humanitarian picture behind the "corruption." This is the point I want to make to you, that the word "corrupt" is supposed to describe the Big Boss system underneath. Well, this is in part true, I suppose. But the Big Boss "corruption" was really humanitarian underneath as far as the poor working immigrant family was concerned. The Big Boss certainly made deals with the Public Utilities companies—but part of that deal was for more *jobs* for his working people.

The Irish were very good at looking out for poor people because as no other people they knew what unemployment, in all its horror, means. This is much more than hunger and other privations. It is a humiliation of spirit. What the Big Bosses organization offered, therefore, was understanding and affection—believe it or not—affection and sympathy for a family in trouble. There were no forms to fill out; they just helped. There was no nonsense about lack of character requiring affidavits of necessity. In short, the Big Bosses knew the people because they were of the people and this is what kept them going. What finished the Big Bosses is primarily that they did their job so well that the immigrant peoples didn't need them after the first generation. The blast furnace of the American Melting Pot is the public school. Today, just short of half of the American people are the children of these illiterate immigrants. And where are they—at the top of their professions.

Now the Welfare Departments do all of the things the Big Boss used to do, but its institutionalized. This is called public conscience now; but if we want to call them fairly, it was public conscience when the Big Boss performed the same acts, though it was called corruption then and now. But, at least, it indicates that the Big Boss was something of a Gunga Din—he got belted and flogged for doing what was as necessary then as it is now. But the new welfare institutions and general education which, incidentally, he helped establish, have put him on the shelf.

There's one thing more I want to say. The word of the Big Boss was good. It may only be because it was his stock in trade, so to speak. But whatever the reason, his word was good. Another thing: The Big Boss often "went to bat" in criminal cases, especially when there was a bad boy in a working family; but he never, never tinkered around suits between citizens and he never took money for helping a poor family in trouble.

There are a couple of more points I'd like to make. The Big Boss was on the keen lookout for talent. A poor boy, if he wanted to work, was given a chance. That's where the Democratic Party came in. Al Smith, Senator Bob Wagner, President Harry S. Truman, President Lyndon B. Johnson, were all poor lads. So was I; and I've never stopped saying that if it was not for the Democratic Party, I would never have been its Chairman or a Cabinet officer, and these honors came to me for personal service.

I deplore the vast sums of money spent in campaigns today, because it is shutting poor boys out. The T.V. cameras will focus on a student riot, but I defy anyone to come up with any coverage of the Young Democrats or Young Republicans, giving them the same attention the old Bosses did. The high cost of campaigning is driving talent out of both parties, closing the old doors, and to the immense disadvantage of the Republic.

I strongly suggest to you that you compare the "subsidies" given in the name of public policy, the franchises given in the name of public necessity, and the tariffs exacted by the Republican Party at the time the Big City Bosses got the name of being corrupt for giving a portion of these sums to the poor. Mind you, I do not condone the corruption; but I do object to that term being applied to the Big Boss at the Bottom if it is to be condoned in the Republican Barn at the top.

One more thing: if it hadn't been for the Big Bosses, believe me, the basic legislation of F.D.R., which put the Liberals in the political business and put the Big Bosses out of it, couldn't have been passed without the Big Bosses themselves. I handled that legislation for the President and I know this as no man other than he knew better.

LOWER FARES FOR U.S. SERVICEMEN

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 1970

Mr. FRIEDEL. Mr. Speaker, as many in this House know, I have, as chairman of the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, been a constant advocate over the years for lower fares for our air travel consumers.

In this regard, I am most pleased that one of our large progressive supplemental carriers, World Airways, recently announced the filing of a new low tariff with the CAB that will allow U.S. servicemen to fly roundtrip from South Vietnam to California for $350. The extension of low-cost fares for home visits to the United States for U.S. servicemen stationed in Vietnam is long overdue and an extremely worthwhile undertaking.

I want to take this occasion to congratulate World Airways on receiving this year's USO Gold Medal for safely transporting over 500,000 servicemen and women. I also commend the company's initiative in seeking the lower servicemen's fares and the press release announcing this new plan be included at the conclusion of my remarks:

LOWER FARES FOR U.S. SERVICEMEN

Edward J. Daly, Chairman of the Board and President of World Airways, Inc., announced his Company had filed a new charter tariff with the Civil Aeronautics Board which would enable military personnel to fly round trip from Vietnam to California for $350.00. World, which operates a fleet of Boeing 707-320C Fan Jet Aircraft, is the largest charter carrier; it is based in Oakland, California and has operated scheduled air service in and to Southeast Asia for the military since 1956. Last year World flew almost 20 million miles for the Military Airlift Command and recently received the USO Gold Medal Award for having safely transported more than 500,000 servicemen and women.

World's plan will include (A) frequent flights from Vietnam to California (B) scheduled connections to all parts of the United States; and (C) financing arrangements so that all eligible military personnel will be able to take advantage of the new Vietnam policy. Mr. Daly announced that he is personally prepared to guarantee loans to servicemen who would otherwise be unable to pay for the trip or to borrow the necessary funds. These financial arrangements will be handled through the First Western Bank, Los Angeles, California, a subsidiary of World with assets in excess of one billion dollars.

This is clearly one of the most effective means of boosting morale of the serviceman, and General Creighton W. Abrams, Commander, U.S. Military Assistance Command, Vietnam, and the Department of Defense, are to be congratulated for originating this program. Mr. Daly expresses the hope that a similar plan would be made available to military personnel serving in other overseas stations.

HOUSE OF REPRESENTATIVES—*Tuesday, December 8, 1970*

The House met at 12 o'clock noon.

Rabbi Seymour E. Freedman, Concord Hotel Synagogue, Kiamesha Lake, N.Y., offered the following prayer:

Almighty G-d: As this day begins, we lift our thoughts to praise Thee for granting us life. Implant within us now, the radiance of Thy spirit so that our deeds shall reflect the nobility of our aspirations. Help us to feel Thy divine presence, challenging us to become Thy messengers on earth bringing equity and compassion to all.

Unto the Members of this House of Representatives, who have assumed the burdens of leadership, grant inner strength, be their shield and refuge in times of difficult decision. May the knowledge that they labor to build a better America be their constant inspiration.

Grant Thy blessings, O G-d, upon this Nation. May these United States ever be an international force guiding all the world to prosperity amid peace. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

H.R. 2876. An act for the relief of the Beasley Engineering Co., Inc.;

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.;

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes; and

H.R. 19830. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

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

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19504) entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. JORDAN of North Carolina, Mr. MONTOYA, Mr. SPONG, Mr. COOPER, Mr. BOGGS, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate, to the bill (H.R. 10634) entitled "An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence."

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

S. 4561. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder.

The message also announced that the Vice President, pursuant to Public Law 91–405, appointed Mr. SPONG and Mr. MATHIAS to the Commission on the Organization of the Government of the District of Columbia.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
December 8, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 7:40 p.m. on Monday, December 7, 1970, said to contain a Message from the President concerning a railway strike stemming from a dispute between railway carriers and four unions representing their employees.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

RAILWAY STRIKE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–424)

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

To the Congress of the United States:

After much effort at settlement through negotiation and mediation, we are confronted with an emergency stemming from a dispute between railway carriers and four unions representing their employees. The unions involved have declared their intention of calling a nationwide strike starting at 12:01 a.m., December 10, 1970.

All existing governmental procedures have been carefully but vainly used to bring about a settlement of the dispute. Negotiations among the parties, based upon the recommendations of the Emergency Board, have progressed during the last 30 days. However, because of the number of parties and the complexity of the issues involved, these negotiations have not resulted in an agreed-upon resolution. At my direction, the Secretary of Labor has sought from the parties a voluntary extension of negotiations without strike or lockout, but he has not been successful.

A nationwide stoppage of rail service would cause hardship to all Americans and harm to the economy, particularly a stoppage at the height of the pre-Christmas season.

It is essential that our railroads continue to operate. Therefore, I recommend that the Congress extend for 45 days the period during which no work stoppage may occur. It is my hope that these additional 45 days will lead to a voluntary negotiated settlement of this dispute.

In requesting an extension to January 23, 1971, I am mindful of the fact that the current Congressional session is fast drawing to a close and there are many other pressing and important matters to be dealt with. Under these circumstances, it would not seem advisable to thrust upon the Congress at this time the consideration of the complicated substantive issues of this dispute.

The fact that some progress has been made in negotiations is encouraging, and it indicates that the parties may be able to resolve their differences. However, if no settlement is reached within this time period, I shall make additional recommendations to the Congress.

I urge that Congress act quickly on my proposal so that a crippling stoppage can be averted, and so that the Nation's travelers and shippers can depend on uninterrupted service.

RICHARD NIXON.

THE WHITE HOUSE, *December 7, 1970.*

APPOINTMENT OF CONFEREES ON H.R. 19504, FEDERAL AID HIGHWAY ACT

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. FALLON, KLUCZYNSKI, WRIGHT, EDMONDSON, CRAMER, HARSHA, and CLEVELAND.

APPOINTMENT OF CONFEREES ON H.R. 380, AMENDING SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968), with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. HALEY, EDMONDSON, and SAYLOR.

APPOINTMENT OF CONFEREES ON H.R. 17867, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. PASSMAN, ROONEY of New York, Mrs. HANSEN of Washington, Messrs. COHELAN, LONG of Maryland, MCFALL, MAHON, SHRIVER, CONTE, Mrs. REID of Illinois, and Messrs. RIEGLE and BOW.

FBI DIRECTOR OWES APOLOGY FOR ETHNIC SLUR

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

Mr. EDWARDS of California. Mr. Speaker, FBI Director J. Edgar Hoover owes an immediate apology to Mexico, to Puerto Rico, as well as to the millions of Americans of Mexican and Puerto Rican descent for his unforgivable ethnic slur as reported in this week's Time magazine.

