terms of bargaining power.

Today, the power of the labor unions is certainly equal to, if not in excess of, the power of management.

Ours is a complex and interdependent economy in which work stoppages in certain industries can seriously affect the health, safety, and welfare of millions of innocent Americans. Congress, of course, has recognized this fact in the case of railroad strikes. Many persons close to a railroad dispute may speak of the absolute necessity of the right to strike or the absolute devastation caused by compulsory arbitration.

The fact remains that every threatened railroad strike since the enactment of the Railway Labor Act has been prevented by some form of Government action. For example, in 1963 Congress required arbitration of the dispute over the removal of fireman from diesel locomotives, and in 1967 we stopped the strike of railroad shop employees and provided for the compulsory settlement of the issues by an independent tribunal.

It is inherently imprecise to settle such disputes on the basis of special, ad hoc, and generally hasty legislation by the Congress. It is irresponsible to allow these and other disputes to produce protracted work stoppages and economic chaos throughout the country.

What is needed is a separate and permanent procedure for the determination of disputes which the parties themselves, after a reasonable period of time, are unable to resolve. In my opinion, the best procedure for doing this would be a separate court and labor judiciary with the sole and exclusive function of deciding labor disputes under such circumstances.

Mr. Speaker, I believe that this court would build upon rather than supplant the process of collective bargaining. The parties are not prevented from making any agreement they see fit to make. But the court would serve as a backstop in this process in order to protect the public interest.

Those who would attack this system on the grounds that first, such a measure

would destroy the collective bargaining procedures or, second, that the courts are not equipped to make these kind of economic determinations should examine the record.

Jurisdictional disputes between unions, for example, were formerly a real issue in strikes and the source of many. Today, these issues are administratively determined by the National Labor Relations Board.

Unfair labor practices, and grievances were also a source for strikes but they too, for over 30 years, have been the subject of compulsory arbitration before the NLRB.

As to the second ground of objection, courts and administrative bodies have long settled difficult economic issues in the fixing of utility rates and in the determination of antitrust cases.

In conclusion, Mr. Speaker, I feel that a labor court system is not only feasible, but is also necessary in order to meet the responsibility of insuring that the confrontation of labor-management economic giants in the future will not jeopardize the welfare of hundreds of millions of Americans.

H.R. 15956

A bill to provide for the establishment of a United States Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce

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

SHORT TITLE

SEC. 1. This Act may be cited as the "United States Court of Labor-Management Relations".

DECLARATION OF PURPOSE AND POLICY

SEC. 2. The Congress finds, and hereby declares it to be the policy of the United States—

(a) that sound and stable industrial peace and advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues and disputes between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

(b) that the settlement of issues and disputes between employers and employees through collective bargaining should continue to be advanced by and through full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining, or by such methods as may be provided for in any applicable agreement for the settlement of such disputes; and

(c) that when such differences or disputes cannot be settled and resolved and when such differences or disputes result in a threatened or actual strike or lockout in an industry or industries substantially affecting commerce, or engaged in the production of goods for commerce, and when such threatened or actual strike or lockout, if permitted to occur or to continue, will adversely affect the general welfare, health, or safety of the Nation, then the same must be expeditiously

enjoined and finally settled, on the basis of law, equity, and justice, in a duly established and impartial court, consisting of judges trained and experienced in law and in the fields of economics, industrial relations and the peaceful settlement of disputes.

CREATION AND ORGANIZATION OF THE COURT

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, a chief judge and four associate judges who shall constitute a court to be known as the United States Court of Labor-Management Relations (hereafter referred to in this Act as the "court"). Such judges shall be appointed solely on the grounds of fitness to perform the duties of the office and shall hold office for a term of 12 years (except that of the judges first appointed one judge as designated by the President shall hold office for a term of 4 years, one judge as designated by the President shall hold office for a term of 8 years, and the chief judge as designated by the President shall hold office for a term of 12 years, from the date of the appointment of the first judge under this Act).

(b) The chief judge of the court shall receive the same compensation (including retirement) as is received by the chief judge of a United States district court and each of the associate judges of the court shall receive the same compensation (including retirement) as is received by judges of a United States district court.

(c) The principal seat of the court shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

(d) The court may appoint and fix the compensation of such officers and employees, and may incur such other expenses, as may be necessary to enable it to carry out its functions.

(e) The court with the concurrence of a majority of all the judges thereof may appoint one or more standing or special masters to which the court may refer actions pending before it under such terms and conditions as the court may fix by rule. The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order.

JURISDICTION OF THE COURT

SEC. 4. (a) The court shall have jurisdiction only over labor disputes in industries substantially affecting commerce that have resulted in, or threaten to result in, a strike, lockout, or other concerted work stoppage which adversely affects, or if permitted to occur or to continue, will adversely affect the general welfare, health, or safety of the Nation.

(b) The jurisdiction of the court may be invoked—

(1) upon application of the Attorney General of the United States, on behalf of the President, only after all other procedures for enjoining such strike, lockout, or other concerted work stoppage under the Labor Management Relations Act of 1947, and the Railway Labor Act have been exhausted; or

(2) upon application of any party to such labor dispute, regardless of the availability of alternate procedures for settling such dispute.

POWERS AND DUTIES OF THE COURT

SEC. 5. (a) Whenever the jurisdiction of the court is invoked the court may, pending final resolution of such dispute, enjoin such

strike, lockout, or other concerted work stoppage, or other continuance thereof, and make such other orders, including orders affecting rates of pay and working conditions, as may be necessary or appropriate.

(b) Whenever the court has issued an order, as provided by subsection (a), it shall be the duty of the parties to the labor dispute giving rise to such order, in addition to any other duties imposed upon them by law or by their collective bargaining agreements, to make every effort, under the supervision and direction of the court (which shall have continuing jurisdiction over the dispute and the parties thereto) to adjust and settle their differences.

(c) During the period commencing on the date of the order issued by the court under subsection (a), with respect to any labor dispute and ending not more than eighty days after such date, the court may require the parties to attend hearings and produce testimony and documentary evidence with respect to the causes and circumstances of the dispute, and to attend conferences or sessions of the court in order to consider and discuss the positions of the parties and possibilities or proposals for settlement; and the court may make such orders as are necessary or appropriate to require the parties, or any of them, to make every effort in good faith voluntarily to adjust and settle their differences.

(d) If, at the conclusion of the period referred to in subsection (c), the parties have not voluntarily adjusted and settled all of the disputes, issues, or differences which resulted in the granting of the injunction of the court, or if the parties fail or refuse voluntarily to agree to continue to attempt to adjust and settle such disputes, issues, or differences subject to the continued effectiveness of the injunction issued by the court and to the court's continuing supervision over such settlement attempts, the court shall thereupon, on its own motion, continue such injunction in full force and effect and set the matter down for immediate hearings and final determination by the court on the merits of the dispute or controversy. If the parties agree to continue, after the expiration of such period, to attempt to negotiate a settlement, subject to the court's continuing supervision, and thereafter advise the court that a negotiated settlement is impossible, then the court shall, at the time it is so advised, continue the injunction in effect and set the case down for immediate hearing and determination by the court.

(e) Whenever the court sets a case down for final determination it shall afford the parties a reasonable opportunity to present all facts and arguments in support of their respective positions regarding the issues in the case. After hearing all such facts and arguments, the court shall make a final determination of all issues in the case and shall enter a final judgment which will settle all such issues. The court shall have the power to settle and establish in such judgments, among other things, rates of pay, hours and conditions of work, and any other matters proper and necessary to a determination of the dispute or controversy.

(f) Any final judgment, order, or decree of the court shall be the subject of a full written opinion in each case, containing a statement of the facts which the court finds and the legal principles and standards which the court uses as a basis for such judgment, order, or decree.

(g) In making a final determination of any case with respect to which there is in effect a valid collective bargaining agreement or other valid contract defining the rights, duties, and obligations of the parties to the case, the power of the court, with respect to any matter in dispute which is governed by any such agreement or contract, shall be limited to applying or interpreting such agreement or contract, and the application

or interpretation of such agreement or contract by the court shall be final and binding on the parties. In any case wherein the court is required to fix rates of pay or other conditions of employment in order to resolve the disputes or controversies between the parties, the court shall have the power to fix only such rates or conditions as, on the basis of the evidence submitted, are fair and equitable to both employers and employees taking into consideration, among other things, the financial condition of the employer, the wages and other conditions of employment in comparable enterprises, and changes in labor productivity. In all cases, the court must consider, as a primary factor, the national and public interest involved in a fair and just settlement which will promote, to the greatest extent possible, fair, equitable, and workable industrial relations between the parties in the future.

(h) No decree of the court relating to rates of pay or conditions of employment shall be retroactive to a date prior to the date that such rates of pay or conditions of employment ceased to be governed by a valid collective bargaining agreement or other valid contract between the parties; and, in any case, the question of retroactivity shall rest in the sound discretion of the court.

(i) Any judgment, order, or decree of the court shall be effective for such period as may be specified in such judgment, order, or decree or until such time as the court shall thereafter vacate or discharge the same, whichever first occurs. The court shall forthwith vacate any judgment, order, or decree entered by it whenever (1) it shall determine that any work stoppage which might occur as the result of the vacation of same will not adversely affect the general welfare, health, or safety of the Nation, (2) it shall determine that, by reason of a collective bargaining or other agreement, the parties have voluntarily settled the issues in dispute between them to such an extent that the vacation of any such judgment, order, or decree would not result in a work stoppage which would adversely affect the general welfare, health, or safety of the Nation, or (3) the Attorney General of the United States makes a motion for the vacation of such judgment, order, or decree, which motion is supported by a certification of all the parties to the dispute or controversy that the granting of the motion will not result in a work stoppage which will adversely affect the general welfare, health, or safety of the Nation.

(j) The decisions of the court shall be final, unless they are arbitrary and capricious or are violative of a right conferred by the Constitution of the United States, in which case the Supreme Court shall have exclusive jurisdiction upon petition for a writ of certiorari.

(k) The court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and the provisions of section 401 of title 18, United States Code (relating to authority to punish for contempt) and section 1651 of title 28 of such Code (relating to the issuance of writs) shall be applicable to the court. Process of the court may be served within the territorial jurisdiction of any court of the United States.

(l) The proceedings of the court shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the court may prescribe and, so far as practicable, in accordance with the rules of evidence applicable in the district courts of the United States under the rules of procedure for such district courts.

SUSPENSION OF ADMINISTRATIVE PROCEEDINGS

SEC. 6. Whenever a matter before any agency or board established by the United States is the subject of a proceeding in the

court, the agency or board, if so ordered by the court, shall suspend all proceedings in such matter pending further action by the court. If proceedings in a matter are so suspended they may be resumed by the agency or board only if (and to the extent that) an order of the court so provides.

DEFINITIONS

Sec. 7. When used in this Act—

(a) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between the District of Columbia or any possession of the United States and any State or other possession, or between any foreign country and any State, possession, or the District of Columbia, or within the District of Columbia or any possession or between points in the same State but through any other State or any possession or the District of Columbia or any foreign country.

(b) The term "industry substantially affecting commerce" means any industry or activity in commerce or any industry or activity in which a labor dispute would substantially burden or obstruct commerce or substantially tend to burden or obstruct commerce, or the free flow of commerce.

(c) The term "labor dispute" means any dispute, concerning terms, tenure, or conditions of employment between an employer and his employees or their duly designated representatives.

(d) The term "party" means (A) the employer, or (B) any labor organization the representatives of which are designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes.

(e) The term "employer" includes any person acting as an agent of an employer, but shall not include the United States, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(f) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased because of any labor dispute, and who has not obtained any other regular or substantially equivalent employment.

TECHNICAL AMENDMENTS

SEC. 8. (a) Sections 206, 207, 208, 209, and 210 of the Labor Management Relations Act of 1947 (relating to national emergencies occasioned by strikes or lockouts), are hereby repealed.

THE AMERICAN SUGARCANE COMMUNISTS: KEEP THEM IN SIGHT

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR) for 10 minutes.

Mr. SAYLOR. Mr. Speaker, is there nothing this country can do to prevent the starry-eyed, bleeding-heart American revolutionaries from helping to rectify the disaster of communism in Cuba by harvesting that dictatorship's sugarcane crop? Because we are a free nation, because we have maintained an open border with the Canadian nation, these modern-day Marxists have been given, for all intent and purposes, a green light to traffic with the enemy of freedom closest to our shores. While this is allowed, the true American heroes of democracy are fighting, bleeding, and dying in South Vietnam.

I am informed that our State Department is "powerless" to act to prevent the exodus of the "harvesters of revolution."

In the first place, passports are probably not used and in the second place, the Government's hands have been tied in regard to prosecuting illegal travel by U.S. citizens in "restricted areas" by the infamous Aptheker, Laub, and Travis decisions of the Supreme Court.

We have often been told that freedom has its price. Surely part of the price of freedom is the restriction against aiding and abetting enemies of freedom. However, I am well aware that the Department of State does not have the stomach to press upon the administration anything that would appear to oppose the Marxist principles of the New Left, or go against the New MOBE's apologists in the Nation's press, so one has to look elsewhere to help.

In this regard, I trust that the Justice Department and the Federal Bureau of Investigation have a complete record of the "American Sugarcane Communists" and will keep their activities in sight when they return to the United States as they inevitably will—to foment disruption, revolution, and chaos in our land of freedom.

I am sure, Mr. Speaker, that if these young people were seriously interested in finding hard work they could find it here in the United States. In fact, if they really want hard work, they could come to my district to help mine the coal which is necessary to keep the arsenal of democracy viable or they could help bring in the American harvest anyplace in the country—a harvest which helps to feed the nations of the world. Unfortunately, these young leftist sympathizers are more interested in ruining freedom than sustaining it.

There is one saving grace to this youthful tragedy; unlike previous decades, our internal enemies are now working in the open. We are warned.

GRANTS FOR CORRECTIONAL FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Virginia (Mr. POFF) for 5 minutes.

Mr. POFF. Mr. Speaker, the Federal anticrime program, created by the Omnibus Crime Control and Safe Streets Act, is providing important information about the condition of State and local corrections systems throughout the country. As the States have drawn up plans for improving criminal justice, they have described some shocking facts about corrections:

For example: one State says even minimum sanitary conditions do not exist in some local jails.

Another says that all counties but one use jails to house juveniles and says children are placed in situations which have resulted in suicides and injuries.

Another notes that boys as young as 14 are confined to adult prisons where there is little or no separation of the mentally ill, the criminally sophisticated, or homosexuals.

In one badly crowded county jail, prisoners sleep on mats atop welded cages that serve as cells; in another, heating is so inadequate that a teenager burned his shoes to keep warm.

In the United States today, there are some 400 adult prisons, ranging from maximum security facilities to forest camps. Taking only the State institutions opened before 1900. Of these antiques, 25 are over 100 years old. They are not preserved in the way that our historic buildings and homes are preserved. Too often, they are rotting, decaying, unsanitary.

Staffs in nearly every prison are too small, and in many instances hardly trained at all. Many States hire guards who do not even have high school diplomas; three States use convicts as guards. Only 3 percent of prison guards have college degrees; some can hardly read and write. Vocational and self-help programs for inmates are minimal or nonexistent.

These are the conditions that have prompted the proposed amendment, part E, to the Omnibus Crime Control and Safe Streets Act of 1968.

This new part would require each State to develop a comprehensive plan for improving correctional facilities throughout the State and would earmark grant funds specifically for such purposes.

It would establish a program of grants to States for the acquisition, construction, or renovation of correctional institutions and facilities and for the improvement of programs and personnel standards of these institutions.

States would incorporate their applications for such funds in their comprehensive plans which must be filed with the Law Enforcement Assistance Administration. Grants for these purposes would be made to the State planning agencies now administering the block grants under the act.

Mr. Speaker, there is a desperate need to improve jails, prisons, correctional facilities everywhere, if offenders are to be rehabilitated. That is the objective of this amendment.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from New York (Mr. ROONEY) for 15 minutes.

Mr. ROONEY of New York. Mr. Speaker, for those of us who love freedom and prize our independence, Lithuanian Independence Day brings pangs of regret and a deep feeling of sadness. To our good friends and neighbors of Lithuanian heritage this day has even deeper meaning. Normally, people of all nationalities celebrate their independence days with joy and thanksgiving but such has not been fully possible for the observance of Lithuanian independence during past years.

Fifty-two years ago yesterday, free men the world around rejoiced with the proud citizens of Lithuania in their gaining of independence after long years of imposed slavery. Americans were proud of the role which this country and her President, Woodrow Wilson, played in restoring sovereignty to Lithuania and to her sister Baltic States.

Americans felt a particularly close bond to the happy people of Lithuania

as they charted their new course as a free and independent state. America watched with affection and pride as these sturdy people recovered swiftly to reestablish their sovereignty and to create a sound and respected position among the nations of the world.

So close were our ties and so deep was our affection with these stalwart friends, we suffered almost as deeply as did they when the Soviets committed their dastardly act of illegal annexation of Lithuania and the other Baltic States in the chaos attendant to the Axis surrender. As Americans we can be proud that our Government, beginning with President Truman, has never recognized their forcibly imposed and illegal annexation. Never again can we engage in real rejoicing on the day commemorating Lithuanian independence unless the same unfettered freedom which they enjoyed for a limited time is fully restored.

Mr. Speaker, no one in this body or elsewhere is more anxious than I to see our relationships with the Soviet Union undergo a marked improvement. No one is more desirous than I to see a quick and sure development of relationships which will substitute mutual trust for martial strength—which will recognize the brotherhood of men rather than forced enslavement of mankind. So it is that I commend any sincere overtures being made by anyone to lessen world tensions and which can lead to world peace—a peace with honor and justice for all.

Such a peace must provide for the full restoration of sovereign rights to the defenseless people from whom they were so blatantly and brazenly wrested. Such a peace must provide for retribution as well as restoration of freedom. Redress for the damages incurred and the suffering inflicted is essential not so much as an atonement for sins committed or as punishment for criminal acts performed but as a positive manifestation of good will and a pledge of truly peaceful intention on the part of the Kremlin.

On this 52d anniversary of Lithuanian independence may all of us assure our Lithuanian friends and make clear to the world—friend and foe alike—that the restoration of sovereignty and the return of the independence which this day commemorates are primary elements of world peace provisions for which no compromise will be considered and no barter will be tolerated. Perhaps with such assurance as this our Lithuanian-American friends and their relatives at home can find some aspect of their independence day to give them hope and satisfaction.

TO ELIMINATE AUTOMOTIVE AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from New York (Mr. FARBSTEIN) for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, on December 8, 1969, 20 other Members of Congress joined me in sponsoring ad hoc hearings in New York at which Ralph Nader, the vice presidents of General

Motors and Ford, and experts on health and pollution-free engines testified on automotive air pollution.

We today released a report based on these hearings that comes to two major conclusions: First, that automotive air pollution can be eliminated by the mid-1970's and, second, that a radical reduction in automotive air pollution can be achieved almost immediately.

We believe automotive air pollution can be eliminated by the mid-1970's by adoption of pollution-free alternatives to the internal combustion engine. Steam or gas turbine engines appear to be the most feasible. It is our belief that such alternatives are not only technologically and economically feasible and capable of being mass produced in the next few years, but may well be less expensive to manufacture and operate.

The automobile today is responsible for up to 92 percent of the air pollution in urban areas. The only way that we will be able to eliminate automobile air pollution in this country is by setting pollution standards not based upon what the inherently dirty internal combustion engine can achieve, but on the basis of the cleanest propulsion systems, steam and gas turbine engines. Such standards would be several times cleaner than those recently set by the administration for 1975.

Just as the recent Federal antitrust suit against the auto industry documented the strong opposition of the industry to the development of antipollution devices, so we believe the December hearing demonstrated the industry's strong opposition to the development of pollution-free alternatives to the internal combustion engine.

The industry's opposition comes as a result of its desire to avoid the retooling expense and preserve the current market status quo.

It is trying to meet the administration's 1975 standards to save the internal combustion engine despite the fact that they admit this would increase the cost of automobiles to the consumer 10 percent, result in a less efficient engine operation, require costly maintenance, and possibly not work at all. By so doing, the industry hopes to put off until 1980 taking the steps that will eliminate the automotive air pollution problem once and for all.

The focus of automotive company opposition comes in the industry's insistence that alternatives to the internal combustion engine are not feasible and in its public relations oriented research and development program which produces steam engines so obviously unappealing to the public to show the "infeasibility and undesirability" of alternatives.

Outside of Detroit, there is general agreement, however, that alternative propulsion systems are technologically and economically feasible and may be cheaper to produce and operate.

We believe automotive air pollution can be eliminated by the mid-1970's by first, setting auto emission standards on the basis of the cleanest feasible propulsion system, and second, beginning to phase out in 1975 large horsepower internal combustion engines that cannot meet the standards.

We further believe a radical reduction in automotive air pollution can be achieved almost immediately if interim auto emission standards similar to those for California for 1971, 1972, and 1974 are established nationwide.

The text of the report follows:

TO ELIMINATE AUTOMOTIVE AIR POLLUTION

Representative Leonard Farbstein submitted the following report on behalf of himself and Representatives Benjamin S. Rosenthal, Shirley Chisholm, Bertram L. Podell, William F. Ryan, Joseph P. Addabbo, Edward I. Koch, James J. Delaney, Peter Rodino, Jr., Seymour Halpern, Adam C. Powell, Richard Ottinger, Allard K. Lowenstein, Joseph G. Minish, Mario Biaggi, Frank J. Brasco, and Edward J. Patten to the Congress and the American public. The report is based upon information collected as a result of an ad hoc hearing on automotive air pollution held on December 8, 1969 in New York City.

American technology has finally caught up with American air. The result is that our air has become visible, potentially lethal and—if we continue to pollute at the rate we are—unbreathable. Our polluted air is costing the economy \$20 billion annually in cleanup and material repair costs; and has been medically linked to cancer, emphysema, heart disease, bronchitis, the common cold, and high death rates, especially among the very young and the very old. If doctors and scientists are right, within 10 to 15 years, we are going to have to wear masks to protect ourselves from the air.

One source is predominantly responsible for air pollution: the automobile. The automobile's internal combustion engine stands as the logical target of those who want to improve the quality of the environment. According to the Public Health Service, the auto is responsible for 60 percent of the Air pollution in this country; and up to 92 percent in urban areas. If the auto can be eliminated as a source of air pollution, much of the present crisis will have been alleviated. *We believe this goal can be achieved by the mid-1970's if the Federal government is willing to undertake the commitment. In addition a radical reduction in air pollution from the automobile can be achieved almost immediately.*

THE INTERNAL COMBUSTION ENGINE

The internal combustion engine (IC engine) is inherently a polluter. Since it cannot produce uniform or complete combustion, pollutants must be spewed into the air. The IC engine must use the air as a sewer. Aside from engine adjustments which can achieve minor reductions in emission levels, and changing the composition of the fuel, the only method of reducing the level of pollutants emitted into the air is to install devices which chemically convert the pollutants the engine produces. However, this method of pollution reduction has a limited potential. It cannot lower emission levels sufficiently to give us the clean air we require.

There is a question concerning how far technology can bring about a reduction in pollutants emitted by the IC engine. The report of the Panel on Electrically Powered Vehicles, U.S. Department of Commerce in October, 1967 declared that it was not technologically possible in the foreseeable future for an internal combustion engine to emit much less than 1 gram/mile of hydrocarbons and 1 gram/mile of nitrogen oxides. The Technical Advisory Committee of the California Air Resources Board in November, 1969 suggested hydrocarbons could be brought somewhat lower. *In either case, one thing is certain, more stringent standards will quite substantially increase the cost of anti-pollution devices for the internal combustion engine.*

The deterioration of devices must also be considered. Since they are external to the engine, they deteriorate with age. The extent of that deterioration is suggested by a yet-to-be-released Federal study of devices in rental cars which according to one of our witnesses, Ralph Nader, disclosed a 57 percent defect rate. Emission control devices must be able to last for the life of a car if any significant inroads into the pollution problem are to be made. To prevent deterioration requires that a car owner maintain the devices. This means the owner must undertake the \$35-\$50 a year expense and inconvenience of periodic servicing. From the evidence available, few have been willing to undertake this. If an inspection program for all cars were set up to force maintenance, the cost would run several billion dollars a year.

Finally, there is the adverse effect the air pollution devices have on gas economy and performance. The control system impedes the efficiency of the engine. As a result many drivers and mechanics may be prone to disconnect the emission device entirely. An unconnected device is going to provide no control over air pollution emission. If on the other hand the device is placed within the engine so it cannot be disconnected, it becomes difficult to service and to prevent deterioration.

THE FEASIBILITY OF ALTERNATIVES TO THE IC ENGINE—THE AUTO INDUSTRY VIEW

In contrast to the IC engine, alternative propulsion systems like steam and gas turbines are recognized as inherently cleaner engines. And aside from Detroit, there is general agreement among studies conducted that they are technologically and economically feasible and could be produced in the next few years.

Studies conducted both on the Old Stanley steamer and more modern steam cars have found steam propulsion produces one-sixtieth the level of hydrocarbons of the unregulated IC engine, one eighty-third the carbon monoxide and one-tenth the oxides of Nitrogen. These levels are far lower than those the IC engine is believed capable of achieving. Similar results have also been found for the gas turbine engine. *If either of these alternatives were in operation, the air pollution problem would be virtually eliminated.*

The auto industry claims that these cleaner alternatives are not technologically and economically feasible; and that the IC engine has at least another 20 years of life. But the industry has a huge financial stake in the IC engine, the components on which it relies, and in the current market status quo. It is interesting that only the American Motors Corporation which has little stake in the current market, it is at all interested in alternatives. So, too, any conversion would involve a significant new capital investment and thus reduce profits for a short period. And it is profits, not clean air which are the rewards of the auto industry and its top executives.

The result is that the industry is doing everything it can to maintain the IC engine. With strong public pressure, they have been willing to antagonize their once close allies, the oil industry, by advocating the elimination of lead from fuel. This would bring about a moderate reduction in pollution from the IC engine and thus possibly divert the public's attention from banning the engine, buying time until around 1990.

But the auto industry has traditionally placed its primary reliance for combating alternatives to the IC engine on its research and development programs. With its almost total monopoly on technology and research facilities, it has been difficult for the public to do other than accept the industry's assessments. There was no other source of comparable resources or capital to dispute them.

Traditionally, the industry's research and development program has thus been primarily oriented toward public relations. The experimental vehicles developed through the program give the industry something to show the American public when they start "getting hot under the collar" about alternatives. More importantly, the monstrous characteristics of these experimental vehicles designed to be unattractive to the consumer serve to play down the feasibility for alternative propulsion systems.

For example, one of the major auto companies spent over \$4 million to develop a car powered by liquid hydrogen and oxygen, which required a 17 foot tank, and which was so inherently dangerous that it could not be driven through tunnels or over most bridges. It was useful, however, in making news before a Congressional Committee by demonstrating that the company was, indeed, working on alternatives. It is estimated that the industry spends the equivalent of less than one one-hundredth of its styling budget on anti-pollution research. Even this figure is deceptive, however, when the money is being spent on projects like the liquid hydrogen-oxygen car.

The same company last summer demonstrated before the President's Environmental Council a car with a ludicrously huge steam engine, which made wild noises and—in spite of the fact that steam is generally conceded to be inherently low polluting—spewed forth great clouds of smoke and soot. According to industry spokesmen, the walls of the engine were made to meet regulations for building boilers, or at least that was their excuse for the size. Independent experts have indicated as well that the engine did not even apply the modern "closed circuit" steam technology developed in the late 1920's, which eliminated vapor loss. But according to industry spokesmen, it was the "most advanced engine" around; for their company had the most money and man-hours to spend on it. But "wasn't it terrible, and shouldn't we go back to the internal combustion engine?"

Almost in spite of itself, the industry has come up with at least one alternative, that even it has to admit works well. This is the gas turbine car. Chrysler has had one that has gone through more than a decade of development, with 50 produced in the mid-1960's for testing by ordinary drivers. Almost all of the participants, Chrysler's spokesmen at the environment council, admitted they liked them and would be the first ones to line up to purchase them if they were ever mass produced. But Chrysler was not going to mass produce them, since they argue the cost of converting the entire industry to gas turbine would be \$5 billion.

Forgotten is the fact that each year the industry spends approximately \$2 billion to just convert from old models to new, and that it spends billions more to add new lines. A turbine or steam car is not going to be produced by a total conversion. What would happen is that, for example, instead of Ford introducing a 1969 Maverick with an IC engine, one with a gas turbine or steam engine would be introduced and the volume expanded the following year. Other models would gradually be introduced and those with IC engines phased out. Complete conversion of all cars would extend over a period of years.

THE FEASIBILITY OF ALTERNATIVES TO THE INTERNAL COMBUSTION ENGINE—NON-INDUSTRY VIEW

Outside of Detroit, there is general agreement that alternative propulsions systems are technologically and economically feasible and may be cheaper to produce and operate. In recent years there have been several Federal studies that have reached this conclusion. Among them are the Panel on Electrically Powered Vehicles (the so-called Morse Panel) which did not limit itself just to electric cars and was chaired by one of our witnesses, the

Batelle Memorial Institute, and North American Rockwell. In addition there were the reports of the U.S. Senate Commerce Committee, the California State Assembly and the County of Los Angeles. All of them came to the opposite conclusion from the auto industry with respect to the feasibility of alternatives. Each was done by men from widely differing backgrounds who used different sources of information. The only characteristic each shared in common was independence from Detroit.

Characteristic of the conclusions reached by those outside of Detroit is the testimony of Dr. Robert Ayres of International Research and Technology Corporation before our committee. He indicated that steam propulsion when compared under actual testing conditions to the IC engine was found to be

- (1) mechanically simpler (no clutch, transmission, starter, distributor, carburetor, fuel induction system, muffler, etc.;
- (2) longer lived and more reliable;
- (3) more powerful for the size and weight;
- (4) cheaper to operate;
- (5) virtually pollution free;
- (6) quiet;
- (7) safe and quick to start up; and
- (8) as efficient under normal driving conditions.

The Morse Panel concluded "that compact and low maintenance reciprocating (steam) engines are feasible. . . . The reciprocating steam engine power plant may be a reasonable alternative to the IC engine, in terms of meeting both performance and emission requirements."

The Research Report of the Battelle Memorial Institute declared that a steam engine would probably cost "about the same as an equivalent V-8 engine with automatic transmission . . . and recommended the development of a Rankin-Cycle (steam engine)."

STEPS TO ELIMINATE AUTO POLLUTION

Despite all this—much of which has been financed by the Federal Government—the Federal Government is still setting automotive air quality standards based on what the IC engine is capable of achieving. We do not believe we can afford to let the machine continue to control the quality of our environment. Emission standards must be based on man's needs, not those of the machine's he creates. In the case of the automobile, this means setting standards which will effectively eliminate automotive air pollution. This can be achieved by basing emission standards not on what the IC engine is capable of achieving, but on the emission level produced by the lowest polluting of all feasible propulsion systems. Such standards would first apply to the high horsepower, more polluting "high performance" internal combustion engines, and be progressively extended to engines of all horsepower. It would then be left up to the auto industry to achieve these standards by whatever means it could, including the IC engine if that were possible.

The auto industry will not voluntarily meet such standards and abandon the IC engine if it cannot meet them. This is why the industry is talking about putting a catalytic muffler together with other devices in an attempt to meet the Administration's announced standards for 1975. *In this way the industry hopes to put off the capital investment necessary to eliminate auto pollution once and for all by converting to an alternative propulsion system.*

Specific experiences with the auto industry suggest the need for legislation; for it took legislation to force the industry to come up with technology it already possessed with respect to anti-pollution devices and utilize it to reduce air pollution. The efforts of the industry beginning in 1953 to fight installation of anti-pollution devices, we believe, are well documented by the evidence of the Federal suit against the auto indus-

try (United States v. Automobile Manufacturer Association, et al.). The technology, according to the suit, was available in 1953. But because the industry was successful in preventing legislation for over 15 years by denying the existence of the technology, we are today 15 years behind in auto pollution control and therefore face the present crisis.

That the auto industry is following the same tactics with respect to alternatives to the IC engine is suggested by the following statements of an industry representative to a California Assembly Committee considering legislation to ban the IC engine; and to a press conference less than a week after, when the legislation had been safely defeated.

"The know-how isn't there to do the job by 1976." Testimony of auto industry spokesman before California Assembly Committee considering legislation to ban the IC engine (Los Angeles Times, August 1, 1969).

"We would have complied, and of course . . . would have remained in the business of producing automobiles." Statement of the same industry spokesman to a reporter's question after the California Assembly had defeated legislation to ban the internal combustion engine (San Fernando Valley News, August 7, 1969).

SUMMARY OF LEGISLATIVE RECOMMENDATIONS

A. Automotive air pollution can be eliminated by the mid-1970's if the Federal Government is willing to undertake the commitment now. What is needed is to (1) set auto emission standards on the basis of the cleanest feasible propulsion system; (2) begin phasing out larger horsepower IC engines which cannot meet the standards in 1975; (3) undertake a large-scale Federal prototype development program for a pollution-free vehicle; (4) utilize part of the auto excise tax to provide earmarked funding for the air pollution program; (5) establish a Federal program to purchase pollution-free vehicles even if they are more costly; and (6) authorize the states to utilize highway trust funds to establish pollution-free vehicles purchase programs of their own.

(1) Set auto emission standards on the basis of the cleanest feasible propulsion system

There is agreement among many recent studies conducted for government that at least two inherently cleaner alternative propulsion systems, steam and gas turbine, are technologically and economically feasible and possibly cheaper to produce and operate. Current auto emission standards are based on what the inherently polluting IC engine can achieve. Standards should be set on the basis of the cleanest feasible propulsion system and responsibility to carry out the standards left to the auto industry.

(2) Large IC engines which cannot meet the standards should be phased out beginning 1975

It must be recognized that conversion to a new propulsion system cannot be completed in one year, but must be done on a gradual basis, beginning with a limited number of lines. Large horsepower IC engines which cannot meet the standards should be phased out first based on the following time-table:

Based on sales of 1969 American cars, the phasing out would have the following effect:

(a) 375 horsepower in 1975—Less than 5 percent of new car sales.

(b) 275 horsepower in 1976—35 percent of new car sales.

(c) 175 horsepower in 1977—All but 10 percent of new car sales.

(d) All internal combustion engines in 1978.

Phasing out large horsepower engines first has the advantage of eliminating the highest pollutant first. Large engines burn more fuel and thus produce higher levels of pol-

lution. It also has the following additional advantages:

(a) It is easier to develop a new propulsion system in a large engine.

(b) Fewer people buy automobiles with large engines for personal use, therefore, any recalls that might be necessary to perfect a system would affect fewer people. The industry follows a practice now of putting experimental systems, which may need recalling to perfect them, on "odd-ball lines" that attract fewer customers and inconveniences fewer customers. This would follow that practice.

(3) A large scale Federal prototype development program for pollution free vehicles should be undertaken

Currently, the Federal Government is developing one prototype rankine (steam) propulsion system. A more extensive program is needed. Such a program would not need to test all forms of propulsion, since steam and gas turbines are generally conceded to be the most feasible and the most developed. Nor would such a program have to undertake initial development. While the spokesmen for the major auto companies were telling a Senate Committee that steam autos were not feasible, members of the committee were driving a modern steam car in the Senate basement. Similarly, at least one small company is now producing inexpensive gas turbine engines. What remains to be developed is the mass production capability and not the engine itself. Such a program would also provide a source of technological and cost information independent of the auto industry.

(4) Part of the Federal automobile excise tax should be utilized to provide the necessary financing for the air pollution program

A federal commitment to eliminating automotive air pollution will require a guaranteed source of funding for the next 4 to 5 years. The mechanism of the automotive excise tax offers a logical source of such funding.

The tax should be recalculated on the basis of the amount of engine horsepower and the amount of pollution produced. This would be in line with the philosophy that the polluter should pay for cleaning up his pollution. It would also reflect a recognition that in addition to producing more pollution, large engines—and this generally means large cars—occupy more parking and road space in our crowded central cities, a privilege for which they should pay.

The revenue collected in excess of the current 7 percent tax level should then be set aside to finance the prototype development and federal purchase of pollution free automobiles.

(5) The Federal Government should purchase pollution free vehicles even if they are more costly

To create a significant market for low pollution vehicles now and thus stimulate earlier production, the Federal Government should purchase entirely pollution-free vehicles even if they are more costly than currently available high polluting vehicles.

(6) The states should be encouraged to purchase pollution free vehicles by authorizing the use of the highway trust fund to compensate for any added cost

The states and local governments, like the Federal Government, are major purchasers of new cars, trucks and buses. To stimulate them to purchase pollution-free vehicles, highway trust fund money should be authorized to be used for added cost involved in purchasing them.

B. A radical reduction in automotive air pollution can be achieved almost immediately. What is needed is (7) an increase in

interim auto emission standards to those already established for California; (8) the establishment by 1972 to auto emission standards for used cars; (9) the establishment by 1972 of rigorous emission standards for fleet owned vehicles; (10) ban leaded gasoline and regulate the composition of fuel; and (11) regulate rubber and asbestos emissions.

(7) Increase interim auto emission standards to those already established for California and strengthen enforcement procedures

According to Federal law, California is the only state that can set its own auto emission standards. It can set standards so long as they are more rigorous than Federal standards and are approved by the Federal Government as "technologically feasible." Standards for 1971, 1972 and 1974 have been approved, which began to regulate oxides of nitrogen in 1971.

We applaud the Administration's announced auto emission standards for 1975, but believe standards more stringent than those for 1970 models are necessary in the interim. We also are pleased that oxides of nitrogen will be regulated, but do not believe we should wait to 1973 to do so. As an interim step, the California standards, which have been approved by the Federal Government as "technologically feasible," should be required of all new cars. There is no reason standards demonstrated to be feasible should be applied just in California.

However, such standards are meaningless if large numbers of devices are found to be defective. The Federal Government should be empowered to conduct assembly line inspections of air pollution devices in place of its present testing of prototype devices, which may or may not be the same as those mass produced. It should also be given the power to inspect devices after 6,000 miles of operation and require recalling of lines found to have defective devices, with the auto company picking up the cost of correction.

(8) Auto emission standards should be established for used cars by 1972

To achieve clean air now, air pollution standards should be established for all used cars to go into effect after January 1, 1972. Such standards should apply to all cars sold or licensed after that date.

Even if a pollution free auto could be marketed today, it must be remembered that over 90 percent of the cars on the road are more than one year old, and these cars account for far more than 90 percent of the pollution that comes from the auto. Approximately 10 million new cars are sold annually, and these have an average life of ten years. It would be almost a decade before today's high polluting used cars would be retired.

One of the major auto manufacturers recently announced development of an air pollution device for used cars. An independent firm has also developed and tested such a device. We believe they are now technologically feasible and should be required.

According to evidence presented in connection with the recent Federal suit against the auto industry, United States v. Automobile Manufacturers Association, et al., the auto industry has been conspiring since 1953 to prevent the development or manufacture of anti-pollution devices. If they had not acted in this way, pollution devices might well have been on cars 15 years ago. As the polluter, we do not believe the auto manufacturer should make a profit in selling pollution control devices to owners of autos without devices that they manufactured. It would seem to us that the industry has the obligation to sell and install these devices at cost.

(9) *Rigorous emission standards should be established by 1972 for fleet owned vehicles*

Fleet owned trucks, buses and taxis make up only 10 percent of vehicular traffic in urban areas, yet account for over 30 percent of the air pollution that comes from vehicles. Fuels, like compressed natural gas, which can operate in current internal combustion engines, can dramatically reduce these pollution levels, and are readily accessible to a fleet operation. The Florida telephone company, for example, has been operating its trucks on one form of natural gas for the past ten years. Rigorous emissions standards for fleet operations should, therefore, be established by 1972. Such standards should be similar to those tentatively established by the State of California for 1975.

(10) *Ban leaded gasoline and regulate the composition of fuel*

Leaded gasoline should be banned and the Federal Government empowered to regulate the composition of fuel. Current engines need no modification to use unleaded gasoline. One oil company has been marketing a premium brand non-leaded gasoline for many years.

There is currently a "gentlemen's agreement" in the oil industry limiting to 4 grams per gallon the lead content of gasoline. This should be phased out in accordance with the following time table:

- (a) 3 grams per gallon after January 1, 1971.
- (b) 2 grams per gallon after June 30, 1971.
- (c) 1 gram per gallon after January 1, 1972.
- (d) 0 gram per gallon after June 30, 1972.

Gasoline is the largest unregulated source of lead in the atmosphere—98 percent—and can be directly correlated with the level of lead in the air. Forty-five percent by volume of lead in gasoline ends up in the air. We do not believe this uncontrolled experiment can be permitted to go on any longer. Leaded gas must be totally banned by mid-1972.

Elimination of lead from gasoline would not only remove the major source of unregulated lead in the atmosphere, but would reduce emission from hydrocarbons and carbon monoxides as well which are increased as a result of the presence of lead. Except for the oil and lead industries, there was unanimous support in recent California legislative hearings on the banning of lead. The auto industry, we believe, is supporting a ban because it sees the result of pollution reduction as one way of taking the pressure off the move to ban the IC engine, and to buy time until approximately 1980.