Referring to the protection of the President on trips, Mr. Hoover is reported to have said:

You never have to bother about a President being shot by Puerto Ricans or Mexicans. They don't shoot very straight: But if they come at you with a knife, beware.

I am sure I do not have to explain to my colleagues the racial implications of this remark. I will only protest it most vigorously and point out to Mr. Hoover that it is false—that the fine people he referred to take second place to none in talent, bravery, dedication, and patriotism. The splendid record of Mexican Americans as soldiers, sailors, fliers, and marines is a source of pride not only to them but to all Americans.

Moreover, Mr. Hoover, as head of the FBI and a veteran of public service for more than 40 years, should know this kind of language is destructive and violates his public responsibility.

OUTSTANDING PERFORMANCE BY THE SPEAKER OF THE HOUSE

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

Mr. BURKE of Massachusetts. Mr. Speaker, I take this opportunity to bring to the attention of the Members of this House the outstanding job, the excellent performance, of our beloved Speaker, the Honorable JOHN W. MCCORMACK.

During yesterday's session approximately 25 bills were debated, discussed, and acted upon by this House under the suspension rule.

Our Speaker is a dedicated and devoted public servant. He is young in mind, young in heart, and young in spirit. I know when the "Good Book" is written about the U.S. Congress, like the name of Abou ben Adhem, the name of JOHN W. MCCORMACK will lead all the rest.

CONSUMER CLASS ACTION BILL

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

Mr. ECKHARDT. Mr. Speaker, it is now the fourth day since I sent a letter to the President urging him to get his version of the consumer class action bill to the floor on the vehicle of my bill, H.R. 18764, which is the first order of business before the Interstate and Foreign Commerce Committee and is being blocked by the solid ranks of the Republicans. I have not heard from the President, though I know the executive department knows about it, because Mr. Bruce Wilson of the Justice Department, assistant to Richard W. McLaren, Assistant Attorney General, Antitrust Division, asked for the letter yesterday. I hope the President will get to this matter before the end of the session.

PERSONAL STATEMENT ON PRISONER-OF-WAR RESOLUTION

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

Mr. BEALL of Maryland. Mr. Speaker, yesterday the House of Representatives passed House Resolution 1282, commending the brave American servicemen who attempted the daring raid on Son Tay in an effort to free American prisoners of war believed to be held there. I would like the record to show that I was unavoidably absent during the vote on this measure; but if I had been present, I would certainly have voted in favor of this passage.

I was a cosponsor of the resolution as originally introduced and am continually dismayed at the outrageous behavior of the North Vietnamese with regard to American prisoners of war. Certainly the treatment of prisoners is clearly outlined in international law, and the North Vietnamese Government has shown a total disregard for the Geneva Convention to which they agreed.

It is incumbent upon citizens all across our country, and particularly those of us who serve in the legislative branch as well as the executive branch of our Government, to take every step that will bring public pressure to bear in an effort to influence the Government of North Vietnam to free these prisoners.

I applaud the House on the passage of House Resolution 1282 and again reiterate my strong support of this measure.

AGRICULTURE AND RELATED AGENCIES APPROPRIATION, 1971

Mr. WHITTEN. Mr. Speaker, I call up the conference report on the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of December 7, 1970.)

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

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

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. WHITTEN. Mr. Speaker, we bring before you today the conference report on appropriations for the Department of Agriculture and related agencies for fiscal year 1971.

May I say here, we have provided for fully restoring the agricultural conservation program, and called on the Department to announce and carry out next year the same program we have had this year.

The Senate yielded on its $20,000 limit on payments and the new farm bill with its $55,000 limit will apply.

We have increased funds for rural water systems, both loans and grants, and for sewerage and water grants and loans.

We have made funds more readily available to meet the growing need for rural electricity power so badly needed when farm labor is not available.

Mr. Speaker, each time I bring this bill to the floor we have fewer and fewer Members of this body from rural areas, and thus less and less understanding of many problems. As I pointed out in June when this bill was last considered by the House, this bill should be of great and serious importance to each and every Member, because involved is the very basic foundation of our well-being and of our economy. We must take note that greater and greater numbers are quitting the farm, averaging from 600,000 to 800,000 annually. If their acreage was not farmed by the few, the larger farmers left, food would be much more scarce and much higher.

These people are leaving the farm for urban areas because farming requires longer work hours, harder work, larger investment, higher risk, and provides a decreasing return. You can understand why when you realize that the average return on farm equities has dropped from 7.1 percent in the period 1945–49 to 3.1 percent in 1968. Further, up until recently rural America has not offered the same advantages as have our cities, a situation we are trying to correct with loans for rural homes, rural water systems, sewerage systems, adequate electricity, and so forth.

Actually Mr. Speaker, we might term this bill an appropriation for public health and safety, for it carries $141,000,000 for inspection of meats, research, supervision of pesticides, for quarantines, inspection and treatment of the hundreds of thousands of airplanes which land here annually from foreign countries, and similar programs.

Or we might call this an appropriation for the protection of industry and labor, for the 5.1 percent on the farm have subsituted machinery and other substitutes for farm labor, spending more than $4.8 billion for machinery and motor vehicles in 1967.

This bill might be called an antipollution bill, for its Soil Conservation Service and Agricultural Stabilization Service will catch 2.9 billion tons of sediment near its source with retarding structures, multipurpose reservoirs, and over 2 millions smaller structures. These programs, plus others such as water and waste disposal programs, take $694,704,000 of the total.

Or we might term the bill, the people's bill, for $2,814,718,000, goes to finance programs of school lunch, school milk, aid to the needy, food stamps, and other nutrition-related programs.

It could be termed a bill to help with our foreign problems and policy, for $702,500,000 of the total goes to Public Law 480, sales for foreign currencies.

It could be called rural development for $466,200,000 goes for repayable rural loans.

Of the remainder, $3,363,155,000 goes to the Commodity Credit Corporation for capital restoration which should carry that Corporation for years to come.

But perhaps above that, we should term this a bill to stave off financial depression and disaster, for it has been a drastic break in farm income, with the resulting break in purchasing power, which has led to every depression.

After all, the farm program was passed not as a relief program for farmers, but to restore farm purchasing power that the general economy might recover, and it did.

It would be well to review the great depression of the later twenties and early thirties, the seeds for which were sown in the 1920's following World War I when the Government announced the price of wheat would not be supported. The wheat which had brought $2.94 a bushel in July 1920 brought $1.72 in December 1930, and 92 cents a year later. Cotton fell to a third of its July 1920 price and corn by 62 percent. The value

of agricultural products dropped from $18,328,000,000 in 1920 to $12,402,000,000 in 1921. Four hundred and fifty-three thousand farmers lost their farms, all reflected by failures of local banks.

In 1928 these prices were: wheat, $1; cotton, 18 cents; and corn, 84 cents. By 1931 wheat was 38 cents; cotton 5.5 cents; and corn, 32 cents. The Dow-Jones stock price averages followed by declining from a high of 381.2 in September to a low of 41.2 in July of 1932.

It has been said that there were more suicides during this period among those that did not know what a farm was as a result of the breakdown in farm or commodity prices—which had led to a fall in prices and values throughout the economy—than in any other period in our history.

I repeat—farm income, and resulting real purchasing power, has already dropped more than 50 percent on the farmer's investment since 1940, from 7.1 percent to 3.10. The warning signs are out.

Now, why can't we get this story over? Perhaps too few are willing to study history; or perhaps it is because the news media is focused on the 95 percent of nonfarmers.

Whatever it is, the story must be gotten over, for the sake of all.

Back to the detail in this conference report. It includes $100 million for grants and almost $108 million for loans for rural water and sewer systems. It also includes $15,855,000 and 15 planning starts for the community-oriented R.C. & D. projects.

Power and communications are equally fundamental to rural development as is housing and community facilities. This bill under consideration includes $337 million for new electric loans and $128.8 million for new telephone loans for 1971. With these funds the rural electric and telephone services will continue to improve for 25 million rural residents.

Today, over 98 percent of our Nation's farms have electric service and more than 80 percent have dial telephones. Rural people have made good use of these services—doubling their use of electricity every 7 to 10 years. The continuing need to develop and vitalize rural America is the great challenge for the 1,200 rural electric and telephone systems.

Of widespread concern to rural America as well as to the urban populations is the matter of pollution. Increased funds for planning and construction are provided in this bill for watershed protection and flood prevention activities of the Soil Conservation Service. Over the years, these important programs have built or planned 8,944 floodwater retarding structures and 440 multiple-purpose reservoirs which will catch 2.9 billion tons of sediment near its source.

In addition, despite determined opposition by the Office of Management and Budget, the conferees have included $195,500,000 for the 1971 ACP program. In the face of a vast outpouring of letters and the fact that both Houses had substantially agreed on a new program early in the fiscal year, no 1971 program has been announced.

While I have been a supporter of the many efforts by the Government to stem the tide of pollution, and support such efforts now, it is hard to understand why, while these tremendous amounts of money for pollution control—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 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 about one 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.

Apart from the program benefits, the abolishment of this program will cause the closing of about 300 county ASCS offices where farmers must go to transact their business with the Government as well as the loss of about 870 man-years of Soil Conservation Service technical staff, technicians, I might add, who have dedicated their lives to fighting pollution at its source—the land. Because of these facts, the conferees have directed in no uncertain terms that the agricultural conservation program be announced without further delay.

Mr. Speaker, I also feel I should point out we added the following language to the section on Soil Conservation Service, Conservation Operations, page 9:

Provided, That Public Law 40, Eighty-fourth Congress, making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1956, and for other purposes, is hereby amended by striking out the period following the last proviso in the section entitled "Flood Prevention", substituting a comma and adding the following: "and where the Army does have jurisdiction and responsibility, may enter into agreements with the Army to carry out jointly the measures heretofore set out and in areas where the Secretary is authorized to purchase land rights for structural measures, the Secretary in lieu of such acquisition, may reimburse local organizations for such proportionate share of the cost of land rights furnished by local organizations as the Secretary deems equitable in consideration of the national interest.