Many of the additives and other components of fuel also contribute hazardous emission to the atmosphere. The Federal Government should have the power to regulate the composition of fuel to reduce this hazard.

(11) *Federal auto emission standards should be established for rubber and asbestos*

Federal auto emission standards should be established for rubber and asbestos as well as for carbon monoxide, hydrocarbons and oxides of nitrogen. Testimony at our hearing revealed the health hazards of these previously little noticed pollutants. Rubber emission comes primarily from auto tires and can be reduced. Asbestos in the air comes primarily from automotive brake systems and can also be reduced.

APPENDIX

TABLE 1.—POLLUTION CHARACTERISTICS OF VARIOUS PROPULSION SYSTEMS

[In grams per mile]

	Internal combustion engine (unregulated)	Internal combustion engine on natural gas	Gas turbine ¹	Steam engines ²
Hydrocarbons.....	11.0	1.5	0.32	0.2
Carbon monoxide.....	80.0	6.0	3.5	1.0
Oxides of nitrogen.....	4.0	1.5	1.9	.4

¹Based on the Chrysler Corp. experimental gas turbine car.

²Based on Williams steamcar tested by Mobil Oil Corp. in December 1966.

³Mostly nonreactive hydrocarbons.

TABLE 2.—COMPARISON OF EMISSION RECOMMENDATIONS

[In grams per mile]

	Current 1970 model	California			Nixon		This report, 1975-78
		1971	1972	1974	1973	1975	
Hydrocarbons.....	2.2	2.2	1.5	1.5	1.5	0.5	0.2
Carbon monoxide.....	23.0	23.0	23.0	23.0	23.0	11.0	1.0
Oxides of nitrogen.....		14.0	3.0	1.3	3.0	.75	.4

¹ The regulation of hydrocarbons and carbon monoxide has increased the emission of oxides of nitrogen beyond the level of the unregulated internal combustion engine. The chemical conditions relied upon in antipollution devices to date have increased the emission of oxides of nitrogen.

DISSENT IN THE AMERICAN BANKERS ASSOCIATION

(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, on February 6, the American Bankers Association conducted a big press conference here in Washington to once again announce its opposition to the one-bank holding company bill passed by the House of Representatives last November.

Through its president, Mr. Nat S. Rogers, the ABA attempted to lead the national press corps to believe that the bankers everywhere were up in arms about the House-passed bill.

The truth is that Mr. Rogers and the American Bankers Association are speaking only for a handful of large financial conglomerates which stand to benefit the most from no regulation of one-bank holding companies. Thousands of banks across this land are being endangered by the boardinghouse reach of

the large banks which the ABA so faithfully represents.

Mr. Speaker, I have received many communications—some of them confidential—from bankers who are opposed to the ABA position and who want public interest regulation of one-bank holding companies. These bankers do not favor delay; they favor action now which will lead to final enactment of a law in the 91st Congress.

Today, I will place in the RECORD samples of this correspondence which illustrate the position of many bankers who are in opposition to the ABA's stand. I hope the national press as well as the Congress and the administration will realize that the ABA does not speak for the bankers throughout the Nation on this issue. I hope Mr. Rogers will call another press conference in the very near future to state the position of the members of his association who are in favor of prompt regulation of one-bank holding companies.

Surely Mr. Rogers owes this much to these dues-paying members of his association who are getting no representation whatsoever.

Mr. Speaker, I place in the RECORD copies of letters from several banks opposed to the ABA position on the holding company legislation:

WAYNE HUMMER & Co.,
Chicago, Ill., February 12, 1970.

Mr. WILLIS W. ALEXANDER,
Executive Vice President, American Bankers Association, New York, N.Y.

DEAR Mr. ALEXANDER: In reference to the enclosed clipping regarding one bank holding companies, the directors of our bank are in favor of strict regulations. We can see no reason for banks to operate travel agencies and other types of business. Just running a bank is a full time job which requires a lot of training and experience. In fact, we are convinced that for a banker to engage in a number of different types of business may lead to problems not unlike those that most conglomerates are having today.

The old files of the National City Bank of New York could tell some interesting and sad stories of what happened to their investment affiliate, the National City Company in the thirties and the losses sustained by the shareholders of their bank. The rush to organize one bank holding companies last year is reminiscent of those days when nearly every big bank and many small ones organized affiliate institutions, later outlawed.

There are indications that Congressman Patman may be right in his statement that the American Bankers Association is working primarily for the big banks. Please remember that our bank is also a member of the American Bankers Association.

Sincerely yours,

WAYNE HUMMER.

[From the Chicago Sun-Times, Feb. 7, 1970]
ABA OPPOSES BILL CURBING ONE-BANK HOLDING COMPANIES

WASHINGTON.—The American Bankers Assn. said Friday it opposes the House-passed bill imposing strict regulations on holding companies that include only one bank.

ABA President Nat S. Rogers of Houston, Tex., told a news conference the organization's Federal Legislative Committee has decided that "A serious and thoughtful study of the nation's financial system" is essential before any such regulation is written into law.

The House-passed bill sets out activities which one-bank holding companies would be forbidden to enter, such as equipment

leasing and travel agencies. The bill has been cleared for the Senate, but no action has been taken there.

UNDER FED CONTROL

Multibank holding companies already come under federal regulations through the Federal Reserve Board's restrictions.

Rogers said his organization, even though it is split into differing camps on the issue, is "willing to abide by the distinction between finance and commerce."

However, he said, "we are not willing to take a big step back and repress ourselves," which he said the House bill would require. He denied that the ABA's opposition to the bill was an effort to delay enacting any legislation, but he contended that more facts are needed before laws can be written.

He said he would be willing for the matter to be put high on the agenda of a study proposed by President Nixon. The study, proposed in the President's economic report, should cover the type of regulation necessary and the proper activities for various segments of the financial industries. He specifically rejected the current bill's method of setting up forbidden areas, saying the association would prefer all the guidelines instead of a "laundry list."

TELLS PRINCIPLE

"We endorse the principle that banks and bank holding companies should be permitted to engage in any activities which are financial in nature, or are functionally related to banking or finance, and that they should be limited to such activities," an association statement said.

Pressed to give examples of what would be "functionally related" to banking, he listed travel agencies, leasing, insurance, factories, data processing and the operation of "pooled investment funds."

STATE SAVINGS BANK OF CARO,
Caro, Mich., December 16, 1969.

HON. WRIGHT PATMAN,
Chairman, House Banking Committee,
Washington, D.C.

DEAR SIR: Since passage of H.R. 6778 about a month ago, there has been a flood of outcries from bankers all over the country and from their national voice, the American Bankers Association.

To listen to and read some of the correspondence that has come to me in the interim, one would think that the banking industry was not long for this world.

Now I have not always agreed with you in some of your thoughts and actions toward our industry, but in the case in point, I am more in favor of what you have accomplished than against this legislation.

I am the executive officer of a relatively small independent bank in rural Michigan. For years I could foresee that the bigs were ganging up on the smalls and if left unchecked, banks like ours would be gobbled up by the large, greedy city bankers, be they OBHC's, BHC's or just plain merger-minded conglomerates who would like to remove the competition from the scene.

I think you will find that among us small, independents, there is a lot of support for the cause for which you seem to be dedicated and about which I say, "More power to you!"

It will be a sad day for the American people when our great nation is served by only a few giant banks who can call the shots as they see them. If this is to come about, believe me, today's prime rate of 8.5% will seem like a bargain to the poor borrower of the future.

Anything you can do to further the cause of independent banks in the nation will be greatly appreciated by me and by many others who truly are independent bankers and by the American consumer as well.

Yours very truly,

F. DOUGLAS CAMPBELL.

FIRST NATIONAL BANK,
Mexico, Mo., November 10, 1969.

HON. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Please accept my warm congratulations and gratitude for the great victory in the House on the One Bank Holding Company Bill.

I know that you and certain other members of the House are responsible for the passage of the Bill. You have done a great service to our country and to banking.

With warm best wishes.

Sincerely,

COMMUNITY STATE BANK OF FOWL-
ERVILLE,
Fowlerville, Mich., November 25, 1969.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Please accept our plaudits for your stand on the One Bank Holding Company Bill now before the Congress.

While we do not subscribe to many of your philosophies pertaining to the banking business we cannot help but think you are on the right track.

We think the small Independent Bank has a definite place in our economy and nation and the "big boys" are trying to take it away by the One Bank Holding route and other conglomerates.

Sincerely,

GEORGE R. TAIT, Jr.,
Executive Vice President.

EAST LANSING STATE BANK,
East Lansing, Mich., November 26, 1969.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Our sincerest congratulations for your stand on the One Bank Holding Company Bill now before Congress.

We agree with our Independent Bankers Association First Vice-President, Mr. Rod Parsch, that "Being by nature ambitious and hungry for power, man and his corporate creations strive to attain recognition and stature, to grow for the sake of growth." This kind of power when concentrated as unit bank holding companies in combination with monetary bank holding companies could eventually strangle the economic life blood of this nation and thwart both fiscal and monetary policy.

We hope that you will continue your efforts to keep the banks in the banking business and to avoid concentrations that would destroy the competitive nature of our economic society.

Yours sincerely,

E. A. TRAUTZ,
Executive Vice President.

FLORIDA NEWSPAPER DETAILS HOUSING WOES

(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, the Banking and Currency Committee is currently conducting hearings in an attempt to find alternative means of financing for the millions who have been priced out of the housing market.

This is a desperate situation. Nearly half of America's families are unable to qualify for housing mortgages under the present high interest, tight money pol-

icies existing in the Nixon administration.

Mr. Speaker, on February 7, the Miami Herald carried a lengthy story about the difficulties of families in Broward County, Fla., in purchasing homes because of high interest rates.

Mr. Speaker, I place in the RECORD a copy of this detailed article which also contains a great deal of information about the effort of the Banking and Currency Committee to correct this economic injustice:

[From the Miami Herald, Feb. 7, 1970]
MOST BROWARD RESIDENTS CANNOT AFFORD
AVERAGE HOME
(By Fred Tasker)

FORT LAUDERDALE.—Most Broward residents could not afford to buy a \$20,000 house, even though the average price of homes sold here is closer to \$30,000.

A study by the U.S. House Banking and Currency Committee staff showed that 28.4 million households—101.1 million people—cannot afford payments on a \$20,000 mortgage.

"Virtually all moderate income families have been priced out of the housing market," said Committee Chairman Wright Patman (D., Tex.) at the opening hearing on legislation to help home buyers.

Broward County is in far worse straits. The House study referred to the average U.S. household, which has a considerably higher income than the average Broward household.

Per capita income in the U.S. in 1968 was \$3,421. In Florida, it was only \$3,191. And Broward County in 1967—most recent year for which county figures are available—lagged nearly \$400 behind Florida in per capita income.

Ironically, those who make less must pay more for a home. According to the bulletin of the Fort Lauderdale Board of Realtors, "The average residential sale (homes only) for 1969 was \$29,048, compared with \$24,855 in 1968. The number of sales in 1969 did not increase by the same percentage as dollar volume, which means the average unit sale was higher, which means the general value of homes increased."

If the average Broward County home costs nearly \$30,000, a local family could move into that home with a conventional 8.5 per cent mortgage for about \$7,800 down and \$200 per month for 20 years.

At the end of 20 years, the family would own the house, but would have paid better than \$55,700 for it—\$30,000 in principle and \$25,700 in interest.

But many—probably most—new families cannot afford to plunk down \$7,800 to move into a house. So they turn to the FHA.

With an FHA mortgage—also at the going 8.5 per cent—the down payment on that \$30,000 home would be only about \$2,300, including closing costs. But monthly payments would be \$241 over a period of 30 years.

At the end of 30 years, the family would own the house, but would have paid \$89,000, of which \$30,000 would be principal and a whopping \$59,000 would be interest.

"This is simply the price you must pay for the use of someone else's money," a mortgage banker said.

And the mortgage story actually isn't that simple. To most buyers, a realtor said, the total price isn't nearly as important as the size of the monthly payment. U.S. families move on an average of once every five years, he said, and Florida families move once every three years.

So in a manner of speaking, he continued, those mortgage payments have been just like paying rent, except that some equity has been built up during that time.

And he pointed out that a family could easily pay \$89,000 in rent during 30 years, and end up with nothing at all to show for it.

Still, in the words of Rep. Patman, "today's ruinous high interest" is the chief factor driving moderate income families out of the housing market. Two measures are before the committee:

A homeowners Mortgage Loan Corporation, in effect a federal bank to make direct loans to moderate income home buyers at interest rates not to exceed 6.5 per cent.

A National Development Bank to make direct loans or to guarantee loans from conventional lenders for a low and moderate income housing at a rate no higher than 6 per cent.

THIOKOL CHEMICAL CORP. OFFICIAL HONORED BY ARMY FOR COST REDUCTIONS

(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, the U.S. Army early this month honored Mr. C. E. Baldwin, components engineer for Thiokol Chemical Corp., operating contractor of the Longhorn Army Ammunition Plant in Marshall, Tex., in recognition of his outstanding contributions to the Army cost reduction program. Mr. Baldwin's interest in reducing governmental costs reflects great credit upon the Thiokol organization and is a splendid example of what motivated employees can do to save tax dollars. Army Chief of Staff, Gen. William A. Westmoreland, personally presented the Army Certificate of Merit to Mr. Baldwin in appropriate ceremonies at the Pentagon.

The specific development which won Mr. Baldwin this award was the replacement of brass thimbles of 105 mm. artillery illuminating ammunition with aluminum thimbles. This has saved an estimated \$360,700 during the 1969 and 1970 fiscal years alone.

Mr. Speaker, cost reduction is a continuing effort at the Army's Longhorn Army ammunition plant. Since 1960, Thiokol Chemical Corp., operating contractor of this Government facility, has been credited with saving a total of \$32.8 million. It is I think important to realize that many Government contractors are working imaginatively and energetically to save money for the taxpayer and to produce with maximum efficiency. Both Thiokol and Mr. Baldwin deserve our sincere thanks and recognition for a splendid job.

THE ISSUE IS PRESERVATION OF HELL'S CANYON—"MORATORIUM" HEARINGS EVADING THE ISSUE

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

Mr. SAYLOR. Mr. Speaker, the Senate Interior and Insular Affairs Committee is presently discussing S. 940, which calls for a "moratorium" on the building of more dams on the Snake River which runs through the States of Idaho, Oregon, and Washington. Although hearings on the subject of dam

building are necessary and in fact, overdue, the current Senate hearings evade the real issue. The question is not on the construction of more engineering monuments in the next 5, 10, or even 20 years, but rather, whether or not Hell's Canyon should be preserved. Very frankly, if we are going to preserve Hell's Canyon, the decision should be made now.

I do not in the least doubt the sincerity of the position of the Senators supporting the moratorium concept, but in all fairness, it should be pointed out that there has been a surfeit of time for "study of the situation." In one respect, study has produced thirty dams on the Snake River already. Enough is enough.

In my opinion, the correct approach to the preservation is embodied in S. 3329, which was introduced by Senator ROBERT PACKWOOD, and in H.R. 15455, introduced by myself in the House. These two bills would establish the Hell's Canyon-Snake River National Park, thus providing for present and future generations to enjoy this area in its natural state of beauty. Justification for the preservation approach, in this, the beginning of the environmental decade, should be obvious to all, however, the forces at work to save Hell's Canyon from the engineers are fighting decades of "developmentosis." As I have pointed out above, development on the Snake River has produced an unparalleled growth of man-made structures with little or no concern for the ecology of the area. One assumes that now, with the new emphasis on environmental problems, a newer, more sophisticated and balanced atmosphere may prevail with regard to either the protection and/or development of any great national or natural treasure such as Hell's Canyon. It is my hope that such will be the case with regard to the current debate over the dam-building "moratorium."

One who shares my philosophy about the preservation of the canyon and the river but is not as optimistic as I am about the timetable for the establishment of a park, is Mr. Boyd Norton. Writing in the January 1970 issue of Audubon he makes a beautiful case for preservation and succinctly explains the years of study, debate, litigation, and construction along the Snake River. His article should be read by all those concerned with the environmental decade and one of the benchmark fights which will determine how that decade is to be remembered by the American people.

The article follows:

[From Audubon, January 1970]

THE LAST GREAT DAM

(By Boyd Norton)

Hells Canyon is the scenic climax of a river that Washington Irving once called "one of the most remarkable for varied and striking scenery of all the rivers on this continent."

The river is the Snake, a thousand miles of splendor stretching from Yellowstone to the Columbia. For almost two hundred miles along the border of Idaho and Oregon it has carved this gorge, the deepest in North America. Hells Canyon is nearly 8,000 feet in total depth, 6,600 feet at one point from rim to river. And if numbers alone are meaningless,

consider this: you could take the whole Teton Range, its length, breadth, and height, and drop it into this gorge with room to spare.

But Hells Canyon is more than a mere statistic or freak of geology. It is a continuum of life and land forms unique on this continent and perhaps on any other. Compressed within it, from the alpine tundra of the Seven Devils Mountains to the desert environment at river level, are all the life zones of North America. In wildlife alone, Hells Canyon possesses an amazing variety and quantity: elk, deer, black bear, otter, mink, raccoon, bobcat, cougar, coyote, many others. The variety isn't just limited to terrestrial habitats. Peregrines and prairie falcons soar in the heights along with golden eagles, ospreys, sparrow hawks, kingfishers, and cliff swallows. Some 150 species of birds are found in the canyon, though the precise number doesn't seem to be known. Canada geese and other waterfowl nest along the river in many places, and even wild turkey are seen here.

Twenty-five species of fish inhabit this section of the Snake River. There are steelheads, Dolly Varden, chinook salmon, and catfish among them. And this is the last stronghold of the ancient white sturgeon, which thrives in the swift-flowing Snake and grows to lengths in excess of ten feet.

As one of the nation's outstanding wildlife biologists, Dr. Frank Craighead, said in a hearing last year. "It is especially desirable to have an ecological bench mark in the Hells Canyon area because it contains aquatic, terrestrial, and atmospheric habitats that are biologically unique. Nowhere else in the nation are all these species found together in such collective abundance."

And yet Hells Canyon is also more than a catalog of plants and animals. It is a strange and beautiful place where ebony walls rise from the river, a place of steep grassy hillsides that lie brilliantly on the somber undertone of rock. The sheen of river-polished boulders is a part of it and so is the glare of sandy beaches, the green of fern, or the brightness of cactus blossoms. Hells Canyon is a color and a quality of light that changes with the day. It is a blue gash of sky caught between steep walls. It is a wild river living its early name, "Accursed Mad River." It is a quiet and reassuring place, and at the same time awesome and frightening.

Hells Canyon is a living page in history, both near and distant. It is a place visited early in the exploration of the West, then nearly forgotten. In 1811, only five years after the return of Lewis and Clark, Wilson Price Hunt explored and described its depths, nearly perishing in them on his journey to map a route from Missouri to the mouth of the Columbia for John Jacob Astor. Then came Robert Stuart in 1812, retracing Hunt's route but avoiding his near-tragic mistakes. And sometime later came the great influx of fur-trappers, with Captain Benjamin L. E. Bonneville writing in 1833: "The grandeur and originality of the views presented on every side beggar both the pencil and the pen. Nothing we had ever gazed upon in any other region could for a moment compare in wild majesty and impressive sternness with the series of scenes which here at every turn astonished our senses and filled us with awe and delight."

Greed for fur later gave way to the lure of gold and silver, but these too were elusive and the canyon resisted any large or permanent developments.

Before the explorers and the fur-trappers and prospectors were the Indians—northern Shoshoni in part, but mainly the Nez Percé. They knew the canyon well and it was useful to them not only for its bountiful game, but for defenses as well. In 1877 Chief Joseph, leader of the peaceful Nez Percé, rebelled against the treaty-breaking United States

Government. Leading his people safely across the treacherous Snake River in Hells Canyon, Joseph outwitted and outfought a "superior" U.S. Army across a thousand miles of Rocky Mountain terrain before he was trapped thirty miles short of refuge in Canada.

The earliest of men lived in the canyon and left their strange petroglyphs on dark and hidden places throughout its depths. To archeologists, Hells Canyon is an untapped treasure of early history. Only a handful of the estimated 200 archeological sites have been investigated. Lying at the juncture of two early cultures—the Columbia Plateau and the Great Basin—the canyon may hold answers to the puzzle of man's arrival and migration in North America.

Hells Canyon is all of these things, seen and unseen. It is a place that defies a complete description. And the cold eye of the camera does little better, for it captures only those small finite slices in time while the total flow of life and land continues on here as it always has.

And I would like to say "always will."

But Hells Canyon is also doomed.

Twentieth-century man, with his appetite for kilowatts and obsession for taming wild places, has already destroyed the upstream reaches of Hells Canyon with the Oxbow, Brownlee, and Low Hells Canyon dams. Now, the deepest and wildest part of the canyon that remains is threatened by what has been called "the last storage project on the Columbia River system."

The story has become all too familiar. A canyon, a wild river, the land and wildlife contained within—all threatened with extinction. Hells Canyon, like too many other places before it, may die before many ever discover it. And like the others, its death is unnecessary.

The name of the dam is High Mountain Sheep. Or Nez Percé. Or perhaps Appaloosa or Pleasant Valley. It all depends on whom you talk to, and when. For the brief history of dam proposals in this part of Hells Canyon is probably the most confusing in conservation annals.

The complicated story begins around 1954. At first it was a two-dam complex consisting of Low Mountain Sheep (located just above the Imnaha River confluence) and Pleasant Valley (twenty miles farther upstream). Pacific Northwest Power Company was the applicant, a combine of four private power companies in the Northwest. A license was first granted, but later denied by the Federal Power Commission on the grounds that the best hydroelectric potential of the river would not be utilized.

Pacific Northwest Power reapplied, this time for High Mountain Sheep, located just a half-mile above the confluence of the Salmon River. An engineer's delight, this 670-foot-high dam would create a 58-mile reservoir in the heart of Hells Canyon, flooding twelve miles of the spectacular Imnaha Gorge as well.

By 1960 others had their eye on the hydroelectric potential of the canyon. Washington Public Power Supply System, a joint operating agency composed of eighteen public utility districts in the state of Washington, filed application with the Federal Power Commission for a license to build the Nez Percé Dam. The application touched off the first real controversy, for Nez Percé, located a mile below the Salmon-Snake confluence, would not only finish off the Snake, but threatened to flood the lower Salmon River, destroying the anadromous fish runs in this "River of No Return" of Lewis and Clark fame. Killing two great rivers for the price of one, Nez Percé promised to become one of the most destructive dams ever built. Washington Public Power later amended their application to substitute High Mountain Sheep for Nez Percé.

In 1962 the Federal Power Commission granted a license to Pacific Northwest Power

Company to build High Mountain Sheep. The Department of the Interior, entering the case as an intervenor, filed suit claiming that a federally built dam would best serve the public interest. And Washington Public Power still maintained that it had a claim.

The battle went through the U.S. Court of Appeals, which upheld the Federal Power Commission decision, finally reaching the U.S. Supreme Court. In June of 1967 the High Court handed down a decision that may well represent a landmark in conservation history. Disregarding entirely the question of who might build the dam, the court directed the Federal Power Commission to re-examine more carefully all the arguments, including the case for no dam at all. Justice William O. Douglas wrote, "The test is whether the project will be in the public interest, and that determination can be made only after an exploration of all issues relevant to the public interest. These include future power demand and supply in the area, alternate sources of power, and the public interest in preserving reaches of wild rivers in wilderness areas, and the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife."

During the years of legal battle, conservationists had nearly given up hope of preventing construction of High Mountain Sheep Dam. Some had even endorsed it, fearing the more destructive Nez Percé. The Supreme Court decision offered renewed hope, and a few months later an alliance comprised of the Idaho Alpine Club, the Sierra Club, and the Federation of Western Outdoor Clubs filed a petition of intervention with the Federal Power Commission to represent the public interest in preserving Hells Canyon.

In the fall of that same year a small group of Idaho conservationists formed the Hell's Canyon Preservation Council (P.O. Box 691, Idaho Falls, Idaho 83401) for the purpose of rallying public opinion for this little-known place and helping prepare for the FPC hearings the next year. Working closely with the other groups, the council has compiled an impressive amount of evidence against the dam, evidence provided by interviews and correspondence with fish and wildlife biologists, recreation experts, ecologists, and archeologists. In addition, the council drew upon several nuclear scientists in its ranks and found that nuclear power could provide an economical alternative to the dam (assuming that the increased power production were really needed).

The cost of the electricity produced by High Mountain Sheep has been its biggest selling point. Traditionally, electrical power has always been cheap in the Northwest by virtue of abundant hydroelectric sites. But over the years the cost of hydroelectricity has been rising due to higher construction costs, increasing transmission costs, and gradual depletion of the "best" dam sites. This, coupled with technical developments, has allowed other types of energy generation to compete with hydropower. In 1967, a report was published by Battelle Northwest Laboratories, a prime contractor for the Atomic Energy Commission. Done under contract for the Bonneville Power Administration, the report summarizes a detailed study of potential nuclear power in the Pacific Northwest. It projected an average cost of about 3.2 mills per kilowatt-hour for the eighteen potential nuclear plants studied. And this cost included installation of cooling towers on the plants to minimize thermal pollution. (It should be emphasized that conservationists are not necessarily endorsing nuclear power as a desirable alternative. It appears to be an economical alternative if indeed more power is needed in the Northwest. But we are faced with a whole new set of environmental damage problems from the

use of nuclear power—a fact which power companies also fail to recognize.)

Interestingly, recent figures by the dam-builders place the cost of electricity from High Mountain Sheep at 3.2 mills, though no explanation is offered as to why this figure differs from early Bonneville Power Administration estimates which ran as high as 6 mills per kilowatt-hour (depending on which combination of power dam and reregulatory dam was chosen). To cloud the issue even further, Pacific Northwest Power Company claims that its own economic study of nuclear power showed it to be 60 percent more expensive than High Mountain Sheep. But this study appears to have been heavily biased in favor of the dam by assuming unrealistic load factors for the nuclear plants, and when pinned down on comparative costs the power companies refer vaguely to the peaking power advantages of the dam. And yet even the peaking power arguments are disputed. Interior Department sources assert that there is no shortage of projects that can be converted for peaking loads, such as the additional generators being added to Grand Coulee.

Because of the attitudes and conflicting information concerning costs, there seems to be some doubt as to whether this is a prime factor in the case. The power is fed into the vast network of the Bonneville Power Administration in the Northwest and minor differences in cost probably result in relatively small perturbations in the complicated pricing and payment schedules. The main driving force behind the dam-builders seems to be a "this-is-the-way-we've-always-done-things" philosophy.

Some interesting questions arise concerning power "needs." Do power companies provide the electricity to meet a real growth pattern? Or do they create most of the needs by their own advertising? (*Live better electrically.*) Power companies and utilities claim their expansions are based on projected or extrapolated curves of increased power consumption. And yet these curves were shaped by the efforts of the companies to sell their product—electricity. Furthermore, these companies, like other businesses, are in competition, albeit on a regional basis. To lure more customers—industries—to their region, they engage in large-scale advertising. There will probably never be a time when there is a large surplus of electricity, for the power companies will seek out new markets or convince old customers to use more electrical products. And then they'll build more power plants justified by these increased markets in order to sell even more electricity to newer markets—ad infinitum.

In the case of High Mountain Sheep, the power companies and utilities claim that further delays of their expansion plans may retard the industrial growth of the Northwest. No one has asked whether more industrial growth for the Northwest is desirable.

One begins to suspect that if the power companies were really concerned about meeting future power "demands," they might begin by firing their public relations and advertising staffs.

(Question: What is the real cost for such things as electric can openers and two television sets? Answer: Hells Canyon, Grand Canyon, Storm King . . .)

After recovering from the shock of the Supreme Court decision, and sensing the rising tide of opposition, the two applicants sought safety in unification. By early 1968 Pacific Northwest Power and Washington Public Power had resolved their differences and filed jointly to build and share in the spoils of High Mountain Sheep Dam.

Throughout 1968 the battle increased in intensity with several new complexities added. The Department of the Interior announced that its studies showed the Appa-

loosa site, twelve miles upstream, to be superior. High Mountain Sheep, the department contended, would still be detrimental to the fish runs up the Salmon River. Its proximity to the confluence could create confusing turbulence and the dissolved nitrogen formed in large quantities in the reservoir would add to the problems. (Recent biological studies have indicated that increased river temperatures and dissolved nitrogen content from all the existing dams on the Snake-Columbia system have contributed largely to the impairment of anadromous fish runs in the last several years.)

Also, the China Gardens reregulatory dam, an integral—and often hushed-up—part of the total High Mountain Sheep development, located about twenty miles downstream, would still create slack water partway up the lower Salmon River, forming an additional barrier to the salmon and steelhead migrations. Therefore, Interior's plans called for building the Appaloosa Dam with a reregulatory dam at the Low Mountain Sheep site just above the Imnaha River confluence. But this combination, though somewhat better than the High Mountain Sheep complex from the standpoint of minimizing impact on fish, would still destroy the heart of Hells Canyon.

The Idaho Water Resources Board, a junior-sized Bureau of Reclamation created in fear and haste several years ago, has also intervened in the case to build High Mountain Sheep itself. Inflated by its own self-importance in the case, the board seeks to use revenues derived from the sale of this electricity to "develop" other water resources in Idaho, resources that include the most magnificent remaining wild rivers in the nation. The board has rallied much support in the state by promoting the philosophy that Idaho must "use" its water resources before they are "stolen," and that Idaho is somehow destined to become an industrial power by virtue of its water resources. And too many people believe that it is an unholy sin to allow water to leak out of the state unused.

The Nez Percé Dam, presumed dead a few years ago, has now been revived. Idaho's Senator Len Jordan, long a proponent of pork-barrel reclamation projects, has proposed Nez Percé for an incredible scheme to make water flow uphill. Using the power generated, he suggests pumping the water from the reservoirs in the Salmon River Canyon and Hells Canyon back upstream to irrigate desert lands in southern Idaho in order to grow more subsidized crops. He argues that the anadromous fish may already be doomed because of impaired water quality from existing dams. So why not put the Snake and Salmon Rivers to use?

In September of 1968, the Federal Power Commission held public hearings in Lewiston, Idaho, and Portland, Oregon, where scores of people testified against the dams. The Hells Canyon Preservation Council presented petitions of opposition totaling 6,000 signatures to the FPC (the number has now grown to more than 10,000) and hundreds of letters poured in from across the nation.

For the legal hearings with the FPC, the conservation groups rounded up their numerous experts to testify, including economists and a psychiatrist. In total, an impressive amount of evidence was compiled against any dams.

Again sensing the rising tide of opposition, the dam-builders once more sought to strengthen their position. In November 1968 an announcement was made of a unique three-way coalition between Interior, Pacific Northwest Power, and Washington Public Power Supply System. According to this plan, the utilities were to prepay Interior for fifty years worth of power and, using these funds plus a Congressional appropriation, Interior would build the Appaloosa Dam. With

great fanfare this trio announced that the long-standing dispute over Hells Canyon had finally been "solved." The dam-builders hoped to ram through Congress a bill authorizing Appaloosa Dam. But fearing to burn their bridges after them, the power combines left open the option of renewing their license application for High Mountain Sheep from the Federal Power Commission by asking for a six-month postponement of the case.

The plan failed. Congress was apparently in no mood to fund another costly project—however inexpensively it may have been disguised. After several extensions, the postponement of the FPC case expired in September of 1969. And at that time Secretary of Interior Walter J. Hickel announced that his department was dropping its plans for Appaloosa Dam in favor of a three- to five-year moratorium. Subsequently, sources from within revealed that Interior would argue strongly against any dams before the Federal Power Commission. But how strongly remains to be seen.

If indeed the Department of Interior now feels it will assume a no-dam stance, why propose merely a moratorium? Will time somehow make Hells Canyon more deserving of protection? It won't. But time, with the liberal help of man, will destroy it unless permanent protection is sought.

An earlier proposal for a moratorium, this time for ten years, has already been introduced in the Senate by Idaho's Senators Frank Church and Len Jordan, and a similar bill was introduced in the House. Senator Jordan seems to be using the moratorium as a scheme to deter the hydroelectric interests so that his grandiose reclamation plans may be realized with the Nez Percé Dam.

But a moratorium, whether it be for five, ten, or one hundred years, only delays the inevitable facing-up. Even if alternate sources of power do not prove economically feasible, the ecological price of Hells Canyon is too much to pay.

The Hells Canyon Preservation Council, together with the Sierra Club and Wilderness Society, has formulated a plan calling for the establishment of a 714,000-acre Hells Canyon-Snake National River to permanently preserve not only the 120 miles of the Middle Snake, but the adjacent Seven Devils Mountains in Idaho and the rugged plateau and mountains on the Oregon side of the canyon. It would also include preservation of the lower 85 miles of the Salmon River, a section already mapped for damming by the Corps of Engineers. The Hells Canyon-Snake National River would protect the total unity of three major rivers—the Snake, Salmon, and Imnaha—three great canyons, and two superb mountain ranges with a total of 395,000 acres to be added to the National Wilderness Preservation System.

Efforts to introduce the Hells Canyon-Snake National River in Congress have met with indifference and strong opposition. The indifference can be understood in light of the relative obscurity of Hells Canyon. But the opposition has risen from unexpected sources. Senator Frank Church of Idaho, a logical sponsor for the bill in view of his excellent conservation record, not only refuses to introduce it, but has been opposed to its introduction by anyone else. He staunchly defends the moratorium as a means of providing more time to study the situation, despite pleas from conservationists that enough is already known about Hells Canyon to declare it worthy of protection. His opposition to the bill is puzzling and may reflect some of the subtle and intricate forces at work on various water development schemes.

(Question: How long must we study this place? Answer: Until a dam is built.)

But fresh hope has come from outside Idaho. After careful study, Representative John Saylor, Pennsylvania's conservationist Congressman, has agreed to introduce the

Hells Canyon-Snake National River bill in the House. And a Senate version is being prepared by Oregon Senator Robert Packwood, a young freshman senator who declines to follow the path of the old-style power-and-reclamation advocates who still dominate our lawmakers from the West.

Despite this encouraging news, however, the prospect for protecting Hells Canyon in the near future remains rather grim. Hearings must be scheduled and strong leadership will be needed to move the bill through the long legislative mill—over the objections of Idaho's Congressmen and senators, who are aligned with the reclamation forces.

In the meantime, the Federal Power Commission case resumes in January with Pacific Northwest Power and Washington Public Power Supply System jointly applying for a license to build High Mountain Sheep Dam or Appaloosa Dam or even Pleasant Valley Dam. They're not fussy. Arguing against, as intervenors, will be the trio of conservation groups. Also arguing against, presumably, will be the Department of the Interior.

While the canyon awaits its fate there will be more hearings, cross-examinations, witnesses, and more pages for the record. In the end the FPC will grant the license because it understands nothing else. There will be appeals, then, and more court cases, all costing conservationists heavily.

And yet, through it all the basic question will remain unanswered: Why build this dam, whether it be High Mountain Sheep, Nez Percé, Appaloosa, or Pleasant Valley? The real answer has been lost among years of fighting, pages of testimony, hours of hearings, and thousands of printed words.

It isn't the electricity, for we can produce it by alternate means. The power companies agree that High Mountain Sheep or Appaloosa is the last major hydroelectric development in the Northwest—if not the nation—and most power companies already have plans for thermal plants in the future. This one dam will ultimately contribute little to the long-range needs, and the Bonneville Power Administration has admitted in hearings that it is not essential.

Flood control? The Snake River has become an engineer's dream. Nearly thirty dams impound the flow of the Snake and its tributaries in a thousand-mile staircase of slack-water reservoirs. Any flood control claims for the dam, in light of all these other concrete plugs, are absurd.

A newer rationale was developed for the Appaloosa Dam—water quality control. The proliferation of dams on the Snake-Columbia system has altered temperatures and dissolved gas content with detrimental impact on migratory fish. In its conceptual design, Appaloosa would theoretically allow oxygen to maintain optimum environment for migrating fish. But the concept is unproven, and a number of biologists doubt that it would be effective. Besides, they argue, why not modify one of the existing dams, such as Low Hells Canyon Dam, to try this out? One Idaho conservationist summed it up well: "Building another dam on the Snake-Columbia system to help the fish is like taking another drink of whiskey to sober-up."

The real reason for the continued push to build this "last great dam" is much more obscure. Perhaps it is a mixture of professional pride, technological arrogance, and bureaucratic inertia. There is undoubtedly a reluctance to give up a project that has already cost several millions of dollars in engineering design and planning, legal costs, and just plain propaganda efforts.

But whatever the reason, the building of any dam here would mean another tragedy on the order of Glen Canyon. And how many such tragedies can we afford as a nation? Unlike Glen Canyon, however, we have the time and the experience to know what the loss will be and the time to prevent it.

WHERE IS U.S. FOREIGN ECONOMIC POLICY GOING IN THE 1970'S?

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include an address by the Honorable HALE BOGGS before Business Council.)

Mr. ALBERT. Mr. Speaker, last week, our distinguished colleague from Louisiana, HALE BOGGS, our majority whip, addressed the Business Council, an organization of the chief executives of the leading corporations in our country, on the topic of American foreign economic policy for the 1970's.

HALE BOGGS is unusually qualified to speak on the subject of foreign economic policy. As chairman of the Joint Economic Subcommittee on Foreign Economic Policy, he chaired its hearings in the early 1960's, which laid the groundwork for the Trade Expansion Act of 1962 and the landmark Kennedy round of trade negotiations which followed.

Because of the importance of developing a foreign economic policy for the 1970's, I am including the text of HALE BOGGS' speech in the RECORD for the benefit of the Members:

WHERE IS UNITED STATES FOREIGN ECONOMIC POLICY GOING IN THE 1970'S

(Address by Hon. HALE BOGGS, chairman, Subcommittee on Foreign Economic Policy, Joint Economic Committee, to the Business Council Feb. 12, 1970, Washington, D.C.)

The subject I am to talk about today is broad and complicated and certainly not one that anyone can do justice to in thirty minutes. Nor can I pretend to deal with it adequately today even if more time were available and your patience unlimited.

What I would like to do then is to make some general comments and observations about the future of foreign economic policy and then discuss two specific policy issues that will come under discussion in the coming months.

The subject is one which, as you may know, has engaged my interest for some time. From 1956 to 1960 I was Chairman of the Subcommittee on Foreign Trade Policy of the Committee on Ways and Means which, I think it is fair to say, did some probing and pioneering work on the subject of foreign trade policy. In 1961, I became Chairman of the Subcommittee on Foreign Economic Policy of the Joint Economic Committee. In that year, this Subcommittee undertook a series of studies and hearings on the future of the United States foreign trade policy which helped prepare the ground for the Trade Expansion Act of 1962 and the Kennedy Round of Trade Negotiations which followed.

My Subcommittee is now engaged in a year-long study of the whole spectrum of issues that go to make up our international economic policy. We opened with an introductory set of hearings in December in which various aspects of foreign economic policy were explored by 15 experts representing diverse interests and perspectives, including six who came from abroad.

We have a rather ambitious program of work for the balance of the year. On March 16 we will open four days of hearings in which we will discuss trade policy towards developed countries including such subjects as the evolution of the European Common Market and its implications for the United States, the agenda for future trade negotiations and the roll of agriculture in world trade. In May, we plan to hold several days of hearings on policy towards less developed

countries. At that time we expect that the report of the Presidential Commission on this subject, under the Chairmanship of Rudolph Peterson of the Bank of America, will have been made public, and that we can contribute to a review of the report and of the issues involved in this important subject. In July, we are tentatively planning to hold hearings on United States foreign investment, its relationship to international trade and the role of the multinational corporation. Other subjects will be covered in subsequent hearings including the very timely question of the international adjustment process; that is to say, how deficits and surpluses in the balance of payments of various countries can be adjusted with a minimum of disturbance to the normal processes of international trade, finance and investment.

On the whole, the record of performance in the field of international economic policy, both on or part as well as on that of the other free world nations, is one which can give us some satisfaction. This is certainly true when you compare what has happened in the post-war period with the dreadful experience which the world went through in the 1930's. The post-war period has seen remarkable progress. We have all learned a lot from the lessons of the 1930's. Also, the advanced countries of the world have managed their internal economies with a great deal more skill and good sense than ever before. Beyond that, we have developed international institutions and rules as well as techniques of cooperation and coordination among countries which have been invaluable.

In the field of foreign trade, for example, we have made remarkable progress in the removal of restrictions on world trade and in the establishment of rules for the conduct of world trade under the aegis of the General Agreement on Tariffs and Trade (GATT). The recently concluded Kennedy Round of Trade Negotiations, which was conducted under GATT, represented the greatest step in trade liberalization ever. Similarly, in the field of international exchange and payments, remarkable progress has been made with the March 1968 decision on gold, and more recently, the agreement on SDR's—the Special Drawing Rights under the International Monetary Fund. We have, I think, in this field been able to bring a degree of rationality and sensible management to international financial arrangements that we can all take satisfaction in. I sometimes wonder whether we have made such good progress precisely because this subject is so arcane and complicated that most politicians had no option but to leave the matter in the hands of experts.