This language when added to Public Law 40, 84th Congress, will enable the Soil Conservation Service and the Corps of Engineers to more fully discharge their responsibilities and by agreement to meet many erosion, bank caving, and other problems.

Of concern to all of us are the programs of agriculture directed to the problems of human nutrition. The funds included in the bill, are today serving free and reduced-price lunches to 5.3 million needy youngsters; 12 million are receiving the benefit of the family assistance programs. I am including at this point in the RECORD a summary of the food programs for 1970 and 1971:

FOOD ASSISTANCE PROGRAMS

[Program level—dollars in thousands. The House did not consider the Child Nutrition budget amendment of $216,579,000 submitted to the Senate on July 1, 1970]

Program	Fiscal year 1970 [1]	Fiscal year 1971 House bill	Fiscal year 1971 Senate bill	Fiscal year 1971 Conference recommendations
A. Child nutrition program:				
1. Cash grants to States:				
(a) School lunch (Sec. 4)	$168,041	$169,721	$225,000	$225,000
(b) Free and reduced-price lunches	134,800	200,000	356,400	356,400
(c) School breakfast	12,000	15,000	15,000	15,000
(d) Nonfood assistance	15,000	17,500	15,000	15,000
(e) State administrative expenses	2,750	2,750	3,500	3,500
(f) Nonschool food program	[2] 13,572	[2] 5,000	[2] 15,000	[2] 15,000
Total, cash grants	346,163	414,971	629,900	629,900
2. Commodities to States	230,205	264,465	264,465	264,465
3. Nutrition training activities			750	750
4. Federal operating expenses	5,282	5,542	6,442	6,442
Total, child nutrition program	581,650	689,978	901,557	901,557
B. Special milk program:				
1. Milk (direct appropriation)	83,314	103,314	103,314	103,314
2. Special Section 32 funds used for milk program	20,000			
3. Administrative expenses	686	686	686	686
Total, special milk program	104,000	104,000	104,000	104,000
C. Family feeding program:				
1. Food Stamp program	$610,000	$1,250,000	$1,750,000	$1,420,000
2. Direct distribution to families:				
(a) Section 32 commodities	182,015	160,300	160,300	160,300
(b) Financial assistance to States	16,000	19,700	19,700	19,700
(c) Federal direct operation at local level	2,318			
(d) Section 416	61,942	92,745	92,745	92,745
Total, direct distribution to families	262,275	272,745	272,745	272,745
3. Nutrition supplement	33,000	40,000	40,000	40,000
Total, Family feeding	905,275	1,562,745	2,062,745	1,732,745
D. Direct distribution to institutions	12,889	26,416	26,416	26,416
E. Nutrition education program [3]	30,000	50,000	50,000	50,000
Total, food assistance program	1,633,814	2,433,139	3,144,718	2,814,718

[1] Revised to reflect approval of Public Law 91-207 (Mar. 12, 1970) to provide additional funds for child nutrition program.

[2] Excludes balances carried forward to succeeding year.

[3] Includes administrative expenses.

The conference committee carefully considered the plight of the food stamp program. The conferees appropriated $1,420 million calculated to continue this program at about the current level. The conferees agreed that to place more funds in the bill—up to the $1,750 million provided by the Senate—would be prejudicial to the work on a new authorization measure to be considered here today or tomorrow.

The conferees are aware that final action of both bodies on the food stamp authorization bill remains uncertain. In the interim, funds contained in this bill should very well suffice until action on a supplemental appropriation bill early next session.

The conference bill carries language limiting the expenditure of funds to the amounts authorized. The Food Stamp Act of 1968 (Public Law 90–552) authorized $170 million through December 31, 1970. Because of the changes in the food stamp program raising its cost, Congress approved a special appropriation—under Public Law 91–305—of $300 million available through October 31, 1970 and chargeable to the 1971 appropriation.

The continuing resolution (Public Law 91–454) approved October 15, 1970, amended the $300 million to read $600 million and made it available through January 31, 1971. Therefore, a total authorization of $770 million is currently available to be spent. If, because of the lateness of the session, final agreement cannot be reached on a new authorization bill, a further increase in the authorization can be sought to assure the continuation of the program.

At this point, Mr. Speaker, I would like to introduce for the RECORD a comprehensive table reflecting the recommendations of the conferees.

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and title	New budget (obligational) authority enacted to date, fiscal 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−) Conferee recommendations compared with—			
						1970	1971 budget	1971 House bill	1971 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—GENERAL ACTIVITIES									
Agricultural Research Service:									
Salaries and expenses:									
Research:									
Direct appropriation	$142,886,200	$141,437,200	$146,143,200	$160,446,200	$151,633,000	+$8,746,800	+$10,195,800	+$5,489,800	−$8,813,200
Transfer from sec. 32	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)	(15,000,000)				
Total, research	(157,886,200)	(156,437,200)	(161,143,200)	(175,446,200)	(166,633,000)	(+8,746,800)	(+10,195,800)	(+5,489,800)	(−8,813,200)
Plant and animal disease and pest control	97,393,750	98,763,750	98,619,750	99,369,750	98,619,750	+1,226,000	−144,000		−750,000
Special fund (reappropriation)	2,000,000	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	−2,000,000			
Total, salaries and expenses	242,279,950	240,200,950	244,762,950	259,815,950	250,252,750	+7,972,800	+10,051,800	+5,489,800	−9,563,200
Salaries and expenses (special foreign currency program)	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Total, Agricultural Research Service	247,279,950	245,200,950	249,762,950	264,815,950	255,252,750	+7,972,800	+10,051,800	+5,489,800	−9,563,200
Cooperative State Research Service: Payments and expenses	62,640,000	72,535,000	65,076,000	69,826,000	68,476,000	+5,836,000	−4,059,000	+3,400,000	−1,350,000
Extension Service:									
Payments to States and Puerto Rico	114,006,000	150,431,000	140,031,000	150,431,000	140,031,000	+26,025,000	−10,400,000		−10,400,000
Retirement and employees' compensation for extension agents	10,240,000	13,515,000	13,515,000	12,932,600	12,932,600	+2,692,600	−582,400	−582,400	
Penalty mail	3,400,000	3,617,000	3,617,000	3,617,000	3,617,000	+217,000			
Federal Extension Service	4,088,000	4,228,000	4,188,000	4,188,000	4,188,000	+100,000	−40,000		
Total, Extension Service	131,734,000	171,791,000	161,351,000	171,168,600	160,768,600	+29,034,600	−11,022,400	−582,400	−10,400,000
Farmer Cooperative Service: Salaries and expenses	1,648,000	1,689,000	1,649,000	1,684,000	1,684,000	+36,000	−5,000	+35,000	
Soil Conservation Service:									
Conservation operations	131,736,000	128,467,000	128,557,000	128,457,000	128,507,000	−3,229,000	+40,000	−50,000	+50,000
River basin surveys and investigations	8,839,000	9,043,000	9,043,000	9,043,000	9,043,000	+204,000			
Watershed planning	6,750,000	5,434,000	6,698,000	5,434,000	6,066,000	−684,000	+632,000	−632,000	+632,000
Watershed works of improvement	66,332,000	74,278,000	74,278,000	76,000,000	76,000,000	+9,668,000	+1,722,000	+1,722,000	
Flood prevention	24,738,000	21,037,000	21,037,000	21,037,000	21,037,000	−3,701,000			
Great Plains conservation program	15,417,000	15,355,000	15,355,000	16,355,000	15,855,000	+438,000	+500,000	+500,000	−500,000
Resource conservation and development	10,825,000	13,876,000	13,876,000	14,676,000	14,276,000	+3,451,000	+400,000	+400,000	−400,000
Total, Soil Conservation Service	264,637,000	267,490,000	268,844,000	271,002,000	270,784,000	+6,147,000	+3,294,000	+1,940,000	−218,000
Economic Research Service: Salaries and expenses	14,962,000	16,228,000	14,592,000	16,228,000	14,926,000	−36,000	−1,302,000	+334,000	−1,302,000
Statistical Reporting Service: Salaries and expenses	16,892,800	17,749,800	17,716,800	17,874,800	17,796,800	+904,000	+47,000	+80,000	−78,000
Consumer and Marketing Service:									
Consumer protective, marketing, and regulatory programs	137,957,500	149,247,000	149,247,000	159,247,000	149,247,000	+11,289,500			−10,000,000
Payments to States and possessions	1,600,000	1,600,000	1,600,000	1,750,000	1,675,000	+75,000	+75,000	+75,000	−75,000
Total, Consumer and Marketing Service	139,557,500	150,847,000	150,847,000	160,997,000	150,922,000	+11,364,500	+75,000	+75,000	−10,075,000
Food and Nutrition Service:									
Special milk program	[2] 84,000,000		104,000,000	104,000,000	104,000,000	+20,000,000	+104,000,000		
Child nutrition programs:									
Direct appropriation	122,500,000	301,974,000	90,395,000	301,974,000	301,974,000	+179,474,000		+211,579,000	
Transfer from sec. 32	(194,266,000)	(238,358,000)	(238,358,000)	(238,358,000)	(238,358,000)	(+44,092,000)			
Total, child nutrition programs	[3] (316,766,000)	(540,332,000)	[4] (328,753,000)	(540,332,000)	(540,332,000)	(+223,566,000)		(+211,579,000)	
Food stamp program	596,963,000	1,250,000,000	1,250,000,000	1,750,000,000	1,420,000,000	+823,037,000	+170,000,000	+170,000,000	−330,000,000
Total, Food and Nutrition Service	803,463,000	1,551,974,000	1,444,395,000	2,155,974,000	1,825,974,000	+1,022,511,000	+274,000,000	+381,579,000	−330,000,000

Footnotes at end of table.