But as much progress as we record, there still remain many issues to be dealt with. We live in a dynamic world; everything changes and new policies and actions have to be continually taken. We can't say, "Stop the World, I want to get Off!" In fact, we have to continually press forward in order to secure the progress that has been achieved and to make further progress. This is what I call the bicycle principle of political kinetics: If you don't move forward at an adequate rate of speed, you fall down on your tail.

The subject of foreign economic policy is not the highest priority on the country's agenda. I don't have to tell you what the pressing issues are; but, I would only observe that we cannot afford to neglect this subject except at our peril. If we do, we will risk losing the considerable investment of twenty-five years of great effort and progress in building a more viable economic system. The interesting thing about foreign economic policy, unlike some of the other public policy issues that stand higher in our priorities, is that we are not talking about funding large programs which involve considerable bud-

etary and resource cost to the economy. On the contrary, when we talk about foreign economic policy we are really talking about operating in the world economy so that we can increase the benefits that we enjoy. Our objective is greater real income brought about through a better use of resources on a world-wide scale. And we want improved international relations—and this is an important objective of foreign economic policy—because we want increasingly to improve the prospects for international order, stability, and peace.

Despite our accomplishments, there are many things that remain to be done and many threats that have to be averted. In the field of foreign trade, we have to learn how to deal with the problem of world agriculture which has become a separate and unique issue both in domestic as well as international policy forums. Similarly, we have to address ourselves to the whole range of non-tariff barriers to trade which have assumed more importance as tariffs have progressively been reduced. In both instances, that is both agriculture and non-tariff barriers, we are going to have to devise new methods of negotiation which will inevitably have to deal to some extent with the domestic policies that give rise to the import restrictions under negotiation. Similarly, the subject of international investment has come to enjoy a great deal of attention and is one of the more delicate issues that has arisen in this respect is the potential conflict of national jurisdictions. In addition, the great growth of the investment accounts in the balance of payments has resulted in the movement of large masses of capital that can sometimes be highly volatile and we will have to learn to live with these. As to policy toward the less developed countries, the most recent foreign aid appropriations bill spells out more clearly than anything else the need to take a whole new look at our policy in this vital area. In the field of monetary policy, among the issues that have to be discussed will be the question of how national balances of payments can be adjusted without doing violence to the business of trade and investment. There is a great deal of interest in greater flexibility in foreign exchange rates and, related to that, is the subject of greater coordination of national policies to minimize maladjustments in balances of payments.

This is just a partial listing and it would be premature for me to discuss these matters in any detail because we have just begun our studies. I will be better able to discuss these and other issues and have concrete recommendations after we have finished our work. And, indeed, we plan to issue a detailed report with recommendations.

I want to make some observations today on the two issues that are enjoying little attention currently, but that are likely to engage considerable interest in the months and perhaps years ahead. Neither of these two questions has had much discussion either publicly or in the Congress, even though one of them would require legislation.

The two issues that I have in mind are:

First, the question of providing tariff preferences for less developed countries as a means of promoting their exports to the developed countries and increasing their foreign exchange earnings. The second is the issue of the evolution of the European Economic Community (the European Common Market) and its enlargement through negotiations with the United Kingdom and other countries. It seems to me that both these questions deserve more attention and, particularly, more critical evaluation than they have enjoyed until now.

TARIFF PREFERENCES FOR LDC'S

A policy of tariff preferences means applying lower tariffs or no tariffs at all on imports from LDC's, even while the same im-

ports from developed countries are subject to import duties. The purpose is to promote exports from LDC's, increase their foreign exchange earnings, and stimulate their industrial development.

Some background on this subject is in order. The European Economic Community (EEC) has for a number of years, been giving tariff preferences to a number of African states and has been receiving tariff preferences in return from these countries. Commonwealth countries also maintain preference arrangements amongst themselves. The United States has been critical of these arrangements and has sought to diminish their effect.

The idea that the LDCs should be accorded tariff preferences by all developed countries—an idea which the Latin American countries have been pushing because they were excluded from both the EEC and the Commonwealth arrangements—gained status at the United Nations Conference on Trade and Development which began in March, 1964. The preference idea was only one of many proposals designed to assist the trade and development of LDCs, and it was one which the developed countries, as it turned out, focused their attention on perhaps because the other ideas seemed to be even more difficult to achieve. The United States, making what it believed to be virtue out of necessity, finally came around to a reluctant support of the preference idea; the U.S. came to see it as an opportunity to try and break down the discriminatory preference schemes of the EEC and of the Commonwealth. Without going into the further history of this idea, it is sufficient to point out that a series of proposals advanced by the developed countries are now under consideration by them in the OECD (the Organization for Economic Cooperation and Development) which is providing the forum in which the developed countries hope to arrive at a uniform policy on tariff preferences for LDC's.

The United States proposal, for example, which was submitted on November 3, 1969, provided the following:

- 1) Complete elimination of all tariffs on imports from LDC's except for those on textiles, shoes and petroleum. Agricultural products would be treated selectively.
- 2) The duty-free treatment would last for ten years.
- 3) The scheme would be applied by all developed countries to all LDC's without discrimination.
- 4) Any LDC's that get or give special preferences would be excluded from the scheme.

As might be expected, the proposals of other countries submitted at the OECD differ significantly from that of the United States in that they are more restrictive and more conditional in nature, with a number of them, for example, proposing quota limitations on the amount of imports from LDC's that would enjoy tariff preferences. It is going to be very difficult indeed to negotiate out these differences and to reconcile them and one might realistically expect that the end process of such a negotiation will produce a proposal which reflects the lowest common denominator.

The question I would like to ask is whether this whole approach makes any sense. I have serious doubts. It appears to me that we may well end up with little of real substantive value to the LDC's and with inevitable disappointment on their part, accompanied by bad consequences for the world trading system resulting from the introduction of further discriminatory arrangements. The latter would result if the U.S. were to give special preferential treatment to Latin America only, as the President indicated on November 11, in the event we have had no success in getting agreement in OECD on a universal, non-discriminatory, tariff preference arrangement. The pity of it all is that we made our OECD

proposal as a tactical move to try and break up the EEC preferential system which is discriminatory. But we could end up increasing the extent of discrimination instead of providing Latin American with special preferences. This would be politically as well as economically unfortunate.

Without going into any elaborate discussion, let me make four points that are relevant to an appreciation of the tariff preference issue—a subject that will be enjoying increasing attention over the months ahead:

- 1) Most economists who have studied the subject have come to the conclusion that a tariff preference scheme would bring little benefit to the LDC's as a whole. Only the very few LDC's that already have manufacturing capability would be able to take advantage of the scheme to increase their foreign exchange earnings, but even these are most proficient in the manufacture of such products as textiles, shoes and processed agricultural products, which, at the very minimum, will be excluded from the scheme. It should be remembered that eighty to ninety percent of the exports of the LDC's are in bulk, unprocessed commodities, that face zero or very low tariffs already. Furthermore, a tariff preference scheme that lasts ten years is not likely to provide a sufficient incentive for foreign investors to develop manufacturing capability in the LDC's designed to produce goods for export.

- 2) Preferences, and in particular discriminatory ones, involve complex problems of administration. When such preferences are given by developed countries as a unilateral act of charity, they invite what can euphemistically be called "flexible" administration by the developed countries which can generate a good deal of friction. We may not be doing either the LDC's or ourselves a favor.

- 3) There is a danger that if we do provide preferences, we may conclude that we have discharged our responsibilities to the LDC's and that we can cut foreign assistance and other programs. The net result would be that the few, relatively developed, LDC's which would gain benefits from a preference scheme would do so at the expense of the least-developed LDC's which are most in need of help.

- 4) Any preference scheme will require implementing legislation. I suspect that it would have hard sledding in the Congress for a variety of reasons, not the least of which being that, as I have tried to suggest, the proposal is not well thought out.

The preference idea is one of those political initiatives that seems to have come into being not because it is inherently sensible and constructive, but rather because the developed countries, faced with the pressures generated by the UN Conference on Trade and Development (UNCTAD), felt that they had to do something.

Actually, the United States proposal submitted in OECD, which I outlined earlier, would, if accepted, be an improvement over the existing arrangements of the EEC and the Commonwealth, particularly if it were just an interim phase followed by generalized tariff reductions. But the prospects of the United States proposal being accepted are virtually nil. Furthermore, if we revert to a discriminatory preferential arrangement with Latin America, we would be compounding the felony.

The lesson I take from all of this is that what is needed in our policy toward LDC's are not contrivances, but well thought-out and meaningful programs and proposals—including policies that offer a real promise of increasing the export earnings of the LDC's on a durable and permanent basis. I trust that such a serious policy review has been going on in the Peterson Commission, and I hope that our Subcommittee can make its own contribution as well.

The United States and the European Economic Community

The agenda for trade negotiations was not completed for all time with the close of the Kennedy Round. There is much yet to be done that can only be accomplished through multilateral negotiations under the GATT and I have in mind here negotiations that would produce lasting and genuine benefits for the trade of LDC's as well. But in order to negotiate, one has to have negotiating partners. Here the question is what the disposition of the EEC will be. The EEC is now, and may very well be for many years to come, occupied with the question of whether it should become enlarged by membership of the U.K., Denmark and Ireland and where and how it should develop relations with the European neutrals such as Sweden, Switzerland and Austria.

There is, to put it briefly, the danger that Europe will be so involved over the next few years in working out its own internal trade and economic relationships that it will completely neglect its relationships with the outside world. This I think would be very dangerous and to my mind, unnecessary.

Yet it is a prospect that is realistic enough so that we should be facing up to it. What concerns me here is the following possibility: It has now been agreed that the EEC will begin negotiations with the U.K. in July. Considering the complicated nature of these negotiations, most observers think that they would require a minimum of two to three years and a maximum of four to five years to complete. At the same time, negotiations will be going forward with other European countries interested in joining the Common Market. Still other negotiations may be going forward with other European countries not able to join the Common Market, but interested in developing some sort of tariff and trade arrangement with it. Because of the complex character of the problems involved, the negotiations are likely to be complex, and what results the product of considerable compromise. The field of agriculture is only one, but a very important, example of an area where bargaining will be intense and difficult. The results of these negotiations will be of great interest and consequence for the United States as well as for the rest of the Free World. There is a danger that we will be faced with a *fait accompli* which we will not be able to influence and which will be very difficult to change through multilateral negotiations, after the process of internal European negotiations have been completed. This could breed frustration and retaliation, which should clearly be avoided.

I, therefore, would enter a plea that the United States, as well as other interested countries, because they have direct interest in the outcome of these negotiations between the EEC and others, ought to have a look in on the negotiations while they proceed, and be able to influence the course of these negotiations in the interests of the world trading community.

There are large issues that hang on the outcome of the European negotiations. They will have a profound influence on the kind of trading world we will have in the 1970's and beyond. Will it be the open, non-discriminatory world that we have taken such pains to construct since the initiation of the trade agreements program, or will it be a trading world marked by regionalism, discrimination and preferential arrangements? We have to know, it seems to me, fairly soon whether the EEC and the other European countries involved intend to channel their energies and interests into their own negotiations or whether they are prepared to undertake multi-lateral negotiations on a world-wide basis.

This is not a question of whether one is hostile or favorable to the process of the European political integration. The United

States has traditionally supported the integration of Europe as a noble and inspiring idea. Which way Europe proceeds on this course is a decision for the European countries to take. Of course, we have an interest as do other countries in where Europe will be going and what policies it will pursue. But the point I want to emphasize here is that, as far as trade policy is concerned—and that is what is at issue here—tariff discrimination and protectionism are not necessary to protect the sovereignty of Europe and to generate political integration in Europe. If tariff and trade discrimination were the mortar of political unity in Europe, then it is a very fragile edifice indeed.

In his message to the Congress introducing the Trade Expansion Act of 1962, President Kennedy observed that "The two great Atlantic markets will either grow together or they will grow apart." To avoid this, we have to begin to think now about the next new initiative in trade policy. Concentrating on its own concerns, Europe may not be in a position to offer such an initiative at this time. The task, as it has in the past, falls on the shoulders of the United States.

The United States Government and the United States economy are strong and powerful influences in the world. We have no option but to continue to exercise our power and influence. We can best do this if we develop policies that are responsible and intelligent.

I am concerned about the neo-isolationism that is dotting the American landscape, for those voices offer the council of passivity and withdrawal that are unbecoming and indeed dangerous to a great country.

There are too many people who have read the wrong lesson from the Vietnam war and who have concluded that the use of American power and influence is inherently immoral. On the contrary, the intelligent use of American power is, I believe, essential for stability and progress in this world.

I have been talking about only one, and perhaps a small, aspect of America's role in the world, but what we do in our international economic relations will have a bearing on the totality of our policies in the 1970's.

LITHUANIAN INDEPENDENCE

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

Mr. VIGORITO. Mr. Speaker, the month of February is a time of great importance for Lithuanians and Americans of Lithuanian descent. Not only is February 14 the 719th anniversary of the formation of the Lithuanian state, but 2 days later, Lithuanians celebrate the 52d anniversary of the restoration of the Republic of Lithuania.

Lithuania has been under the rule of the Soviet Union since 1940—a rule that was forced on the people in direct contradiction to the principles of international and moral law. This formation of a Socialist republic came about as a result of a pact between Hitler and Stalin—a pact that still today imposes unwanted, and even hated, government on the unfortunate people of Lithuania and other neighbor countries.

The brave people of Lithuania deserve our support and the choice of free government given through democratic channels. I therefore salute the Lithuanian peoples, on this, the 52d anniversary of their fight for a free and democratic nation.

THE 719TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, today marks the 52d anniversary of the founding of the modern Republic of Lithuania and the month of February is the 719th anniversary of the founding of the Lithuanian state.

These two events are historic milestones in the development of free government and serve to remind us of the constant struggle and sacrifice made to maintain and protect national sovereignty and individual liberty. Lithuania's seven-century quest for freedom is an epic story of dignity and hope which truly deserves congressional recognition.

Some may ask why we pause to honor a nation no longer independent or a people no longer possessing a sovereign homeland. The answer lies in the fact that the Congress is a forum of hope to which beleaguered people turn. As the most representative institution of free government on the face of the earth, the Congress has a willing obligation to commemorate the plight of courageous people whose modern history of freedom, while short lived, symbolizes the endless search for liberty. Because of our own struggle for freedom we remain sensitive to the hopes and aspirations of others.

To bring the point even closer to home, we might remind ourselves that during this month we, too, observe two anniversaries important in the history of the American people: the birthdays of George Washington, the father of our Nation, and Abraham Lincoln, who held the Union together. These two men personalize much of our feelings about our own history and help us to appreciate how other people feel about their own nations' histories. As a freedom-loving people steeped in the history of hope and promise, sorrow, and despair, we should have a special feeling for others who have joined in the struggle for freedom.

It behooves us to speak out for the people of Lithuania and others whose contributions to the free world help sustain it in these trying times.

LITHUANIAN INDEPENDENCE DAY FEBRUARY 16

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, recently I was invited by the Lithuanian Council of New Jersey to attend and address a celebration of February 16 of the 52d anniversary of the declaration of Lithuanian independence.

Unfortunately, because of illness, I was unable to attend.

Because my colleagues have always exhibited an interest and great concern for the peoples of all the captive nations, I am inserting my speech in the RECORD along with a resolution adopted by the Lithuanian Council of New Jersey.

My speech and the resolution follow:
LITHUANIAN INDEPENDENCE—FEBRUARY 16TH
(Speech to the Lithuanian Council of New Jersey)

The twentieth century has seen the rise of the United States as a major power protecting within its shores as well as in other lands the principle that all men ought to have the right to choose, free from restraints, the men and institutions who rule them.

In Europe we fought two wars which enveloped the entire world in order to protect this principle. We have fought two other major wars in Asia as well as having been engaged for 25 years in a so-called cold war involving hundreds of skirmishes—publicized and secret—throughout the world. There is no question that the American people are committed to the principle of self determination for all peoples of the world.

Thus, February 16th is a special day, not only for Lithuanian-Americans, but for all Americans. It represents a day no less significant than our own Independence day for on February 16, 1918 in the city of Vilnius the Lithuanian people broke the oppressive yoke of Czarist Russia and reestablished themselves as the independent nation which had first been formed some 667 years earlier by Mindaugas the Great.

For 22 years, the Lithuanian people enjoyed a prosperous and promising freedom. But in 1940, the Soviets, wanting a Baltic port, took it by occupying and incorporating by force and violence the Baltic Countries of Lithuania, Estonia and Latvia. Since 1940 the Lithuanian people have thus lived as prisoners in their own homeland, imprisoned by a Communist dictatorship.

The freedom which so many Eastern Europeans have been cruelly deprived must live with all of us. Lithuanians came to America that they might somehow carry on the traditions of a once free Lithuania and remain the living repository of the short-lived Lithuanian independence, holding it for future generations.

Your duty is a special one. You have taken on the burden of protecting freedom, not only for future Americans, but for generations of Lithuanians yet to come, holding the freedom you now enjoy as a sacred trust to be devolved upon the sons and daughters of a people now imprisoned.

All of us in America who love freedom, join you in your prayers that Lithuania and all the captive nations of the world will once again enjoy their rightful independence.

Even as we owe allegiance to America, as long as any people suffer under a totalitarian regime, the freedom you and I now enjoy is threatened. To remain free in this country, we must continually work to prevent incursions on that freedom by those who would allow it to dwindle for reasons of mere profit or expediency.

No one can guarantee to you that the freedom you enjoy will be passed to your sons and daughters. You alone must guarantee that trust by your involvement and your continued interest in your Government.

RESOLUTION OF THE LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918-1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey,

Do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania: (1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor; (2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables; (3) persecution of the faithful, restriction of religious practices, closing of houses of worship; (4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just requests for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

THE STRAPHANGER'S LAMENT

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

Mr. PODELL. Mr. Speaker, it is time to remember a breed of hearty and yet truly forgotten Americans—the urban transit rider. He is the new American pioneer who braves stampedes, panics, and elbows with silence and resignation. He is the man who has proven by empirical research and daily travels that the fastest distance between two points is not necessarily a straight line—if you are riding a train or a bus.

The problem can have amusing pictures painted about it—riding the subway as a new American folk custom. It is something to tell your grandchildren about—but only after you have retired. But for millions of Americans who have to brave the system daily—it can be a sad matter indeed.

Is there any wonder that the urban commuter looks as bedraggled as he does when he gets home at night? Each day he is forced to expend two levels of energy—one to fight his way to work and the second to do the work for which he was employed in the first place. As we all know, "on time" has become a relative term.

The population of urban America will double in the next 40 years. Over a hundred million additional people will be living in our metropolitan areas. Presently, 34 percent of all mass transit riders in this country live and work in the New York metropolitan area. The mere logistics of carrying all these bodies is staggering.

While conditions have deteriorated, costs for the individual have increased. The average commuter spends \$1.20 a day in a two-fare zone in New York City; that is \$24 per month and almost \$300 per year for mass transit fares. He is thus spending approximately 2 weeks' salary for the privilege of being crushed and crowded.

I believe that the simple dichotomy between riding either the subway or the private automobile is too simple. Some think that the commuter has the option of either using his automobile to ride some of the largest parking lots in the world, or cramming headlong into the inadequate facilities that comprise the mass transit systems of our cities. This would mean that there are only two sorry alternatives—death from carbon monoxide asphyxiation or suffocation from too many people crowded into a small subway car.

The transportation system of a city is not merely those vehicles which convey the people to and from their work or recreation. Its effect is not a neutral one. It can be an independent as well as a dependent force in the shaping of our cities. It is because of its potential that I am asking for more careful forethought and more comprehensive planning on the matter of urban transportation.

Are the problems then insoluble? Must we wring our hands and look around in despair? Instead, why do we not look at the old roadbeds and outmoded trains? Why do we not look at the research and development aspect of urban mass transportation? Some technological breakthroughs and their application could go a long way toward alleviating some of the problems that plague our cities. Perhaps business would then halt its exodus into the more spacious suburbs. Perhaps then a shopping trip into the center city would not take on the characteristics of a hardship journey.

Improved transportation might open up many of the ghetto areas of our cities. It is a well-established fact that the poor people are more dependent on public transportation. If a man cannot afford a car, and public transit is both inadequate and expensive, and his job has shifted to a suburb, the individual will have a difficult, if not impossible time, earning a living.

The needs of our cities should not be the afterthoughts of our national goals and priorities. The problems of urban mass transit represent the problems of our cities. We must take up the challenge to meet these problems before our cities choke in their own transportation maze.

TAKE PRIDE IN AMERICA—NO. 28

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1969, the United States had a total installed capacity of 7,028 megawatts of electricity generated by nuclear power. It is estimated that by 1974 the United States will have 89 power reactors generating 62,028 megawatts of electricity—more than half of the world's total.