Agency and title	New budget (obligational) authority enacted to date, fiscal 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−) Conferee recommendations compared with— 1970	1971 budget	1973 House bill	1971 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—GENERAL ACTIVITIES—Con.									
Foreign Agricultural Service:									
Salaries and expenses	$23,562,000	$24,773,000	$24,023,000	$24,773,000	$24,273,000	+$711,000	−$500,000	+$250,000	−$500,000
Transfer from sec. 32	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)	(3,117,000)				
Total, Foreign Agricultural Service	(26,679,000)	(27,890,000)	(27,140,000)	(27,890,000)	(27,390,000)	(+711,000)	(−500,000)	(+250,000)	(−500,000)
Commodity Exchange Authority: Salaries and expenses	2,491,000	2,552,000	2,552,000	2,552,000	2,552,000	+61,000			
Agricultural Stabilization and Conservation Service:									
Expenses, ASCS:									
Direct appropriation	153,000,000	135,466,000	152,690,000	150,000,000	150,000,000	−3,000,000	+14,534,000	−2,690,000	
Transfer from CCC	(63,782,000)	(68,779,000)	(68,779,000)	(68,779,000)	(68,779,000)	(+4,997,000)			
Total, expenses, ASCS	(216,782,000)	(204,245,000)	(221,469,000)	(218,779,000)	(218,779,000)	(+1,997,000)	(+14,534,000)	(−2,690,000)	
Sugar Act program	93,000,000	83,600,000	83,600,000	83,600,000	83,600,000	−9,400,000			
Agricultural conservation program:									
Advance authorization (contract authorization)	195,500,000		195,500,000	190,000,000	195,500,000		+195,500,000		+5,500,000
Liquidation of contract authorization	(195,500,000)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	(−10,500,000)			
Cropland adjustment program	77,200,000	77,800,000	77,800,000	77,800,000	77,800,000	+600,000			
Conservation reserve program	37,250,000					−37,250,000			
Emergency conservation measures	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Indemnity payments to dairy farmers	200,000			500,000	250,000	+50,000	+250,000	+250,000	−250,000
Total, Agricultural Stabilization and Conservation Service	561,150,000	301,866,000	514,590,000	506,900,000	512,150,000	−49,000,000	−210,284,000	−2,440,000	+5,250,000
Rural Community Development Service: Salaries and expenses	450,000		230,000			−450,000		−230,000	
Office of the Inspector General: Salaries and expenses	15,069,000	15,846,000	15,378,000	[3] 12,412,000	[3] 12,412,000	−2,657,000	−3,434,000	−2,966,000	
Packers and Stockyards Administration: Salaries and expenses	3,508,650	3,748,000	3,508,650	3,748,000	3,588,650	+80,000	−159,350	+80,000	−159,350
Office of the General Counsel: Salaries and expenses	5,656,500	5,657,000	5,657,000	5,657,000	5,657,000	+500			
Office of Information: Salaries and expenses	2,297,000	2,256,000	2,256,000	2,256,000	2,256,000	−41,000			
National Agricultural Library:									
Salaries and expenses	3,446,750	3,914,750	3,614,750	3,914,750	3,764,750	+318,000	−150,000	+150,000	−150,000
Library facilities		800,000					−800,000		
Total, National Agricultural Library	3,446,750	4,714,750	3,614,750	3,914,750	3,764,750	+318,000	−950,000	+150,000	−150,000
Office of Management Services: Salaries and expenses	3,274,000	3,518,000	3,384,000	3,459,000	3,459,000	+185,000	−59,000	+75,000	
General administration: Salaries and expenses	5,263,000	6,041,000	5,559,000	6,058,000	6,058,000	+795,000	+17,000	+499,000	
Total, title I, general activities	2,308,982,150	2,866,476,500	2,954,986,150	3,701,300,100	3,342,754,550	+1,033,772,400	+476,278,050	+387,768,400	−358,545,550
TITLE II—CREDIT AGENCIES									
Rural Electrification Administration:									
Loan authorizations:									
Electrification	340,000,000	322,000,000	322,000,000	352,000,000	337,000,000	−3,000,000	+15,000,000	+15,000,000	−15,000,000
Telephone	123,300,000	123,800,000	123,800,000	138,800,000	128,800,000	+5,500,000	+5,000,000	+5,000,000	−10,000,000
Contingency reserve			20,000,000					−20,000,000	
Total, loans (authorization to spend debt receipts)	463,300,000	445,800,000	465,800,000	490,800,000	465,800,000	+2,500,000	+20,000,000		−25,000,000
Salaries and expenses	14,834,000	14,623,000	14,613,000	14,896,000	14,613,000	−221,000	−10,000		−283,000
Total, Rural Electrification Administration	478,134,000	460,423,000	480,413,000	505,696,000	480,413,000	+2,279,000	+19,990,000		−25,283,000
Farmers Home Administration:									
Direct loan account:									
Real estate loans	(83,000,000)	(45,500,000)	(83,000,000)	(123,000,000)	(103,000,000)	(+20,000,000)	(+57,500,000)	(+20,000,000)	(−20,000,000)
Operating loans	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)	(275,000,000)				
Soil conservation loans	(8,700,000)	(6,400,000)	(8,700,000)	(8,700,000)	(8,700,000)		(+2,300,000)		
Total, direct loan account	(366,700,000)	(326,900,000)	(366,700,000)	(406,700,000)	(386,700,000)	(+20,000,000)	(+59,800,000)	(+20,000,000)	(−20,000,000)
Rural housing:									
Insurance fund	(30,000,000)	(19,000,000)	(30,000,000)	(19,000,000)	(19,000,000)	(−11,000,000)		(−11,000,000)	
Direct appropriation		334,000	334,000	334,000	334,000	+334,000			
Emergency credit revolving fund	31,918,000					−31,918,000			
Rural water and waste disposal grants	46,000,000	24,000,000	100,000,000	100,000,000	100,000,000	+54,000,000	+76,000,000		
Rural housing for domestic farm labor	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000				
Mutual and self-help housing	2,125,000	1,250,000	2,125,000	775,000	775,000	−1,350,000	−475,000	−1,350,000	
Self-help housing land development fund	1,000,000	600,000	1,000,000	400,000	400,000	−600,000	−200,000	−600,000	
Salaries and expenses:									
Direct appropriation	71,450,000	85,091,000	81,150,000	87,250,000	86,000,000	+14,550,000	+909,000	+4,850,000	−1,250,000
Transfer from agricultural credit insurance fund	(2,250,000)	(2,250,000)	(3,250,000)	(2,250,000)	(2,250,000)			(−1,000,000)	
Miscellaneous transfer	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)				
Total, salaries and expenses	(74,200,000)	(87,841,000)	(84,900,000)	(90,000,000)	(88,750,000)	(+14,550,000)	(+909,000)	(+3,850,000)	(−1,250,000)
Total, Farmers Home Administration	154,993,000	113,775,000	187,109,000	191,259,000	190,009,000	+35,016,000	+76,234,000	+2,900,000	−1,250,000
Total, title II, credit agencies	633,127,000	574,198,000	667,522,000	696,955,000	670,422,000	+37,295,000	+96,224,000	+2,900,000	−26,533,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF CONFEREE RECOMMENDATIONS AND NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970, BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE HOUSE AND SENATE BILLS FOR 1971—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and title	New budget (obligational) authority enacted to date, fiscal 1970 [1]	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conferees	Increase (+) or decrease (−) Conferee recommendations compared with—			
						1970	1971 budget	1973 House bill	1971 Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III—CORPORATIONS									
Federal Crop Insurance Corporation:									
Appropriation	$12,000,000	$12,000,000	$12,000,000	$12,000,000	$12,000,000				
Premium income	(2,339,000)	(2,335,000)	(2,335,000)	(2,335,000)	(2,335,000)	(−$4,000)			
Total, Administrative and operating expenses	(14,339,000)	(14,335,000)	(14,335,000)	(14,335,000)	(14,335,000)	(−4,000)			
Subscription to capital stock	10,000,000					−10,000,000			
Total, Federal Crop Insurance Corporation	22,000,000	12,000,000	12,000,000	12,000,000	12,000,000	−10,000,000			
Commodity Credit Corporation:									
Reimbursement for net realized losses:									
Appropriation	4,198,237,000	3,363,155,000	3,113,155,000	3,363,155,000	3,363,155,000	−835,082,000		+$250,000,000	
Liquidation of contract authority	(1,017,697,000)					(−1,017,697,000)			
Total appropriation [6]	(5,215,934,000)	(3,363,155,000)	(3,113,155,000)	(3,363,155,000)	(3,363,155,000)	(−1,852,779,000)		(+250,000,000)	
Limitation on administrative expenses	(32,000,000)	(36,500,000)	(36,500,000)	(36,500,000)	(36,500,000)	(+4,500,000)			
Public Law 480:									
Sales, title I	420,000,000	526,100,000	411,100,000	411,100,000	411,100,000	−8,900,000	−$115,000,000		
Donations, title II	500,000,000	406,400,000	291,400,000	291,400,000	291,400,000	−208,600,000	−115,000,000		
Total, Public Law 480	920,000,000	932,500,000	702,500,000	702,500,000	702,500,000	−217,500,000	−230,000,000		
Bartered materials for supplemental stockpile	1,250,000	25,000	25,000	25,000	25,000	−1,225,000			
Total, new budget (obligational) authority, title III, Corporations	5,141,487,000	4,307,680,000	3,827,680,000	4,077,680,000	4,077,680,000	−1,063,807,000	−230,000,000	+250,000,000	
TITLE IV—RELATED AGENCIES									
Farm Credit Administration: Limitation on administrative expenses	(3,839,000)	(4,226,000)	(4,054,000)	(4,226,000)	(4,204,000)	(+365,000)	(−22,000)	(+150,000)	(−$22,000)
RECAPITULATION									
Title I: General activities	2,308,982,150	2,866,476,500	2,954,986,150	3,701,300,100	3,342,754,550	+1,033,772,400	+476,278,050	+387,768,400	−358,545,550
Title II: Credit agencies	633,127,000	574,198,000	667,522,000	696,955,000	670,422,000	+37,295,000	+96,224,000	+2,900,000	−26,533,000
Title III: Corporations	5,141,487,000	4,307,680,000	3,827,680,000	4,077,680,000	4,077,680,000	−1,063,807,000	−230,000,000	+250,000,000	
Title IV: Related agencies	(3,839,000)	(4,226,100)	(4,054,000)	(4,226,000)	(4,204,000)	(+365,000)	(−22,500)	(+150,000)	(−22,000)
Total, New budget (obligational) authority [7]	8,083,596,150	7,748,354,500	7,450,188,150	8,475,935,100	8,090,856,550	+7,260,400	+342,502,050	+640,668,400	−385,078,550
Consisting of—									
1. Appropriations	7,422,796,150	7,302,554,500	6,788,888,150	7,795,135,100	7,429,556,550	+6,760,400	+127,002,050	+640,668,400	−365,578,550
2. Reappropriations	2,000,000					−2,000,000			
3. Contract authorizations	195,500,000		195,500,000	190,000,000	195,500,000		+195,500,000		+5,500,000
4. Authorizations to spend from debt receipts	463,300,000	445,800,000	465,800,000	490,800,000	465,800,000	+2,500,000	+20,000,000		−25,000,000
Memoranda:									
1. Appropriations to liquidate contract authorizations	1,213,197,000	185,000,000	185,000,000	185,000,000	185,000,000	−1,028,197,000			
2. Appropriations, including appropriations to liquidate contract authority	8,635,993,150	7,487,554,500	6,973,888,150	7,980,135,000	7,614,556,550	−1,021,436,600	+127,002,050	+640,668,400	−365,578,550
3. Transfers from sec. 32	212,383,000	256,475,000	256,475,000	256,475,000	256,475,000	+44,092,000			
4. Transfer from CCC	63,782,000	68,779,000	68,779,000	68,779,000	68,779,000	+4,997,000			
Total, new budget (obligational) authority	8,083,596,150	7,748,354,500	7,450,188,150	8,475,935,100	8,090,856,550	+7,260,400	+342,502,050	+640,668,400	−385,078,550
Less: Loan repayments, Rural Electrification: Administration [8]	156,600,000	167,300,000	167,300,000	167,300,000	167,300,000	+10,700,000			
Net total, new budget (obligational) authority	7,926,996,150	7,581,054,500	7,282,888,150	8,308,635,100	7,923,556,550				

[1] Includes adjustments for transfers authorized in the indefinite portion of the 2d Supplemental Appropriation Act for financing increased pay costs under Public Law 91-231.

[2] An additional $100,000,000 was provided in the 1970 Appropriation Act from sec. 32, permanent appropriation, which included $20,000,000 for special milk.

[3] An additional $30,000,000 was provided by Public Law 91-207, approved Mar. 12, 1970, from sec. 32, permanent appropriation.

[4] A budget amendment for an additional $216,579,000 was submitted directly to the Senate.

[5] In addition, $3,434,000 is available by transfer from food stamp appropriation.

[6] In addition, there is permanent indefinite contract authority (budget authority established under basic law) of $440,756,000 in the 1971 budget and Senate bill, and $690,756,000 in the House bill. For fiscal year 1970 none is required.

[7] Note—Does not include interest receipts under the Rural Electrification Administration estimated at $116,100,000 in 1970 and $119,300,000 in 1971 that are covered into miscellaneous receipts of the Treasury.

[8] Deducting REA loan repayments from these totals has the effect of converting these figures to a basis comparable with the treatment of all other major loan programs in the Federal budget. Other loan programs operated through revolving funds net loan repayments against budget outlays, whereas REA loan repayments are covered into miscellaneous receipts of the Treasury.

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

Mr. WHITTEN. I yield to the gentleman from Minnesota.

Mr. LANGEN. Mr. Speaker, I thank the chairman, Mr. WHITTEN, for yielding.

As usual, the chairman has done an excellent job in presenting an explanation to the House of what occurred in the conference relative to the agriculture appropriation bill.

I think there are several things with regard to the report that are significant.

In the first place, as the chairman said, we have provided for expenditures of funds for so many of the very essential programs, such as the school lunch program, the food stamp program, operating the respective farm programs, and so forth.

Yet, the final conference report is actually only $7,262,000 over and above the figure of last year. When we look at the totals, however, there is an indication that it is $342.5 million over and above this year's budget estimates, it should be remembered: That $250 million of this is for reimbursement to the Commodity

Credit Corporation which does not represent an expenditure.

It does not represent an expenditure so that the actual expenditure increase is limited to $92.5 million, which I think speaks well for agriculture, and is in compliance with the statements that I put in the RECORD during the consideration of the original agricultural appropriation bill, and its relationship to the national expenditures on all scenes.

So on that basis I can very heartily recommend to the House the approval of this conference report.

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

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

Mr. FINDLEY. As the gentleman knows, the Congress earlier this year saw fit to establish a limitation at $55,000 per commodity per farmer for feed grains, wheat, and cotton. This was presented as a measure that would have a number of benefits, including the benefit of reducing the programs' cost.

Can the gentleman indicate how much will be saved in the current fiscal year as a result of the limitation having been accepted?

Mr. WHITTEN. I know of the active interest that my colleague, the gentleman from Illinois, has in this subject. However, our conferees did not go into it with that in mind. As the gentleman will remember, this is fixed by the existing law, and we have to pick up the cost after the fact. So while we have restored the capital impairment of the Commodity Credit Corporation we have had no occasion to make a thorough study to see what the effect of the $55,000 limitation, which is in the conference report, will have on the overall cost.

I know the gentleman has very definite ideas about its effect, and what it will save, but I will have to say candidly that in carrying out our responsibilities it did not call for such a study.

Mr. FINDLEY. Could the gentleman say whether the impairment of the capital of the Commodity Credit Corporation during previous years was fully restored as a result of this?

Mr. WHITTEN. It was fully restored, and it was thought that was a good thing. The Senate did this, I might say to the House. The amount involved was $250 million, but that does not come out of the Treasury; it is a bookkeeping item, it just shows the corporation has that much more borrowing authority, but it was thought and it was agreed that with a new farm bill it might be a good thing to start out with a solidly financed Commodity Credit Corporation.

Mr. FINDLEY. I thank the gentleman for yielding.

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

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

Mr. SCHERLE. Mr. Speaker, I would like to take this opportunity to offer my gratitude to the distinguished gentleman from Mississippi (Mr. WHITTEN) and the distinguished gentleman from Minnesota (Mr. LANGEN) for their foresight in putting the money, $195 million, back in the bill for the agriculture conservation program.

We are in the process now, nationwide, of deliberating conservation and pollution, and I believe this program will serve a good purpose, both for the urban and rural areas across the country.

Mr. WHITTEN. I thank my colleague for his gracious statement.

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: On page 3, line 21, strike out "$1,500,000" and insert "$3,760,000".

MOTION OFFERED BY MR. WHITTEN

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

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$4,580,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the motion was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the conference report just adopted and to include certain tables with reference thereto and also that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO SEND TO CONFERENCE THE BILL (H.R. 17755) MAKING APPROPRIATIONS FOR DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17755), an act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

CALL OF THE HOUSE

Mr. PELLY. 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. 388]

Abbitt	Gilbert	Podell
Alexander	Gray	Poff
Ashbrook	Grover	Pollock
Aspinall	Gubser	Powell
Baring	Halpern	Preyer, N.C.
Bolling	Hanna	Purcell
Brock	Hansen, Idaho	Rees
Burton, Utah	Harsha	Reifel
Button	Harvey	Rivers
Carey	Horton	Roberts
Clark	Jarman	Rooney, N.Y.
Clay	Karth	Roudebush
Collier	Kee	Scheuer
Collins, Tex.	King	Stephens
Cramer	McEwen	Stokes
Daddario	McKneally	Tiernan
Dent	Meskill	Waggonner
Diggs	Morton	Waldie
Dowdy	Moss	Weicker
Edwards, Ala.	Murphy, Ill.	Wiggins
Edwards, La.	Nelsen	Wilson, Bob
Fallon	O'Hara	Wold
Gallagher	O'Konski	Wright
Gettys	Ottinger	Wydler

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

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

PERMISSION TO SEND TO CONFERENCE THE BILL (H.R. 17755) MAKING APPROPRIATIONS FOR DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

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

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. YATES moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 17755 be instructed to agree to Senate amendment No. 4.

The SPEAKER. The gentleman from Illinois (Mr. YATES) is recognized for 1 hour.

Mr. YATES. Mr. Speaker, I yield 30 minutes to my good friend, the very able gentleman from Massachusetts (Mr. BOLAND) pending which I yield myself such time as I may consume.

Mr. Speaker, as I indicated in my letter to the Members of the House, I do not like to offer a motion instructing conferees who are about to go to conference. Ordinarily, they should be allowed to have a free and full discussion of all the issues that are brought up in the conference. But the nature of this issue that I am presenting to the House today is so clear and subject to such direct action that I decided to bring it to you in this form.

The House has never had a rollcall vote on the SST—neither in any authorization bill nor in any appropriation bill.

As you know, last week the Senate voted to kill the appropriations for the SST by a vote of 52 to 41. Only 22 Senators had voted against the SST last

year when the same issue was presented to the Senate, and the overwhelming nature of the vote is such that one is surprised—one would have expected that, having taken the position as they did last year in support of the SST, that they would do so again this year. But almost as many Senators as voted against it reversed their position and now voted to kill the SST appropriation.