ADVISORY COMMITTEE ON INTER-GOVERNMENTAL RELATIONS

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

Mr. FOUNTAIN. Mr. Speaker, 2 years ago I had the pleasure of bringing to the attention of my colleagues a status report on the recommendations addressed to the Federal Government by the Advisory Commission on Intergovernmental Relations. Today, I would like to present a further progress report which lists the action taken on each of 131 recommendations submitted by the Commission to the Congress, the President, or to agencies of the executive branch.

As many of my colleagues know, the ACIR was established by an act of Congress in 1959 to provide a much-needed permanent center in our federal system for bringing the viewpoints of Federal, State, and local officials, and of the general public, to bear on the problems affecting all levels of government. Efforts to implement the Commission's recommendations are focused as much on the State and local levels as on the National. Just this year ACIR's State legislative program was distributed to nearly 10,000 State and local officials and leaders of public opinion throughout the Nation.

I had the honor of introducing the legislation that established this Commission a little over 10 years ago, and I have been privileged to serve on the Commission since its inception. The gentlewoman from New Jersey (Mrs. DWYER) and the gentleman from Oregon (Mr. ULLMAN) also represent the House on the Commission. The other body is represented by the junior Senator from Maine, Mr. MUSKIE, the senior Senator from North Carolina, Mr. ERVIN, and the senior Senator from South Dakota, Mr. MUNDT.

Although I have disagreed with certain ACIR recommendations, I believe the Commission's reports are all valuable studies of intergovernmental programs and problems, and that the recommendations in those reports deserve very careful consideration.

As I pointed out 2 years ago, while the Commission's efforts to help strengthen our State and local governments have been quite widely reported, its recommendations directed to the Federal Government are less well known. As shown in the table prepared by the Commission staff, 44 of the 131 federally addressed recommendations made to date have been enacted into law or implemented through directives of the Office of the President. Twelve have been partially carried out. Eleven have been unfavorably received—nine by the Congress

and two by the executive branch. No implementing steps have been taken as yet on 28 recommendations, and 31 recommendations are awaiting congressional action on bills or amendments introduced.

The status of the Commission's recommendations at the national level may be summarized as follows:

	For administrative action	For Congressional action	Total
Recommendations enacted or otherwise carried out.....	10	34	44
Recommendations partially but not completely implemented.....	9	3	12
Recommendations included in bills or amendments introduced or executive orders prepared.....	2	31	33
No implementing action as yet.....	17	11	28
Recommendations in other stages of implementation.....	3	0	3
Recommendations rejected.....	2	9	11
Total.....	43	88	131

The status of individual ACIR recommendations follows:

STATUS OF ACIR RECOMMENDATIONS TO THE FEDERAL GOVERNMENT¹

I. Public assistance

1. Amendment of Social Security Act to provide for judicial review of decisions of HEW Secretary concerning conformity of State plans. Implemented by PL 89-97.

2. To give HEW Secretary discretionary authority to declare parts rather than whole of State plans out of conformity. Amendment submitted to Ways and Means Committee in 1965; not adopted.

3. To establish a permanent Public Assistance Advisory Council. Objectives of recommendation achieved by issuance of Presidential Memorandum of November 11, 1966, regarding agency consultation with State and local officials upon contemplated changes in grant-in-aid regulations.

4. Removal of prohibition in Social Security Act against OAA payments to patients in mental and tubercular institutions. Implemented by PL 89-97.

5. Liberalize single State agency requirement of Social Security Act. Implemented by the Intergovernmental Cooperation Act of 1968. PL 90-577.

II. Metropolitan area coordination

1. Federal financial support on a continuing—in contrast to a project—basis to metropolitan planning agencies. Implemented by administrative action of the Commissioner, Urban Renewal Administration, August 1963.

2. Expanded Federal technical assistance to State and metropolitan planning agencies. Implemented by the Housing Act of 1961, PL 87-60, and the Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754.

3. Congressional consent in advance to interstate compacts created by planning agencies in those metropolitan areas crossing State lines. Implemented by the Housing Act of 1961, PL 87-60.

4. Review by a metropolitan planning agency of applications for Federal grants-in-aid within the area with respect to airport, highway, waste treatment, hospital construction and certain other urban development

projects. Implemented by Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754.

III. Mass transportation

Provision of Federal financial assistance in the form of loans and demonstration and planning grants to metropolitan areas for mass transportation facilities and services. Implemented by the Housing Act of 1961. PL 87-60.

IV. Metropolitan water supply and sewage treatment

1. Recommends against Federal grant assistance for local water works comparable to Federal grants for sewage treatment construction. Rejected by Congress; water system grants available from four separate agencies, in fact.

2. Amendment of Water Pollution Control Act of 1956 to provide matching incentives for regional facilities and an increased dollar ceiling for projects in larger cities. Implemented by Water Quality Act of 1965, PL 89-234.

3. Amendment of Housing statute to permit communities of 50,000 or more to qualify for water and sewer loans. Implemented by the Housing Act of 1965, PL 89-117.

4. Amendment of Housing statute to permit joining together of communities with an aggregate population of over 50,000 for purposes of sewer and water loan assistance. Implemented by the Housing Act of 1964, PL 88-560.

5. Amendment of Housing Act to tighten FHA and VA mortgage insurance requirements regarding well and septic tank installations. Implemented by the Housing Act of 1965, PL 89-117.

6. Amendment of Housing Act to include water and sewer utilities as insurable site preparation and development costs. Implemented by Housing Act of 1965, PL 89-117.

7. Evaluation by Federal Executive Branch of Federal enforcement powers and financial incentives relative to industrial pollution. Implemented by Act of Surgeon General in chartering study of "Industrial Incentives for Water Pollution Abatement." Report rendered in February, 1965.

8. Consideration of urban needs in future Federal water resources planning equivalent to consideration given navigation, power, and agriculture. Implemented by the Water Resources Planning Act of 1965 and Senate Document No. 97, 87th Congress, 2nd Session.

V. Federal grants for urban development

1. Favoring of general purpose units of governments as Federal aid recipients, other factors being equal. Implemented by Intergovernmental Cooperation Act of 1968, PL 90-577.

2. Congressional action to require special purpose units of government to coordinate their Federal aid activities with general purpose units of government. Implemented by Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754.

3. Authorization and encouragement by Congress and executive agencies for joint participation by local governmental units having common program objectives affecting development of urban areas overlapping existing political boundaries. Implemented by the Intergovernmental Cooperation Act of 1968, PL 90-577.

4. Congressional requirement that Federal aid for urban development purposes be consistent with and promote effective planning at local level—Implemented by the Intergovernmental Cooperation Act of 1968, PL 90-577.

5. Broadening of section 701 assistance to include municipalities and counties over 50,000 population. Implemented in part (for counties) by Housing Act of 1964, PL 88-560.

6. Enactment of legislation to establish principle of Federal interagency coordination

and declaration of a unified urban development policy. Implemented by the Intergovernmental Cooperation Act of 1968, PL 90-577.

VI. Metropolitan social and economic disparities

1. Authorization of economic and social planning assistance by Federal Government on same basis as physical planning. Policy has been generally accepted, but not yet enunciated on a government-wide basis.

2. Amendment of Federal housing legislation to facilitate use of Federal private housing, authorize rent subsidies and permit financial assistance to private nonprofit housing organizations. Implemented by the Housing Act of 1965, PL 89-117.

3. Federal and State agencies adopt cooperative agreements for enforcement of Federal and State laws and regulations forbidding discrimination in housing. No action taken as yet to follow up on this recommendation.

4. Removal by the Congress of existing limitations on nonresidential renewal from the Federal urban renewal programs. Amendment proposed to the Congress in 1966. Rejected.

5. Provision for interstate agreements between Secretary of Labor and governors to provide public employment services on an areawide basis in metropolitan areas regardless of State lines. Implemented by Administrative Order of the Secretary of Labor, February 1967.

6. Development by Federal Government of standards of measurement of costs and benefits for areawide services being supported by grant and loan programs in metropolitan areas. No significant implementation action as yet.

VII. Relocation of persons and businesses displaced by Federal or federally aided programs

1. Establishment by Congress of a uniform relocation policy. Contained in Uniform Assistance and Land Acquisition Policies Act of 1969 (S. 1, Muskie, et al.), passed by the Senate and now pending in the House. Companion bills have been introduced in the House (H.R. 4578, Fulton, H.R. 6053, Teague of Texas, and H.R. 12902, Thompson, New Jersey).

2. Congressional requirement to assure supply of housing prior to displacement in federally aided programs. Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

3. Provision of uniform and equitable Federal payment of relocation expenses for families and businesses under Federal and federally aided programs. Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

4. Broadening of Small Business Act to authorize disaster loans to small business concerns adversely affected (whether or not displaced) by Federal or federally aided Federal works programs. Implemented in part by PL 90-495.

5. Amendment of Manpower Development and Training Act to permit widow and widower owners of displaced firms to be eligible for manpower retraining allowances. Implemented by PL 89-15.

6. Provision for centralized relocation services and programs in a single agency at the metropolitan or urban level—Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

7. Requirement for advance notice by Federal agencies to local units of government of construction program which will displace persons and businesses—Contained in Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1) passed by the Senate and now pending in the House.

¹ In all cases the legislative or administrative action taken was subsequent to the submission of the recommendation. However, this summary is not intended to imply that in all cases the ACIR recommendation was the sole motivating force for the later action.

VIII. Building codes

1. Authorization and financing by the Congress of a public-private program to develop national performance criteria for building construction. No implementation action as yet.

2. Establishment of a continuing national program of building research. Implemented by section 1010 of Demonstration Cities and Metropolitan Development Act of 1966, P.L. 89-754.

3. Designation by President of a drafting group representing all levels of government to develop a national voluntary model building code. No implementation action as yet.

4. Development and use of a common set of standards by all Federal departments and agencies with responsibility for building construction. Study conducted under aegis of Bureau of Budget but no government-wide action taken as yet.

IX. Administration of poverty program

1. Preference by OEO to units of general government rather than private groups in establishment of CAAs. Implemented by P.L. 89-222.

2. Continuation of maximum feasible participation of poor in the community action program. 1966 amendments strengthened provision by specifying criteria as to percentage of representation, residence, selection and approval.

3. Requirement that CAAs initiate comprehensive plans as a basis for local antipoverty programs. 1967 amendments proposed by OEO give more emphasis to community action agencies' planning function, but still do not make planning a requirement—P.L. 90-222.

4. Increased encouragement by OEO of cooperation among separate CAAs in metropolitan areas. Concept is not working well in a number of metropolitan areas, and recommendation should be considered as having been rejected through experience.

5. Use by federal agencies of geographic bases for multi-county planning as established by State law or regulation. Implemented by Presidential Memorandum, September 1966.

6. Acceleration of efforts by OEO Director to implement Section 612 "preference provision." Recommendation now moot; preference provision itself dropped by the Congress.

7. Establishment of machinery by Economic Opportunity Council to insure integrated planning for job creation and job training programs. No specific recommendation as yet.

8. Acceleration by OEO of collection of data on incidence of poverty and application of anti-poverty resources. General agreement in OEO; implemented in effect through OEO publication of catalog of assistance programs by county in human resources field.

9. Retention of gubernatorial veto regarding certain OEO programs. Rejected; OEO director given power by Congress to override Governor's veto.

10. Establishment of uniform procedures for informing governors of status of applications in connection with exercise of veto. No specific implementation progress as yet.

11. Acceleration of efforts by OEO to interest States in acting as contractors for Job Corps facilities. Recommendation now moot; Job Corps discontinued.

12. Continuation of 10 percent non-Federal matching provision for community action, Neighborhood Youth Corps and adult basic education programs. This recommendation rejected by the Congress. Legislation in 1966 increased non-federal share to 20 percent for the community action program and Neighborhood Youth Corps, and to 50 percent for adult basic education, all effective July 1, 1967.

X. Estate and gift taxes

Amendment of Internal Revenue Code to increase the credit against the Federal estate tax for inheritance and estate taxes paid to

the States. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth) now pending in Congress.

XI. Investment of idle cash balance

Cooperative action by the U.S. Treasury Department and State and local finance officers designed to provide full and current information regarding investment opportunities in short-term Treasury obligations. Implemented by action of the U.S. Treasury Department in issuing brochure entitled "Interest Bearing U.S. Government Securities Available for Investment of Short-Term Cash Balances of Local and State Government," September 1963.

XII. Public health grants

1. Provision of transferability of the funds among public health categorical grants. Implemented by P.L. 89-749.

2. Standardization of matching ratios among public health categorical grants. Implemented by P.L. 89-749.

XIII. Congressional review of Federal grants-in-aid

1. Provisions by the Congress for periodic review of future grants-in-aid. Implemented by Intergovernmental Cooperation Act of 1968, P.L. 90-577.

2. Periodic review by Congressional committees and executive agencies of the status of federal grants-in-aid now in existence. Implemented by Intergovernmental Cooperation Act of 1968, P.L. 90-577.

XIV. Taxation of private property on Federal areas

1. Federal legislation to grant Congressional consent to the imposition of taxes on privately owned real and personal property in federal areas, provided certain conditions regarding rights and privileges to federal employees are granted by the State or local government. Contained in Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth).

2. The Commission recommended that the President and Governors support implementation of the legislation. Action cannot be taken on this recommendation pending the outcome of efforts in the Congress.

XV. Cooperative tax administration

1. Joint action by the Treasury Department and States to identify State and local records and types of information that are potentially useful for the administration of Federal income and other taxes. Largely completed by administrative action at Federal and State levels.

2. Authorization to Internal Revenue Service to admit State and local tax personnel to IRS training programs on a reimbursable basis. Implemented by P.L. 87-70.

3. Authorization to Internal Revenue Service to perform statistical and related services for State tax agencies on a reimbursable basis. Implemented by P.L. 87-870.

XVI. Industrial development bonds

Amendment of the Internal Revenue Code to deny rental reduction to business renting publicly constructed industrial plants where the corporation itself has bought up the issue of tax-exempt securities involved. Implemented by the Revenue and Expenditure Control Act of 1968, P.L. 90-364.

XVII. Role of equalization in Federal grants

1. Enunciation of national policy. This has been discussed with Bureau of the Budget and other Federal officials; no specific progress as yet.

2. Limitation of equalization to functions and services specifically related to national objectives. This recommendation has been discussed; no Executive Order or Budget circular drafted as yet.

3. Removal of equalization factors from certain categories of Federal grants (e.g.,

planning and demonstration). No specific implementation as yet.

4. Provision for uniformity in the mechanism of equalization provision in Federal grants. No specification implementation as yet.

5. Requirement by the President that Federal agencies review adequacy of need indexes and appropriateness of equalization provisions in their grant programs. No specific implementation steps as yet.

6. Presidential requirement for the development of plans and procedures to improve measures of State fiscal capacity and tax effort for use in grant administration. No specific implementation as yet.

XVIII. Cigarette taxes

Joint exploration by the Treasury Department and States for placing of cigarette taxes at the manufacturers' level rather than retail level—Proposal submitted to the Governors' Conference and the Internal Revenue Service. No specific implementation results as yet.

XIX. Documentary stamp taxes

Repeal of Federal stamp taxes on conveyances, such repeal to be effective 3 years after enactment. Implemented by P.L. 89-44.

XX. Income tax credit

1. Amendment of Internal Revenue Code to provide a Federal tax credit against State and local income taxes paid. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth) now pending in Congress.

2. Authorization to the Internal Revenue Service to enter into agreements with States for Federal collection of State income taxes. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell, and H.R. 13353, Roth) now pending in Congress.

XXI. National time conformity

Enactment by the Congress of a uniform time bill. Implemented by P.L. 89-387.

XXII. State taxation of interstate commerce

1. Enactment of legislation by the Congress to clarify jurisdictional areas regarding sales and use taxes. Contained in Interstate Taxation Act of 1969 (S. 2804, Magnuson, et al.) now pending in Congress.

2. Enactment of legislation by the Congress to govern apportionment of income of multi-State businesses for purposes of State corporate income taxes. Contained in Interstate Taxation Act of 1969 (S. 2804, Magnuson, et al.) now pending in Congress.

XXIII. Urban and rural America: Policies for future growth

1. Development of a national policy to guide decisions at the national level which affect the patterns of urban growth. Contained in Balanced Urbanization Policy and Planning Act (H.R. 13217, Dwyer and Fountain, and S. 3228, Muskie) now pending in Congress.

2. Reassessment of the policies and structure of multi-State economic planning and development agencies and that such agencies take national policies into account in the formulation of their regional programs, and develop regional components for national policies dealing with urban growth. No action feasible on this recommendation until national urbanization policy adopted.

3. Congressional authorization of incentives for business and industrial location pursuant to national urbanization policy. Contained in draft bill ready for Congressional introduction.

4. Federal legislation providing a preference, in the award of public contracts, to labor-surplus and certain other areas, pursuant to national urbanization policy. Contained in draft bill ready for Congressional introduction.

5. Promulgation, by the President, of criteria for location of Federal buildings and facilities so as to accord with national urbanization policy. No specific implementation as yet.

6. Establishment of Federal-State matching program involving resettlement allowances for low-income persons migrating from labor-surplus areas. Contained in draft bill ready for Congressional introduction.

7. Provision of additional Federal funds for on-the-job training allowances for employers in labor-surplus areas. Contained in draft bill ready for Congressional introduction.

8. Expansion of the Federal-State employment service program. Partially implemented through reorganization of manpower training programs.

9. Establishment of a nationwide computerized job information center. Partial implementation under way in Department of Labor.

10. Federal legislation that eliminates or reduces the migrational influence of interstate variations in public assistance standards and benefits. Contained in Administration's welfare reform legislation pending in the Congress.

11. Expansion and adequate funding of voluntary programs of family planning for low-income persons. Contained in draft legislation ready for Congressional introduction.

12. Additional Federal assistance for new large-scale urban development through low interest loans and capital grants for land acquisitions. Contained in draft legislation ready for Congressional introduction.

13. Federal aid for new community development, under certain conditions, through Federal low-interest loans and tax incentives. Contained in draft legislation ready for Congressional introduction.

14. Federal legislation providing for experimental new community building on federally-owned lands. Contained in draft legislation ready for Congressional introduction.

XXIV. Intergovernmental Problems in Medicaid

1. The Federal Government adhere to the 1975 legislative goal of comprehensive care for the needy and medically needy; but that it study the feasibility of broadening the financial base of Medicaid through more involvement of the private sector. Rejected by Congress in 1969 by postponing the 1975 goal by two years.

2. Congress amend Medicaid to extend from 1970 to 1972 the States' adoption of a Medicaid program provided that they submit a proposed State plan by 1971. Rejected by Congress.

3. Congress freeze the income limit for the medically needy at 150 percent of the AFDC level rather than letting it fall to 133½ percent as scheduled. Rejected by Congress.

4. Congress continue to appropriate to Medicaid on an "open-end" basis; that is, without limits on the amount that may go to any single State. This policy is still being followed.

5. The Federal Government study the present allocation of fiscal responsibility for Medicaid among the levels of government, with special reference to the more limited resources of States and localities. Recommendation moot because of later Commission recommendation for Federal assumption of total financial responsibility for welfare and Medicaid.

6. The Federal Government provide matching funds for the noncategorically related needy and medically needy. No implementing action taken as yet.

7. Congress amend Medicaid legislation to give States greater latitude in setting lien and recovery provisions. No implementing action as yet.

8. Congress amend Medicaid legislation to

establish criteria for evaluating those parts of State plans governing limits on financial resources that medically needy recipients may retain. No implementing action as yet.

9. Congress amend Medicaid legislation to give States full discretion in determining whether and how the non-Federal cost shall be borne by localities. No implementing action as yet.

10. The Secretary of HEW rescind regulations requiring hospital reimbursements under Medicaid to be the same as under Medicare. No implementing action as yet.

11. Congress modify Medicaid legislation to allow States to depart from the "comparability of services" requirement, subject to approval of the Secretary of HEW. No implementing action as yet.

12. The President direct the Secretaries of Interior and HEW to clarify the relationship between Medicaid and medical services provided Indians and Eskimos by HEW. No implementing action as yet.

13. States be allowed to experiment with simplified methods for establishing financial eligibility, but Federal government should not mandate specific methods. Rejected by HEW regulation requiring States to adopt a simple declaration of eligibility.

XXV. Industrial location and State and local taxes

The President direct the appropriate Federal agencies to give early and favorable consideration to assembling on a continuing basis more timely and detailed geographical information on industrial location trends, including a breakdown among central city, suburban, and rural portions of Standard Metropolitan Statistical Areas. Census Bureau has agreed to publish this type of information in the Census of Manufacturers.