Now, Mr. Speaker, why would the Senators have voted to reject the SST funding? They were apprised of the facts in debate. All one has to do is look at the CONGRESSIONAL RECORD and see that there was a thorough explanation of all the facts that have been presented to the Congress on the SST.

They were told about this threat of the British and French Concorde to take over the aircraft industry. They knew that the Concorde had flown supersonically at twice the speed of sound.

They knew about the Russian plane, the TU–144. They knew that the TU–144 had flown twice the speed of sound, and they were warned about the possibility of the Russian plane being sold to countries of the free world.

They were told about the 150,000 jobs that the SST is likely to create throughout the country, and they knew of the tables which the contractor and DOT had made available showing the amount of business the SST would bring to each State.

They were told about the balance-of-payments advantages that the SST would bring to the United States.

They were told about the $800 million that we have already invested—the American taxpayers have already invested in this program. Yet they were willing to let that $800 million go.

They were made conscious of America's prestige in the aircraft industry.

They were very cognizant that America is the leader in the aircraft industry throughout the world, and yet they were willing to vote to kill the SST program.

Knowing these things, 52 Senators voted to kill the SST program. Why? There are good reasons.

Ordinarily, Mr. Speaker, I do not like to single out any official of the administration for criticism, but I cannot understand why Mr. Magruder, the head of the SST, should utter the phrase that he did when he was told of the Senate vote. He called it an "incredible act of hypocrisy," according to the press—a phrase that ought to be resented by every Member of the Congress, whether he be a Member of the House or of the Senate. He did not say that the Senate's vote was ill advised. He did not say it was unfortunate. He did not even say that it was a mistake. He called it an "incredible act of hypocrisy."

But, Mr. Speaker, this kind of defamatory expression could be expected in the progression of a program that has been marked by misrepresentation, by concealment, and by deception, and I do not use those words lightly. There has been a concealment of facts from the Congress and there still is. We still have not got all the reports on the SST.

There has been concealment of facts from the Congress and there still is. Administrators of the program last year refused to make available to our Appropriations Committee a copy of the Cabinet Committee's report to the President on the SST, a report in which seven of the highest ranking officials of the administration recommended to the President early last year that the SST program be brought to an end. It was only the threat by our Appropriations Subcommittee that we would not listen to any testimony or consider the SST appropriation that made the report available.

And that well-reasoned report showed logically and clearly why the SST program should be ended. Unfortunately, the President overruled the recommendation of his Cabinet Committee.

This year the Congress has requested another report on the SST made by a group of scientific experts to the President. It is supposedly highly critical of the SST. The administration, has refused to make this report available to the Congress. Dr. Richard Garwin, who was Chairman of the Committee appointed by the President's science adviser, has said that report is in the White House and he has refused to discuss it until permission is given by the President. That permission has not yet been granted. The fact remains that Dr. Garwin has been one of the ablest and most constructive critics of the SST program, an undoubted expert in the field, possessing superb qualifications. Among these is his membership on the President's Science Advisory Staff under three Presidents: Presidents Kennedy, Johnson, and Nixon.

Yes, there has been concealment. And there have been misrepresentations, the latest of which are contained in the President's own statement commenting on the vote of the Senate. I do not believe the President would deliberately misinform the country of the consequences of the cancellation of the SST program. I can only conclude from reading his statement that he was not told the facts by his associates, for it is obvious to those who know the facts in this case that statements in the President's message are clearly wrong. For example, he says the contract termination costs will be $278 million. The sum is greatly exaggerated, exaggerated by almost three times.

The President talks about a loss of 150,000 jobs if this program is canceled. He did not point out, however, that that number of jobs would not come into being until the SST was in full production, a condition which can occur in about 8 years or so after the prototype had been proved successful and $3 to $4 billion had been raised to put the plane into production. These are very serious conditions precedent to attaining that goal. Where is the contractor going to get $3 to $4 billion in production financing? The record shows it may have to come from the American taxpayer. Are you going to vote another $3 or $4 billion to further subsidize the program if private financing is not available? Those who say the SST is inevitable may want to think about that.

And, Mr. Speaker, the remark of Chairman Paul W. McCracken of the President's Council of Economic Advisers in his testimony before the Senate on July 31, 1970, is also very pertinent. He said:

> It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonably full employment. By the middle of this decade (when the project, in any case, would begin to employ large numbers of skilled workers), the attainment of reasonably full employment can be achieved in other ways.

And I may add, much healthier ways than through the production of a plane which will present the environmental hazards which the SST presents.

Yes, Mr. Speaker, the SST will degrade the environment in at least three ways: by sonic boom, by airport noise, by possible permanent clouding of the upper atmosphere.

The SST will create a sonic boom. Can it be doubted that at some later days, if the SST flies unprofitably at subsonic speeds as it will, that the pressure to remove the present banning of the sonic boom overland will be rescinded? We must remember the statement by Gen. Jewel Maxwell, former head of the SST program, when he said:

> We believe that people in time will come to accept the sonic boom as they have the rather unpleasant side effects which accompanied other advances in transportation.

And the airport noise will be unbearable. The SST will generate a takeoff and infernal racket four times greater than that of the 707 or 747.

The SST Administrator would have you believe that the problem of SST airport noise is practically under control. Nothing is further from the truth. Oh, yes, the problem of noise is being researched. As a matter of fact, there are five agencies spending $85 million a year on noise research, but they have not found a way to eliminate it.

For years Senators and Members of Congress have been hounding the FAA to require suppression of aircraft noise at airports. Our good friend and colleague, JOE ADDABBO, who represents the district in which Kennedy Airport is located, has told me of the telephone calls he receives at three or four in the morning when the caller says:

> Congressman, I can't sleep tonight because of the jet noise. I thought you would like to know that.

Congress did something about the noise. It passed Public Law 90–411 under which the FAA has now established a much lower limit of noise for subsonic jet aircraft.

But now the SST threatens to shatter that level with noise which will be four times greater than that of today's jets.

To avoid community wrath, the Department talks about building new jetports for the SST in remote areas. Apart from the millions of dollars such new installations would require, this will present the paradoxical situation of the SST saving 2 hours in flying time in the air on a trip from Europe and losing almost as much time on the ground because of the distance of the airport from urban centers.

And, Mr. Speaker, the Concorde's noise is even worse than the SST. The Association of Airport Owners has already declared that they will not permit supersonic craft generating such noise to fly into their airports.

Mr. Speaker, we are warned of another possible pollution by the SST—that the SST will degrade the environment by the creation of a permanent thin cloud cover which may change temperatures on the earth. A group of the Nation's most distinguished environmental scientists meeting in August at the Massachusetts Institute of Technology issued a report expressing concern as to what the operation of numbers of SST aircraft might bring. The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale.

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

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

Mr. REUSS. The gentleman from Illinois is well pointing out the fallacy of the claim that the SST would provide a WPA project for 150,000 employees. Is it not a fact that this Nation would be far better served if, instead of proceeding with the SST, we would use the saving to launch adequate programs in curing air pollution, in curing water pollution, in developing whole new systems of mass transit, and that the role of the aerospace industry in general and Boeing in particular could be a very large and meaningful role if we would thus reorder our priorities?

Mr. YATES. The gentleman is correct. Of course, that is what the Chairman of the Council of Economic Advisers meant when he said that we should not look to the SST for the creation of full employment. There are more constructive industries and undertakings that would provide jobs of that kind. I thank the gentleman for pointing that out.

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

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

Mr. PUCINSKI. Is it not true that before we could even start thinking about 150,000 jobs in the supersonic industry that we would have to have contracts for at least 300 supersonic transports at a cost of $60 million apiece—before the taxpayers could get one penny return on their investment?

The state of the airline industry all over the world, according to the best estimates, is that there is anticipated orders of only 187 SST's by the British, Russians, and everyone else, so when they talk about any economic factor here, is it not correct we must have on order 300 SST's at $60 million apiece before we can even think about realizing any return on this investment?

Mr. YATES. The gentleman is exactly right. That is what the record shows.

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

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

Mr. SAYLOR. Mr. Speaker, I take this opportunity to congratulate the gentleman from Illinois for having taken this action to give the House for the first time in its history a chance to vote on this issue of the SST.

There has been a great deal of publicity that the House has supported this program, but we have never had the outright chance to vote on it, and I am delighted the gentleman has taken this action, and I will support him in this action.

Mr. YATES. I thank the gentleman from Pennsylvania (Mr. SAYLOR).

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

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

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding.

I ask the gentleman from Illinois (Mr. PUCINSKI) where he got the figure of $60 million as the cost of one SST?

Mr. YATES. I can answer that. The answer, given in our record, was $52 million by the time the first SST rolls off the line.

Mr. WILLIAMS. Where did the $52 million figure come from?

Mr. YATES. From testimony of Mr. Vierling, the Assistant Director of the SST program, and the FAA Administrator, Mr. Shaffer.

Mr. WILLIAMS. Is it not true the Department of Transportation report, updated as of November 27, 1970, sets the estimated cost on an SST at $37.5 million?

Mr. YATES. That is the cost, the projected cost at the present time, but the price that the witnesses before our committee gave us was estimated on a projected cost that took into account inflation, the cost by the time the first SST rolls off the assembly line. That is in the RECORD and the gentleman can read it.

Mr. WILLIAMS. The hearings that were held before the gentleman's committee were held in the early part of this year or the latter part of last year?

Mr. YATES. They have been held over the last 7 years on the SST.

Mr. WILLIAMS. But the hearings the gentleman is referring to were concluded about when?

Mr. YATES. About July.

Mr. WILLIAMS. The updated report of the Department of Transportation, updated as of late last month, give us a figure of $37.5 million. As the gentleman undoubtedly knows, there have been some structural changes proposed which will make the plane more stable at low speed flights.