XXVI. Basic structure of fiscal federalism

1. Congress and the Administration adopt a flexible combination of Federal financial assistance to States and localities. The Federal support payments, adjusted for variations in tax effort, could be made to either State or major local units of government; they should not conflict with any existing comprehensive State plan. Contained in the Intergovernmental Revenue Act of 1969 (S. 2483 Muskie and Goodell, and H.R. 13353 Roth) now pending in Congress.

2. Congress authorize the President to submit grant consolidation plans subject to veto by either House within a period of 90 days. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366 Fountain, et al., and S. 2479 Muskie) now pending in Congress.

3. Congress and the President reduce the number of separate authorizations for Federal grants—as a general goal a reduction by at least half the number, starting with consolidation in the fields of vocational education and water and sewer facilities. A draft bill has been prepared and is ready for Congressional introduction.

4. Congress enact legislation, proposed by the Administration, to authorize a single grant application by State and local governments for interrelated projects. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366, Fountain, et al., and S. 2479, Muskie).

5. Joint funding of projects containing components deriving funds from several Federal sources. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366, Fountain, et al., and S. 2479, Muskie).

6. The Bureau of the Budget simplify and systematize the varied matching and apportionment formulas governing existing grant programs. No specific implementation action as yet.

XXVII. Metropolitan fiscal disparity

1. Congress expand, to include all communities regardless of population, the current program of financial assistance for State

establishment of urban information and technical assistance to small communities. Rejected repeatedly by the Congress.

2. Federal, state and local financing of neighborhood information centers and referral services be authorized to orient immigrants and others to the demands of urban society. Partially implemented by intergovernmental funding of such centers under the poverty and model cities programs.

3. Elementary and Secondary Education Act be amended to authorize use of available grant funds in support of amended State school aid formulas which reflect higher per pupil costs for disadvantaged children, especially in densely populated areas. No implementation action as yet.

4. Federal Government encourage and provide financial assistance for multidistrict educational arrangements. No implementation action as yet.

5. A national system of social accounts be established, with special emphasis on the development of such data for individual cities, counties and Standard Metropolitan Statistical Areas, as well as State and national aggregates. Implementation begun through Task Force on Social Accounts set up in 1968 in HEW. Report under consideration by Executive Office of the President.

6. Internal Revenue Service expand its statistical reports on income to provide data on individual units of local government within Standard Metropolitan Statistical Areas. Implemented by administrative action of the Internal Revenue Service, by tabulating adjusted gross income of individuals by postal zip code.

XXVIII. Administration of Federal categorical aids

1. Coordination of Federal grant programs being administered by a variety of Federal departments and agencies be strengthened through the Executive Office of the President. Partially implemented by various presidential directives and by Budget Bureau Circular A-95.

2. The authority to review and approve plans developed as a condition of Federal formula-type grants to State and local governments be decentralized to Federal regional offices and the wide variations in boundaries of Federal administrative regions be reduced. Partially implemented by directive of President Nixon, March 27, 1969.

3. Federal Executive Boards be brought under Bureau of the Budget supervision and at least one full-time staff member be provided for each major Board. Partially implemented by Presidential Memorandum, August 13, 1969.

4. The President establish a computerized information system for grant administration, formulation of intergovernmental fiscal policy and for other management purposes. Steps being taken by Budget Bureau to implement partially this recommendation.

5. Establishment by Congress of a computerized information system for review of grant programs and for other legislative purposes. Contained in draft legislation now pending in the House Rules Committee.

6. Tapes and other data produced by Federal computerized information systems be made available to State and local governments. Implemented by Budget Bureau Circular A-97.

7. Congress authorized the Comptroller General of the U.S. to certify State auditing systems and those systems of local governments receiving sizable grants directly from Federal agencies, in lieu of fiscal audits by Federal agency personnel. Contained in Intergovernmental Cooperation Act of 1969 (H.R. 7366 Fountain, et al., and S. 2479, Muskie) now pending in Congress.

8. Congress enact legislation, to modify the single State agency requirement associated with Federal grants-in-aid to State governments. Implemented by the Intergovernmental Cooperation Act of 1968, P.L. 90-577.

9. Congress enact general legislation, consolidating insofar as possible into a single enactment those planning requirements to be applicable to existing and future grant programs. Contained in Balanced Urbanization Policy and Planning Act of 1969 (H.R. 13217 Dwyer and Fountain) now pending in Congress.

10. Congress revise Section 701 of the Housing Act of 1954, to strengthen comprehensive planning at State, regional, metropolitan and local levels, and to require review and comment by State planning agencies of project proposals impinging upon State or local comprehensive plans. The Commission took no position on assignment of responsibility within the Federal Government for financial assistance to State and local planning activities. Contained in Balanced Urbanization Policy and Planning Act of 1969 (H.R. 13217, Dwyer and Fountain).

XXIX State aid to local governments

1. The Federal Government assume complete financial responsibility for all public assistance programs, including Medicaid, with State and local governments continuing to administer programs. Contained in bill to nationalize the welfare system (S. 1806, Goodell).

2. The Federal-Aid Highway Act be revised to provide a financial incentive to encourage greater State development of a coordinated urban and rural highway system, with special recognition of the needs for mass transportation facilities in urban areas. No specific implementation action as yet.

XXX. Eligibility of State legislative agencies for Federal research grants

Recommends the issuance of an appropriate communication from the President to departments and agencies setting forth criteria under which State legislative committees and agencies should and should not be admitted as eligible competitors for Federal research grants. Implemented by Bureau of the Budget memorandum dated December 22, 1969.

PENDING FEDERAL LEGISLATION

The thirty-one Advisory Commission recommendations now pending before Congress are contained in the following bills:

The Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 (S. 1, Muskie et al.; and H.R. 4578, Fulton; H.R. 6053, Teague of Texas; and H.R. 12902, Thompson, New Jersey). This measure would provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs and establish uniform and equitable Federal land acquisition policies. These provisions would carry out the major recommendations for a uniform relocation policy for all Federal programs in *Relocation: Unequal Treatment of People and Businesses Displaced by Government*, January 1965. (Passed by the Senate; hearings held by House Committee on Public Works.)

The Intergovernmental Cooperation Act of 1969 (S. 2470, Muskie) has been reported favorably by the Senate Subcommittee on Intergovernmental Relations. Hearings have been completed on a companion bill in the House (H.R. 7366, Fountain, et al.). These measures are designed to build on the Intergovernmental Cooperation Act of 1968 by providing for joint funding; simplification of accounting, auditing and reporting procedures; consolidation of Federal aid programs; and strengthened Congressional oversight of Federal aid. The Senate Subcommittee deleted the grant consolidation title in S. 2479, and approved the Administration's grant consolidation measure (S. 2035) which closely parallels the ACIR proposal. The bill authorizes the President to propose consolidation of Federal grant programs which would go into effect unless vetoed by Congress. These measures implement several of

the Commission's recommendations in *Fiscal Balance in the American Federal System*, October 1967, and one basic proposal advanced in the earlier ACIR report on *Periodic Congressional Reassessment of Grants-in-Aid to State and Local Governments* (June 1961).

The Intergovernmental Revenue Act of 1969 (S. 2483, Muskie and Goodell and H.R. 13353, Roth). This measure is designed to permit State and local governments greater fiscal flexibility and to enhance fiscal cooperation between the Federal government and States and localities. Senate hearings on this bill have been completed. The bill would give States access to a prime revenue source—the Federal income tax—and encourage States to make more intensive use of State personal income taxes. A specified amount of Federal revenue would be diverted annually into a trust fund for subsequent redistribution to State and local governments on a per capita basis adjusted for tax effort. Also, the bill provides that taxpayers would be allowed a partial credit against their Federal income tax liability for any State and local income taxes they have paid in order to offset the deterrent effect of heavy Federal income taxes upon State and local use of this tax.

Other provisions would (1) authorize the U.S. Treasury to collect State personal income taxes under mutually agreeable terms; (2) enlarge and restructure the Federal tax credit for State death tax payments, provided a State adopts an "estate-type" tax—thereby simplifying taxpayer compliance—and increases its death tax rates so as to capture an amount equivalent to the enlarged Federal tax credit; and (3) permit States and their localities to tax the personal property of private individuals located in enclaves under exclusive Federal jurisdictions, provided a designated Federal agency certified that all persons residing in such Federal enclaves enjoy the same rights and privileges accorded other residents of the State.

Title I of this bill would implement a major recommendation made by the Commission in *Fiscal Balance in the American Federal System*, October 1967. Title II incorporates the partial tax credit proposal advanced in *Federal-State Coordination of Personal Income Taxes*, October 1965. Title III, which authorizes Treasury collection of State income taxes, implements another recommendation advanced in the same report. The restructuring of Federal credits for State death tax payments, proposed in Title IV, would carry out a recommendation made in the Commission's report, *Coordination of State and Federal Inheritance, Estate, and Gift Taxes*, January 1961. The proposed amendment to the Buck Act, found in Title V, seeks to implement a policy objective advanced in *State and Local Taxation of Privately Owned Property Located on Federal Areas*, June 1961, and reaffirmed in 1965 by the Commission.

The Balanced Urbanization Policy and Planning Act of 1969 (H.R. 13217, Dwyer and Fountain). This measure incorporates certain recommendations contained in *Urban and Rural America: Policies for Future Growth*, April 1968, and *Fiscal Balance in the American Federal System*, October 1967. The four-title bill would (1) provide for the development of a national policy on urban growth; (2) establish a system for Federal financial support of comprehensive planning, replacing section 701 of the Housing Act of 1954, as amended; and (3) apply a uniform definition of comprehensive planning and a coordinated approach to functional planning conforming requirements for grant programs.

The proposed legislation cleans up and consolidates into a single bill all of the comprehensive planning requirements now attached to many of the Federal aid programs as well as several functional planning provisions. Responsibility for developing a na-

tional urbanization policy would be assigned to the Executive Office of the President and an annual urbanization report to the Congress and the country would be required. A companion bill was included in the Senate (S. 3228, Muskie).

The Interstate Taxation Act (S. 2804, Magnuson et al.) deals with State business taxes as they apply to interstate firms. This bill grants Congressional consent to the "Multistate Tax Compact" which is designed to facilitate consistency in State tax treatment of such firms. Eighteen States have already enacted the compact. Interstate firms doing business in these States now have the option of using the three-factor formula proposed by the National Commission on Uniform State Laws (property, payroll and sales) for apportioning multistate corporate income for State tax purposes.

Under the terms of the bill, all States would be required to offer the same option beginning July 1, 1971, whether or not the State has joined the compact. This bill is a counter-proposal to the House-passed bill (H.R. 7906) that would define State taxing jurisdictions with respect to interstate firms and set an upper limit on the amount of income attributable to business done in the States on the basis of a two-factor (property and payroll) formula. In many other major respects S. 2804 and H.R. 7906 are similar. S. 2804 seeks to carry out proposals adopted by the Advisory Commission in 1966 to reconcile two competing national objectives—the need to minimize State impediments to the free flow of interstate commerce while maximizing State discretion in tax policy matters.

Amendment to the *Elementary and Secondary Education Act* (H.R. 514, Perkins; and S. 2451, Pell). The legislation contemplates consolidation of several separate Federal categorical aids for education. The consolidations would implement a recommendation in *Fiscal Balance in the American Federal System*, October 1967, which noted that the rapid expansion in a number of grants has contributed to functional fragmentation of State and local governments.

The pooling of separate grants for the administration of two or more educational programs into a consolidated grant, as proposed in E. 2451, represents a constructive extension of the consolidation idea into the field of grant program administration. By allowing the States greater flexibility and simplicity in administering education grants, the bill would permit State educational agencies to attune their efforts more fully to the pursuit of educational objectives.

The Urban and Rural Development Act—in draft form ready for Congressional introduction. This measure would provide assistance and incentives for urban growth and economic development in conformance with national urbanization policy through:

Incentives for business or industrial location;

Assistance for low-income persons in labor-surplus areas seeking to find employment in designated urban growth areas;

Additional loan and grant assistance to public agencies and loan and tax assistance to private developers to facilitate the assembly and improvement of land for large-scale urban and new community development; and

A Federal urban land acquisition and improvement program to encourage the building of new communities.

The recommendations embodied in this bill come largely from *Urban and Rural America: Policies for Future Growth* (April 1968).

Water and Sewer Facilities Grant and Loan Consolidation Act—in draft form ready for Congressional introduction. This measure would provide for concentrating all direct grant and loan programs for water and sewer facilities and treatment works in two agen-

cies—HUD and Interior (Federal Water Pollution Control Administration). The approach taken is to assign HUD the responsibility for administering grants and loans for basic public water and sewer facilities. FWPCA would be given responsibility for all waste treatment works (including intercepting and outfall sewers). Authorizations for the Department of Agriculture and Economic Development Administration would be repealed or amended to ensure that they will have no grant and loan authority in these areas.

THE NATIONAL TIMBER CONSERVATION AND MANAGEMENT ACT

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

Mr. BARRETT. Mr. Speaker, the timber conservation and management bill, which I hope will be before the House very soon, is urgently needed for the achievement of our housing goals and the improvement of our urban environment. Today, as never before, there is concern and support for planning ahead for the things that affect our everyday life. The kind of environment that our people need and deserve includes many things—air and water pollution control, the elimination of slums, an urban policy including the development of new communities, and the provision of the public and private services needed in everyday life. One of the most basic elements in this drive was stated in the Housing Act of 1949 as the achievement, as soon as feasible, of a decent home and a suitable environment for every American family. The Housing Act of 1968 sharpened our focus by setting a goal of 26 million new units over the next 10 years. To accomplish this, we must double the current output of housing as soon as possible and maintain that accelerated rate for a full decade. To do this will mean a greatly increased consumption of lumber. This will have a tremendous impact on lumber demand, since homebuilding is the largest single user of lumber. Conversely, lumber is the most important single item used in housing and its price and availability will have much to do with the housing volume we can achieve and the price at which new homes can be offered.

The national timber conservation and management bill is one of the most important housing bills that we will have before us this year.

We have clear warning of the vital role which lumber plays in homebuilding from the shortage-plagued years following World War II and, more recently, the sharp increase in lumber prices last year when the annual rate of homebuilding briefly approached 2 million. The Congress and the administration are both committed to the achievement of an even higher rate of homebuilding—2.6 million—and the maintenance of that rate for many years. It is obvious that present practices will not provide that supply of lumber in spite of our ample timber supply, because we are using only part of those resources and we are not devoting sufficient effort to modern forest management techniques.

Mr. Speaker, if we are to improve the urban environment in which the great majority of our citizens live and in which decent housing is a basic element, it is essential that we enact the national timber management and conservation bill. If we fail to do this, we will find that when the stranglehold of tight money on homebuilding is relieved and housing starts increase, that we will be confronted with another serious problem—that of sharply inflated lumber prices and a shortage of timber management that will cripple our efforts to achieve our national housing goals.

Mr. Speaker, this bill has the thoughtful endorsement of the National Association of Housing and Redevelopment Officials which speaks for over 1,700 local public agencies dealing with housing and urban renewal. I am including at this point in the RECORD a letter in support of this bill from their president, Mr. Eneas J. Kane:

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
February, 12, 1970.

HON. WILLIAM L. BARRETT,
Chairman, Subcommittee on Housing, U.S.
House of Representatives, Rayburn
House Office Building, Washington, D.C.

DEAR MR. BARRETT: On June 4, our President William L. Rafsky submitted a statement in support of the National Timber Conservation and Management Act of 1969, now HR 12025. As the new President of NAHRO, I have today reaffirmed support of this legislation to John L. McMillan, Chairman of the Subcommittee on Forests. I bring this matter to your attention because of the relationship of this legislation to the achievement of national housing goals.

The National Association of Housing and Redevelopment Officials is composed of over 1700 local public agencies and 7000 individuals administering public housing, urban renewal and housing codes throughout the United States. Our particular interest in the pending legislation is that we recognize that it is integrally related to the achievement of the 10-year housing goals, particularly those for low and moderate income families, adopted by the Congress in 1968. The HUD Secretary has testified that the annual production of timber must be expanded by about 50 percent if the 10-year production goals are to be met.

We recognize that there is honest concern about the impact of using the national forests for increased timber yield. We know that the Subcommittee on Forests has given extensive attention to this question, and we are convinced by the testimony of the Secretary of Agriculture and the Chief Forester of the United States that adequate safeguards and an effective management system are now contained in the bill.

If the 10-year housing goals for the nation are to become a reality, there are a number of important elements that must be provided—an adequate timber supply is one of them. Adequate housing for low and moderate income families can no longer be delayed. We urge the approval of H.R. 12025.

Sincerely yours,

ENEAS J. KANE,
President.

METRO, FREEWAY ROUTES COMPARED

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

Mr. GUDE. Mr. Speaker, I would like to call to the attention of my colleagues

the following item from the Washington Post, of February 15, 1970, concerning the displacement of businesses and homes by freeway and subway developments in the District of Columbia:

[From the Washington Post, Feb. 15, 1970]
METRO, FREEWAY ROUTES COMPARED
(By Jack Eلسen)

WARRENTON, VA., February 14—The Metro subway line between Washington's Union Station and the Glenmont area north of Silver Spring will displace about the same number of businesses as the proposed North Central Freeway through part of the same corridor, participants in a Metro conference were told here today.

Disclosure of the figures provided a new ingredient in the Washington City Council deliberations over what route it will recommend to Congress for a road between the downtown area and suburban Maryland. Its action, required by the Highway Act of 1968, is scheduled for Tuesday night.

One of many objections raised by foes of the North Central route at a recent series of Council hearings was the extent of displacement. Many urged total dependence upon rail transit.

The D.C. highway department has estimated that the road within Washington would displace 223 housing units including 32 already acquired, plus 121 businesses.

At today's meeting, the Washington Metropolitan Area Transit Authority's real estate department reported that the entire Glenmont route—not just the section parallel to the freeway alignment—would displace about 56 dwelling units and 214 businesses.

Of these businesses, however, about 55 in downtown Washington already have been acquired and relocated, leaving about 159, the bulk of them apparently along the North Central corridor in both Washington and Montgomery County.

Directly comparable figures were not available here today.

The Glenmont route will begin at 12th and G Streets NW and will follow the Baltimore & Ohio Railroad tracks as far as Silver Spring.

R. Dana Wallace, deputy director of the highway department, said the road figure on displacements, includes a substantial number that overlap those in the Metro estimate and apparently would have to be removed even if the road were not built.

Washington City Councilwoman Margaret A. Haywood, an alternate Metro director, and Councilman Joseph P. Yeldell, the Metro board chairman, both said they would ask for clear figures before making their final decisions on the road.

Mr. Speaker, as the city of Washington embarks upon a program of monumental expansion of its transportation facilities, there is much discussion concerning the dislocation of housing, businesses, and public buildings by freeway and transit construction.

To alleviate some of this dislocation affected by freeway construction I am today reintroducing legislation, with co-sponsorship of my colleagues, Mr. HOGAN of Maryland and Mr. BROYHILL of Virginia, which will authorize the District of Columbia to lease airspace above and below freeways within the District. I previously introduced this legislation in the 90th Congress in June 1967.

In a strictly limited sense, air rights legislation will merely promote public and private construction in airspace over, under, and adjacent to highways. In total impact, however, it represents a powerful tool for achieving a balanced accommodation of the city's transportation

and redevelopment needs. It can add, in effect, prime land to the city's tax base, increase space available for a wide range of facilities, particularly housing and enhance the appearance of many areas of Washington in keeping with its role as the Federal city.

It can be justified, of course, as a means of reducing the disruptive effects of freeway construction on the city and its residents. Though criticism of freeways is often greatly exaggerated, I recognize that much of the concern—shared by my constituents—has some basis in fact. To say so does no disservice to the District of Columbia Department of Highways, which is in the forefront in advocating air rights development. Indeed, if air rights construction served solely to make freeways compatible with a healthy urban environment—and I am convinced that it will—it will be fully justified on that basis alone. But I prefer, Mr. Speaker, to view air rights development in a positive light in that it represents a constructive realignment of our thinking in the direction of multiple use of what has become an increasingly costly and scarce resource—urban land.

The problems of cost and land scarcity are peculiarly aggravated, of course, in the District where Federal holdings limit usable and taxable space, and building restrictions further limit use of the space available. This is painfully true now and will become more so in the years ahead as increases in population and employment generate greater demand for new public and private construction, not to mention replacement of obsolete facilities.

Air rights construction can play an integral role, not as frosting on the cake but as part of the cake. Such multiple use can lower the cost of public facilities built in leased air space. Use of air space for commercial, industrial or residential purposes would help achieve the goal of greater private investment in our downtown areas.

New and more productive facilities, perhaps made more accessible by adjacent highway connections, could well go on the tax rolls at a rate much higher than that of what they replaced. Leasing to private interests would also represent another source of revenue to balance against higher costs involved in foundation and deck work over freeways. In sum, the result would be to recapture—for the public benefit—some of the immense amount of public investment in public facilities.

A more direct impact, of course, is on the lives of people. Air rights housing can relocate families displaced for freeway construction. We can legitimately hope that no family would be uprooted before replacement facilities were available. If this were the only result, this legislation would be fully justified. But this badly understates the potential of this bill. Air rights housing can accommodate more than the number displaced, besides furnishing open space and other amenities. The key again is multiple use of land. Whatever advances have and will be made in the construction industry, with new materials, greater prefabrication and improved on-site build-

ing techniques, the cost of urban land will remain the single major deterrent to large-scale economies. And with air rights on multiple use we have the opportunity to reduce what had been the irreducible minimum element of cost. How widely we can apply this approach in future years will depend on economics and new technology. Uses appropriate for one piece of airspace might be totally unsuited to another, for cost, planning, esthetic, or other reasons. What might be uneconomic today might be justified tomorrow by increased demand for space. Soils engineers are making progress in devising new ways to make possible construction of foundations on what was once considered marginally useful land.

A vital consideration in this legislation, in my judgment, is the potential for providing parking so as to combat the blighting effect of surface street congestion. Location of planned parking at strategic locations will mean that many cars entering the city will—in effect—never leave the freeway. This will hold most promise if the freeways and parking are viewed as coordinated elements of a transportation system including buses and rail rapid transit. Experience in other cities has shown that rail rapid transit, by attracting riders to public transportation creates increased demand for bus service. Thus we can expect the auto commuter to be served by bus or rail for downtown mobility provided he has a place to park.

In another vein, Mr. Speaker, cities indeed must be for people. They are works of man, and man has made much ugliness. But while I am an accredited, card-carrying conservationist with years of work in the field, I grow impatient with those who suggest that the works of man—his streets and his buildings—are inherently incapable of beauty and utility. I am convinced that multiple use of our city landscape can pay economic dividends, improve the lot of people, and create a vitality and diversity that will make the city a more satisfying place in which to live and work.

ROGERS URGES ADOPTION OF ANTIFORCED BUSING AMENDMENTS TO HEW APPROPRIATION BILL

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Florida. Mr. Speaker, I urge my colleagues to approve the two amendments adopted by the Appropriations Committee in its consideration of the revised Labor-HEW appropriation bill which would prohibit the Department of Health, Education, and Welfare from withholding Federal funds from school districts to force busing and the closing of schools, and which would prohibit the use of Federal moneys to formulate or carry out any effort to abolish freedom-of-choice plans.

My colleagues will recall that in 1968 and again in 1969 this body adopted language in HEW appropriation bills which would prohibit the use of Federal funds for the forced busing of students, for the closing of schools or in opposition

to the freedom of choice approach. Each time the other body succeeded in weakening the language of the House-passed bill.

The recent decision of the U.S. Supreme Court has caused turmoil and confusion in many of the schools in my State of Florida. Both black and white students alike are having to bear the burden of forced busing and the closing of schools.

I believe that these two amendments adopted by the Appropriations Committee provide a sensible approach to solving the problems that face many of our schools and I urge my colleagues to keep these amendments in the bill when it is considered on the floor.

LITHUANIAN LIBERATION

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

Mr. TIERNAN. Mr. Speaker, today is the 52d anniversary of the Declaration of Independence of Lithuania. It is a day that the House of Representatives sets aside in order to demonstrate its support for the liberation of this wonderful land. All of us in America should take the time to look at our free society and note how many countries of the world are exploited by a totalitarian regime. We should not remain apathetic to the plight of Lithuania or the other countries that were overrun by the Soviets. I support House Concurrent Resolution 416 and I know all of my colleagues who cherish liberty and democracy will do the same.

There are tens of thousands of American Lithuanians in the United States who have helped to make our country strong and prosperous. These people have families and loved ones who can attest to the killings and horrors of life under a Soviet regime. I hope none of us in this body will be so callous to the cause of justice, as to sit back and say we do not care if lives are snuffed out and freedom trampled.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HENDERSON (at the request of Mr. JONES of North Carolina), for February 16 and 17, on account of illness.

Mr. CHARLES H. WILSON (at the request of Mr. HOLIFIELD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHALEN) to revise and extend their remarks and to include extraneous matter:)

Mr. RHODES, for 10 minutes, today.
Mr. SAYLOR, for 10 minutes today.
Mr. POFF, for 5 minutes, today.
Mr. BUSH, for 10 minutes, today.
Mr. BUCHANAN, for 1 hour, on February 24.

(The following Members (at the request of Mr. BIAGGI) to revise and extend their remarks and to include extraneous matter:)

Mr. ROONEY of New York, for 15 minutes, today.
 Mr. FARBSTAIN, for 30 minutes, today.
 Mr. GONZALEZ, for 10 minutes, today.
 Mr. ADDABBO, for 30 minutes, on February 18.
 Mr. CONYERS, for 60 minutes, on February 19.
 Mr. NEDZI, for 60 minutes, on February 24.
 Mr. KOCH, for 60 minutes, on February 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL and to include pertinent material.

Mr. DONOHUE to revise and extend his remarks made today on H.R. 15062.

Mr. FULTON of Pennsylvania and to include a questionnaire and letter of information, as official business.

Mr. GROSS to revise and extend his remarks made today in connection with Senate Concurrent Resolution 33.

(The following Members (at the request of Mr. WHALEN) and to include extraneous matter:)

Mr. HORTON in two instances.
 Mr. WINN.
 Mr. McCLURE.
 Mr. McDONALD of Michigan.
 Mr. STEIGER of Wisconsin.
 Mr. WHALEN.
 Mr. BURKE of Florida.
 Mr. RAILSBACK in two instances.
 Mr. ZWACH.
 Mr. WYMAN in two instances.
 Mrs. DWYER in three instances.
 Mr. FISH.
 Mr. SCHERLE.
 Mr. BOW.
 Mr. BROWN of Ohio.
 Mr. SMITH of New York.
 Mr. BUCHANAN.
 Mr. DON H. CLAUSEN in two instances.
 Mr. BROYHILL of Virginia.
 Mr. POLLOCK.
 Mr. LUKENS in two instances.
 Mr. REID of New York.
 Mr. BOB WILSON.
 Mr. BRAY in two instances.
 Mr. COLLINS in five instances.
 Mr. DICKINSON.
 Mr. MIZELL in two instances.
 Mr. DERWINSKI in two instances.
 (The following Members (at the request of Mr. BIAGGI) and to include extraneous material:)
 Mr. JACOBS in two instances.
 Mr. FOLEY in five instances.
 Mr. BOLAND in three instances.
 Mr. RODINO in two instances.
 Mr. EILBERG.
 Mr. THOMPSON of New Jersey in three instances.
 Mr. NATCHER.
 Mr. SCHEUER in two instances.
 Mr. HOWARD.
 Mr. EVINS of Tennessee.
 Mr. MATSUNAGA.
 Mr. KASTENMEIER.
 Mr. MURPHY of Illinois in two instances.

Mr. HICKS in two instances.
 Mr. DANIEL of Virginia in two instances.
 Mr. RARICK in three instances.
 Mr. STEPHENS in two instances.
 Mr. BARING.
 Mr. STEED.
 Mr. WALDIE.
 Mr. ROYBAL in six instances.
 Mr. PATTEN.
 Mr. POWELL in two instances.
 Mr. LEGGETT.
 Mr. BINGHAM.
 Mr. STOKES.
 Mr. WOLFF in four instances.
 Mr. HELSTOSKI in four instances.
 Mr. FRIEDEL in two instances.
 Mr. GONZALEZ.
 Mr. HANNA in two instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 16, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion;

H.R. 9485. An act to remove the \$10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict;

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band; and

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities, and for other purposes.

ADJOURNMENT

Mr. BIAGGI, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 18, 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:

1653. A letter from the Governor of the Farm Credit Administration, transmitting the 36th annual report of the Administration on the activities of the cooperative farm credit system, including the report of the Federal Farm Credit Board, for the fiscal year ended June 30, 1969, pursuant to the provisions of section 3, Federal Farm Loan Act, as amended; section 4, Agricultural Marketing Act, as amended; section 6, Farm Credit Act of 1953; and Executive order of March 27, 1933 (H. Doc. No. 91-243); to the Committee on Agriculture and ordered to be printed, with illustrations.

1654. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting information relative to section

401 of the Second Supplemental Appropriations Act of 1969 which establishes a limitation on budget outlays in the fiscal year 1970, and notification that the regular report will be submitted as of March 31, 1970, pursuant to the provision of Public Law 91-47; to the Committee on Appropriations.

1655. A letter from the Deputy Secretary of Defense, transmitting a report of sales or transfers of Government-owned communications facilities in Alaska for the calendar year 1969, pursuant to the provisions of Public Law 90-135; to the Committee on Armed Services.

1656. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of Surinam type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1657. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

1658. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain projects proposed to be undertaken for the Army Reserve; to the Committee on Armed Services.

1659. A letter from the Acting Deputy Chief of Naval Material (Procurement and Production), Department of the Navy, transmitting the semiannual report of research and development procurement actions of \$50,000 and over, for the period July 1-December 31, 1969, pursuant to the provisions of 10 U.S.C. 2357; to the Committee on Armed Services.

1660. A letter from the Comptroller General of the United States, transmitting a report on the allowances for independent research and development costs in negotiated contracts—issues and alternatives, Department of Defense, National Aeronautics and Space Administration, and Atomic Energy Commission; to the Committee on Government Operations.

1661. A letter from the Attorney General, transmitting a draft of proposed legislation to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 15932. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. BRADEMAs (for himself, Mr. SCHEUER, Mr. REID of New York, Mr. HANSEN of Idaho, Mr. DANIELS of New Jersey, Mr. ESCH, Mr. BURTON of California, Mr. GUDE, Mr. POWELL, Mr. WYDLER, Mr. EDWARDS of California, Mr. CORMAN, Mrs. CHISHOLM, Mr. FRASER, Mr. GALIFIANAKIS, Mr. GIBBONS, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HOLIFIELD, Mr. LEGGETT, Mr. MURPHY of New York, Mr. PREYER of North Carolina, and Mr. PRICE of Illinois):

H.R. 15933. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. SCHEUER, Mr. REID of New York, Mr. HANSEN of Idaho, Mr. VANIK, Mr. YATRON, Mr. RODINO, Mr. ROSENTHAL, Mr. DULSKI, and Mr. ROE):

H.R. 15934. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 15935. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 15936. A bill to establish a roll of honor for American inventors, and for other purposes; to the Committee on the Judiciary.

By Mr. CELLER:

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

By Mr. DON H. CLAUSEN:

H.R. 15938. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. CORMAN:

H.R. 15939. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities); to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. MURPHY of New York, Mr. GROVER, Mr. KARTH, Mr. POLLOCK, Mr. ANNUNZIO, Mr. FREY, Mr. OBEY, Mr. NEDZI, and Mr. MOSS):

H.R. 15940. A bill to provide for advance notice to the Secretary of the Interior and certain State agencies before the beginning of any Federal program involving the use of pesticides or other chemicals to eradicate or control animal or plant pests, and for other purposes; to the Committee on Agriculture.

By Mr. DULSKI:

H.R. 15941. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 15942. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the distribution of certain surplus Federal property to certain organizations which provide for the education and recreation of young boys and girls; to the Committee on Government Operations.

By Mr. FOLEY:

H.R. 15943. A bill to amend section 213 of the Flood Control Act of 1965; to the Committee on Public Works.

By Mr. FULTON of Tennessee:

H.R. 15944. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ (for himself, Mr. MAILLIARD, Mrs. SULLIVAN, Mr. CLARK, Mr. LENNON, and Mr. DOWNING):

H.R. 15945. A bill to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. LEGGETT:

H.R. 15946. A bill to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; to the Committee on Interior and Insular Affairs.

By Mr. McCULLOCH (for himself, Mr. GERALD R. FORD, Mr. MACGREGOR, Mr. McCLORY, Mr. POFF, and Mr. HUTCHINSON):

H.R. 15947. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 15948. A bill to provide that the health regulations of the District of Columbia shall extend to the restaurants of the U.S. Senate and the House of Representatives; to the Committee on the District of Columbia.

By Mr. PEPPER:

H.R. 15949. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal year, and for other purposes; to the Committee on the Judiciary.

H.R. 15950. A bill to amend title 38 of the United States Code to provide that any statutory increase in social security benefits enacted after November 1969 may not be taken into account for purposes of determining entitlement to, or the amount of, veterans' pensions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. POLLOCK:

H.R. 15951. A bill to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's cooperative associations; to the Committee on Merchant Marine and Fisheries.

H.R. 15952. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PUCINSKI:

H.R. 15953. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 15954. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Government Operations.

By Mr. REID of New York:

H.R. 15955. A bill to amend the Federal Power Act in order to provide for a national powerplant siting study and a national powerplant siting plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 15956. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

By Mr. ROBISON (for himself and Mr. SAYLOR):

H.R. 15957. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS of Florida (by request):

H.R. 15958. A bill to amend title 38 of the United States Code to provide veterans' benefits to individuals who served as contract medical or dental personnel with the Armed Forces during World War I or any period of war thereafter; to the Committee on Veterans' Affairs.

By Mr. SCHEUER (for himself, Mr. BURKE of Florida, Mr. BUTTON, Mrs. CHISHOLM, Mr. HALPERN, Mr. HELSTOSKI, Mr. MIKVA, Mr. OTTINGER, Mr. POBELL, Mr. POWELL, Mr. REUSS, Mr. TIERNAN, and Mr. WALDIE):

H.R. 15959. A bill to help prevent pollution which is caused by litter composed of soft drink, beer, and alcohol containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter, by imposing a tax on such containers (subject to refund in certain cases) when they are filled and sold on a no-deposit, no-return basis; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 15960. A bill to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the national health survey, facilitating the development of comparable health information and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15961. A bill to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES (for himself, Mr. OTTINGER, Mrs. MINK, Mr. CLEVELAND, Mr. HECHLER of West Virginia, Mr. BINGHAM, Mr. POWELL, Mr. BROWN of California, Mr. COUGHLIN, Mr. MIKVA, Mr. WOLFF, Mr. MURPHY of New York, Mr. DADDARIO, Mr. RYAN, and Mr. POBELL):

H.R. 15962. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

By Mr. STOKES (for himself, Mr. JACOBS, Mr. SANDMAN, Mr. BUTTON, Mr. BURTON of California, Mr. ALEXANDER, Mr. HELSTOSKI, Mr. O'NEILL of Massachusetts, Mr. WILLIAM D. FORD, Mr. EILBERG, Mr. FEIGHAN, and Mr. DULSKI):

H.R. 15963. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 15964. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

H.R. 15965. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 15966. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 15967. A bill to provide for advance notice to the Secretary of the Interior and certain State agencies before the beginning

of any Federal program involving the use of pesticides or other chemicals to eradicate or control animal or plant pests, and for other purposes; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 15968. A bill to assist the State in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 15969. A bill to be known as the Pollution Abatement Act of 1970, to establish the National Environmental Control Commission as an independent agency of the government, and to vest in that Commission jurisdiction over environmental pollution programs; to the Committee on Government Operations.

By Mr. ZWACH:

H.R. 15970. A bill to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes; to the Committee on Agriculture.

By Mrs. GREEN of Oregon:

H.R. 15971. A bill to amend the Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes in professional, executive and administrative positions; to the Committee on Education and Labor.

By Mr. GUDE (for himself, Mr. HOGAN, and Mr. BROYHILL of Virginia):

H.R. 15972. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PUCINSKI:

H.R. 15973. A bill to amend the Labor-Man-

agement Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

By Mr. TIERNAN:

H.R. 15974. A bill to amend the Watershed Protection and Flood Prevention Act of 1954, as amended; to the Committee on Agriculture.

By Mr. BROCK:

H.J. Res. 1083. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

By Mr. CORMAN:

H. Con. Res. 507. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Mr. BRADEMAs):

H. Con. Res. 508. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 509. Concurrent resolution expressing the sense of Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. FRIEDEL:

H. Res. 839. Resolution providing additional compensation for services performed by certain employees in the House Publications Distribution Service; to the Committee on House Administration.

By Mrs. GREEN of Oregon (for herself,

Mr. AYRES, Mr. GIAIMO, Mr. QUIE, Mr. ROSTENKOWSKI, Mr. MICHEL, Mr. SMITH of Iowa, Mr. ANDERSON of Illinois, Mr. WAGGONNER, Mr. ERLBORN, and Mr. STRATTON):

H. Res. 840. Resolution for the appoint-

ment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 15975. A bill for the relief of Nguyen Van Nam; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 15976. A bill for the relief of Arie Aviv (also known as Arie Abramovich); to the Committee on the Judiciary.

H.R. 15977. A bill for the relief of Hema-yack Meghrigian; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

303. By the SPEAKER: A memorial of the Legislature of the State of South Dakota, relative to banning the use of DDT and other similar harmful products; to the Committee on Agriculture.

304. Also, a memorial of the Legislature of the State of South Dakota, relative to issuing currency depicting the Mount Rushmore National Memorial; to the Committee on Banking and Currency.

305. Also, a memorial of the Legislature of the State of Tennessee, relative to repeal of the Gun Control Act of 1968; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

395. The SPEAKER presented a petition of Ohio Bell, Chicago, Ill., relative to redress of grievances, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PRESIDENT NIXON'S BUDGET FOR FISCAL 1971

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. HALL. Mr. Speaker, in a speech before the National Agricultural Outlook Conference held in Washington, D.C., yesterday morning, Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy, chose as his subject, "The Fiscal Outlook for 1970-1971."

Mr. Weidenbaum offers an enlightening and succinct discussion of President Nixon's new budget for the fiscal year, 1971, and its effect on rearranging our national priorities for the decade of the 1970's.

Mr. Weidenbaum's speech follows:

REMARKS OF THE HONORABLE MURRAY L. WEIDENBAUM, ASSISTANT SECRETARY OF THE TREASURY FOR ECONOMIC POLICY, BEFORE THE NATIONAL AGRICULTURAL OUTLOOK CONFERENCE, WASHINGTON, D.C., FEBRUARY 6, 1970

CHANGING PRIORITIES FOR THE 1970'S

President Nixon's new budget for the fiscal year 1971 is a clear and specific indicator of

the Administration's determination to maintain a noninflationary fiscal policy for the year ahead. But the new budget is more than that; it also is a major step toward rearranging our national priorities for the decade of the Seventies. I would like to explain both of these points this morning.

THE FISCAL OUTLOOK FOR 1970-1971

From the viewpoint of short-term economic stabilization, the thrust of the fiscal year 1971 and budget is quite clear. To the \$3.2 billion surplus achieved in fiscal 1969 and to the \$1.5 billion surplus we anticipated in the current fiscal year, it is our determination to add a third year of modest excess of income over governmental outgo—a 1971 surplus of \$1.3 billion.

Given the economic environment that we anticipate, I believe that such modest budget surpluses are the order of the day. The maintenance of a budget surplus is a clear signal to the money markets, private investors, and other sectors of the economy that the Federal Government is continuing to press its anti-inflationary effort. I believe that any planned deficit, no matter how small, would have weakened that impact. In contrast, too large an anticipated surplus could set in motion strong deflationary forces. It also is noteworthy that these surpluses are being achieved by restraining public sector demand, rather than through new or increased taxes.

The budget has been prepared on the basis of a set of economic assumptions for 1970 which we consider quite reasonable. Actu-

ally, our estimates of GNP (\$985 billion), personal income (\$800 billion), and corporate profits (\$89 billion) are all close to the midpoint of the range of forecasts made by experienced private economists and financial analysts.

We have projected the Gross National Product in the calendar year 1970 at a five and a half percent increase over 1969. This clearly represents an intent to achieve a temporary slowdown in the growth pattern of the economy for 1970, a slowdown necessary to achieve a substantial reduction in inflationary pressures before the economy returns to high employment growth at relatively stable prices.

No official quarterly pattern of GNP in 1970 has been released. Obviously, more than one such pattern would be consistent with the \$985 billion figure. The pattern that I personally prefer shows real GNP relatively flat in the first half of the year, followed by an upturn in the second half. As you know, one of the favorite new parlor games in Washington, at least among economists, is to debate the significance of the fraction of one percent decline in the real GNP in the fourth quarter of 1969. It is hard for me to view this as any thunderous or precipitous decline. In fact—as I said in a public statement three months ago—I do not measure major swings in economic activity by such fine percentages. That is, a decrease of several tenths of one percent in the real Gross National Product really means a period of no growth. I would make the same state-