Mr. YATES. I would think it needed that.

Mr. WILLIAMS. Which will also decrease the cost.

Mr. YATES. If that is true, it has not been testified to before our committee.

Mr. WILLIAMS. Then I would suggest the gentleman read the report of the Transportation Department, updated as of November 1970.

Mr. YATES. I will be glad to read it, but I must tell the gentleman that for the most part we act on testimony before our committee, and that testimony is directly contrary to what the gentleman said.

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

Mr. YATES. I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, if the gentleman will just take a look at the tragic story of cost overruns in every single defense item, he will see what happens on items that come before this Congress.

Mr. YATES. Correct.

Mr. PUCINSKI. I tell the gentleman, the $60 million figure is on the low side, and there is not an airline in the world that can pay $60 million for a commercial airplane carrying 250 passengers. We had better think about that also.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Speaker, on the breakdown of the budget request for this coming year, when we talk about priorities, let us take into consideration the fact that the SST takes $1.86 out of every $1,000 being spent. On drug prevention and rehabilitation, a subject which lies close to the heart of every American, there is 30 cents taken out of every $1,000. I think we have to look at what is important.

Mr. YATES. The gentleman is absolutely correct. The gentleman might well have been reading the speech last Thursday of the Senator from Michigan, Mr. GRIFFIN, the Republican whip and presumably one of the administration leaders in the Senate, who voted against the SST, and he did so, pointing out why:

> We have passed the National Passenger Railroad Act for which there has been an appropriation of $140 million to be paid over five years. How can you compare that with an appropriation of $290 million for one year for the SST?

He also made the same point the gentleman from Rhode Island made. He said this:

> Drug abuse is funded for only $154 million during the current year. This amount is supposed to deal with all phases of the drug problem including law enforcement, treatment, rehabilitation, education, training, and research.

Imagine that, $154 million for all phases of the drug problem. Yet, $290 million is in this bill for the SST.

There is $154 million for that problem imagine that. And yet there is in this bill $290 million for the SST this year. There will be $230 million for the SST next year, and a couple of hundred million dollars for the SST the following year, until the total program of $1.3 billion for the prototype is completed.

Then, after that the problem will be presented of finding $3 to $4 billion to move this plane into production.

The Senator from Michigan also pointed to the National Railroad Passenger Corporation Act recently passed by the Congress providing $140 million in Federal grants and loan guarantees to be available over the next 5 years for the operation of a national railroad passenger system—$140 million over 5 years for the entire railway passenger system of the country. Compare that with the SST appropriation.

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

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

Mr. GROSS. I want to join in commending the gentleman for offering this motion to instruct the conferees and thus to give the House its first oppor-

tunity to vote on the record of the SST. I certainly intend to support the gentleman's motion.

Mr. YATES. I thank the gentleman.

I just want to complete what the Senator from Michigan, Mr. GRIFFIN, said. I say this for the benefit of my good friend the minority leader. He said this:

The most compelling reason for my opposition to the pending request can be put very simply.

I am quoting him:

At a time when the Federal Government is running in the red and the squeeze is on to allocate priorities it is impossible for me to assign to the SST a higher priority than some of the other pressing needs of the country.

This is the Senator from Michigan, Mr. GRIFFIN, speaking.

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

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

Mr. PUCINSKI. Is it not a fact that even after this airplane is developed, there is a possibility it will never be certificated?

Mr. YATES. Of course.

Mr. PUCINSKI. This Congress passed legislation which is now the law of the land instructing the FAA to set up tolerable noise limits on takeoffs and landings. The Concorde, when it ran into trouble, had an emergency landing at Heathrow, England, and created a great deal of confusion in that community because of its unbearable noise. They have not solved the problem of noise on the Concorde, and they have not solved the problem of noise at ground level for takoff and departure with the SST. There is no prospect that they will.

Under the law which we passed, which is now the law of the land, the prospects are very good that this airplane will never be certificated within the meaning of that law.

Mr. YATES. I thank the gentleman for his statement. He is quite correct. If the prototype of the SST is completed, it may very well take its position alongside the XB–70, for which our Government spent $1.3 billion to produce two prototypes, one of which crashed and one of which is in an air museum. After spending $1.3 billion the Government called for an end to the program. That is likely to happen to the SST as well.

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

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

Mr. ANDREWS of Alabama. I am supporting the gentleman's motion purely on the ground of the financial condition of this country. Our national debt today is right at $400 billion. The interest on that debt is the second biggest item in the appropriation bill for this year, $20.8 billion. I had the clerk of our committee break that down. The interest on the national debt runs at the rate of $30,000 a minute, or $400 million a week.

Mr. YATES. I thank the gentleman for his contribution.

I point out to the House that the SST is a unique program. We have cut military appropriations. We have eliminated education appropriations. We have cut other kinds of essential appropriations. Yet not once—not once in all this time—has the SST appropriation been cut. It is $290 million for this year. We voted the full amount. We voted the full amount last year. We voted the full amount the previous year.

Can you name one other program that has not been cut. No. The SST program is sacrosanct. It is a sacred cow. It is untouchable.

Well, the Senate has touched it. It has touched it hard as it should have done. The House should do the same.

For all these reasons, Mr. Speaker, I urge that my motion be approved.

I reserve the remainder of my time.

Mr. BOLAND. Mr. Speaker, has the gentleman from Illinois yielded 30 minutes to me?

Mr. YATES. I have.

Mr. BOLAND. Mr. Speaker, I yield such time as he may desire to the distinguished minority leader of this House, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I have in my hand a copy of the Christian Science Monitor for Friday, December 4. The front-page story headline reads as follows: "Britain Jumps Jet Air Industry Into the Future." In the article, and again I quote, the following comment is made:

The makers, Sud Aviation and the British Aircraft Corporation, are convinced they will eventually build from 200 to 450 Concordes.

Mr. Speaker, let me say this: The British and the French are planning to build, will fly, and will sell 200 to 450 Concordes unless the United States of America proceeds with its version of the SST. Unfortunately, the Concorde is not as good an aircraft as that which we are planning or programing. Our aircraft will have a better benefit-cost ratio; it will do a better job and consequently it will be more salable in the commercial market. But if we quit, if we turn that market over to the British and the French and possibly the Soviet Union, the American aircraft industry will be anchored to the past and the British and the French and undoubtedly the Russians will assume the leadership in this vitally important area of the world economy.

What will the effects be if we quit and the British and the French proceed? Well, in 4 to 6 years you will have 200 to 450 Concordes flying all over the world at a speed of roughly 1,200 miles per hour at an altitude of 60,000 to 70,000 feet. They will be flying those high-performance aircraft and the U.S. version of the SST will be grounded.

What will the economic effects really be? Despite the comments and observations of my friend from Illinois, there is substance to the contention that if this program is grounded, if we quit, that we will lose approximately 150,000 jobs throughout the United States. It will mean the loss of tremendous capability among thousands of American workingmen. It will mean the loss of our expertise in the field of technology as far as the aircraft industry is concerned; 150,000 jobs are important to the future of the United States.

I do not argue for the SST on the basis that it ought to be an aviation WPA. I believe we have a good product. If it is approved by the Congress of the United States there will be 150,000 more jobs available to the American wage earners throughout this country for the next decade. Tax dollars should be spent only if the SST can be justified on its merits. I believe it does.

The United States has always prided itself on being the global leader in aviation. If we anchor this SST aircraft program to the ground by voting with the gentleman from Illinois, we will lose our leadership in this vitally important area in the decades ahead.

Mr. Speaker, we have already invested about $700 million in the SST program to date. It has been recommended by three administrations, initiated by the Kennedy administration, backed up by the Johnson administration, and supported by the Nixon administration. Three Congresses have supported the program. The House of Representatives in May of this year also endorsed and approved the $295 million to keep this program going toward fruition. It has been a bipartisan program.

I really do not believe that the gentleman from Illinois meant to say that three administrations have deceived, misrepresented, and concealed facts about this program. I violently take exception to the contention made by the gentleman from Illinois. He may believe that, but the facts do not bear him out.

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

Mr. GERALD R. FORD. I will yield when I get through.

Mr. YATES. OK.

Mr. Speaker, if 200 to 450 SST's of the Concorde version are in the skies in the next 4 to 6 years, it will mean that the United States will have lost an opportunity, with an investment of approximately $1.3 billion to make a profit of $1 billion. By any standard that is a good return.

Mr. Speaker, the break-even point on the sale of our version of the SST is 300 aircraft. There is no question that if our version is produced after the two prototypes we will sell 300 U.S. SST aircraft. We will take the market from the Concorde. The United States, after we pass the break-even point of 300 aircraft and move up to the 500 aircraft level, will make a profit. The U.S. Treasury will make a profit of $1.3 billion on an investment of $1 billion.

Mr. Speaker, allegations have been made that the U.S. aircraft industry has not invested in this venture. The truth is that under this program industry in the United States will invest $305 million of its own money. The aircraft—the commercial aircraft industry—will have an investment of $60 million. They already have $22 million on the line in order to firm up reservations of the planes as they come off the production line.

If the British and the French proceed and we quit, then there is going to be a tremendous adverse swing in the balance of payments from our Nation's point of view. This is one of our country's most serious problems. We have struggled to achieve a balance of payments over the last 10 years. The aircraft industry of the United States has been one of the biggest

plus producers of a favorable balance of payments from our Nation's point of view.

It is estimated that if the United States proceeds with its version of the SST that there will be a tremendous benefit to our trade balance. But if we do not, it means that the British and the French with the Concorde will dominate the aircraft industry worldwide for the next decade or more, and there will be an adverse swing of at least $17 billion against us in the balance of trade. That is a conervative figure.

Mr. Speaker, some of those who are more pessimistic say that if we quit and the British and French proceed, the adverse balance of payments swing against us, as a Nation, could be as high as $46 billion. I do not think we want to take that gamble.

There has been much comment and a great deal of concern exhibited, and properly so, about the effect of the SST upon the environment. This concern includes aircraft and community noise problems as well as concern about weather and climate environmental problems.

Let me say this: If we build and sell our SST, we know that the agencies in our Federal Government will find the answers to these problems. They are now in the process, with the most highly trained and the best of our scientific personnel in trying to find out whether there is a noise problem on the ground, whether there are weather and climate problems in the air.

Mr. Speaker, if we quit and if the British and French proceed, we have no assurance whatsoever that the British and the French are concerned about these problems. I hope they are. However, we have no guarantee that they are going to be concerned with the noise problem on the ground or the weather or climate problems in the air.

I think that the record shows that the SST, our version, will have less noise problems than the current version of the DC–8 or the 707. We have ample scientific data that the SST, flying at 60,000 or 70,000 feet above sea level, will not have an adverse impact on our environment, or on the ecology of the world. We have the assurance by an order, a directive of the FAA, that no SST will be flown over land, the facts are that when the plane takes off on land it creates fewer problems than any of the present commercial jets.

One of the most amusing developments on this matter was the introduction of a bill by a Member of the other body which in effect would have the result of barring any SST plane from landing or taking off at a U.S. airport. I could not help but think that this was like some Member of the Congress in 1807, when Robert Fulton developed the steamboat, saying that because of this newfangled steampowered device we ought to preclude steamboats from coming into American harbors, and that we ought to rest the future of transportation around the world on ships with sails. That proposition, in my mind, would have been a ridiculous attempt to stop progress throughout the world. Legislation today to stop engineering and scientific progress by banning SST operations on all U.S. airports would be just as ridiculous.

Mr. Speaker, I say to you in all sincerity if we quit, and we relinquish the field in this new advance of science and technology in aviation, then the United States will make one of the most serious errors in the history of our country.

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

Mr. GERALD R. FORD. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, the gentleman from Michigan has made an excellent address to the House, as did the gentleman from Illinois. There are real questions to be determined.

It will be recalled, I believe, that at one time I had introduced legislation, which never came out of the Committee on Interstate and Foreign Commerce, providing for financing, and private financing, of the SST. I wish it had come out of the committee, because I think if it had we would not be in this situation today.

But it seems to me that what these two gentlemen have said to the House today is the reason why we should vote down the motion offered by the gentleman from Illinois (Mr. YATES) because there are questions here.

I think that both of the gentlemen have made, as I said before, excellent statements, and this is the reason it ought to go to conference. That is the reason we have conferences, so as to work out these differences. I would hope that the House would permit the conferees to go into conference to determine these facts, and then bring the bill in and, if the House is not satisfied with what the conferees do, they can always vote down the conference report. It is my recollection that we did have a vote at one time on a motion to recommit, where the gentleman objected to the previous question on the theory that he was going to raise the question of the SST, and he was defeated on it. So we did have that vote. And I would hope and suggest that the House will vote down the motion offered by the gentleman from Illinois (Mr. YATES) and permit the conferees to function as we have permitted them to do in the past.

Mr. GERALD R. FORD. Mr. Speaker, let me say that I wholeheartedly agree with the gentleman from Ohio. I believe that the private sector must get into this program as quickly as possible, and I have been prodding not only this administration, but previous administrations, to take that step. I intend to keep the pressure on this administration, if this program goes ahead at the present time in this current fiscal year, but we have to get over this hump before we can possibly get private funds involved in the program.

Mr. BOW. Mr. Speaker, if the gentleman will yield further?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOW. I may say that at that time at the introduction of that bill I had met with brokers and bankers and other people in the financial world who said that it was possible to finance this through private financing but we must have the prototype first.

Mr. BOLAND. Mr. Speaker, may I inquire how much time the gentleman from Michigan (Mr. GERALD R. FORD) has consumed?

The SPEAKER. The gentleman has consumed 15 minutes.

Mr. BOLAND. If the gentleman is finished I would like to yield to other Members who oppose the motion of the gentleman from Illinois.

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

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the comments of the gentleman from Massachusetts and I am delighted to yield my time unless he wants to let me yield to the gentleman from Illinois.

Mr. BOLAND. I will be glad to. I will yield sufficient time for a question.

Mr. GOLDWATER. Mr. Speaker, I would like to take this opportunity to urge my colleagues in the House to stand behind their previous decision to appropriate funds for the continued development of the supersonic transport. The development of this advanced aircraft is essential for America's technological and economic future.

I would like to point, first, at the implications of discontinuing this development program for the current state of the economy. One of the grounds on which opponents of the SST have voted against its funding has been that of "cutting Government spending" and "reordering our national priorities." Yet, what is more important as a national priority than fighting the current unemployment problem and cutting spending in the welfare area?

Have the opponents of the SST considered the implications of cutting its funding for an economy already seriously impaired by previous aerospace and defense cutbacks? Unemployment in my district is over the 8-percent mark, and it is above 10 percent in California as a whole. In Seattle, location of Boeing Industries, the prime contractor for the SST, unemployment is over 20 percent. Talented individuals all over the west coast are out of work, being forced to eke out a living on welfare and unemployment compensation.

Even more horrifying to consider in the long run is the fact that the traditional "brain drain" toward American industry is now being reversed; there are indications of an increasing flow of talent from America to other nations where the cost of living is lower and employment is offered in the field of engineering—not as a checker in a supermarket or a meter reader.

Yet the Senate has taken a step which will make this situation even worse if it is allowed to stand. Consider what will happen to the unemployment figures on the west coast alone, where the prime contractor and most of the subcontractors for the SST do business. Can we really afford this kind of blow to our economy right now? We have cut Government spending in defense and aerospace already—must we administer a coupe de grace to these industries which will set them back to a point where they may never recover?

Let us also look at the long-run consequences of such an action. I am sure that every Member of this House is aware of the extremely precarious state of our

balance of payments, and the increasing murmurs on the part of foreign economists that America will soon need to devalue the dollar. Civilian aircraft, however, have long constituted an important American export, and last year alone brought in $2.2 billion in sales. Without an SST program, however, the loss of aircraft sales combined with increased purchase by U.S. airlines of the Anglo-French Concorde, may result in an unfavorable swing in the balance of trade of at least $17 billion. Can we afford such a loss? I think not.

Added to the considerations of unemployment and the balance of payments are the positive facts that the investment in the SST will be returned, that the Government will actually make a profit on this investment in the long run, and that these moneys will not only stimulate the economy but provide jobs for thousands of people. How many other Government investments and expenditures can make this claim? Most of the moneys we appropriate go out the door, never to be seen again, and the benefits provided are intangible and seldom enough, according to those receiving them.

I respectfully urge my colleagues in the House to consider these factors, to take a good look at our national priorities in terms of people and jobs, and to consider the economic state of America as a whole. It is an unfortunate situation when our decisions are influenced by scare tactics relating to problems which "may" appear rather than by the very real consideration of problems which will appear if the SST is not funded.

Mr. PUCINSKI. The distinguished minority leader said that we have already spent $700 million on this and we have to move forward.

There is no bank in the country except one that has invested or wants to invest a penny in this program. Will the gentleman when we have spent $1.3 billion developing the prototype also attempt to urge that as long as we spent $1.3 billion we must now spend the next $3 billion developing the wherewithal for production? How deep does the gentleman want to get into this before he realizes that this is a white elephant?

Mr. BOLAND. Mr. Speaker, if the gentleman will yield, and incidentally let me say before I answer the gentleman from Illinois, nothing has been concealed by this administration or past administrations from our committee. At times there has been some reluctance on the part of some people in the administration to come up promptly with all of the facts and all of the reports when we asked for them. But no Member of this House can say that our subcommittee has ever been denied any report or any information on any conclusion or decision that has been made by this administration or previous administrations regarding the SST program.

There was some reference to the testimony of Dr. Garwin in a local newspaper today and indications are that there is pending litigation on this matter. I must say that the gentleman from Illinois, who has been a persistent and eloquent inquisitor during all of the proceedings that we have had on the SST, requested that our committee allow Dr. Garwin to testify. The record includes all the information that Dr. Garwin ever said about this matter in the hearings. There is no secret about it—it is all there. There is nothing secret about it, and there never has been. So our committee—I suggest to a large extent because of the prodding by the gentleman from Illinois, who has done a magnificent job to inform the public precisely what this program is and precisely what the problems are—has developed all this information so that every Member of the Congress has all the information that is possible under the circumstances to determine whether or not he or she wants to support this program.

Now in answer to another question by the gentleman from Illinois, let me say that with respect to the Government financing of this program, this Congress and the administration, who are responsible for the program, are committed only to research and development of two SST prototypes and 100 test hours of flight. That is it. That is where our commitment ends.

I think it is time that the Congress should look at how we might go ahead with the production phase. I am willing to consider legislation, which may be offered by the gentleman from Ohio (Mr. Bow), which would make the production phase one which will be financed by private industry—perhaps with some insurance by the Federal Government. I have no objection to that approach.

Also, let me say that our competitors in this field, the British and the French, have together spent over $2 billion on the Concorde. I do not know what the Russians have spent on the TU–144. But I presume that in U.S. dollars it probably would be at least a billion dollars, too. They are moving ahead. As the gentleman from Michigan has suggested there are going to be SST transports flying whether we like it or not. We have arrived at the age of the SST, and we are going to see more of them. If our Government does not take the lead, we are going to lose in the years to come the dominant lead in the aviation industry that we have built up through the technical know-how and expertise which has resulted from the efforts of the men and women who have been working in this great aircraft industry of the United States.

Just think of it. Of all the commercial aircraft flown throughout the free world, 85 percent are produced here in the United States—and we can be proud of it. You can go to any airport around the world and you can see the great U.S. transports flown by Pan Am, TWA, Delta and other fine airlines. They are there, and you are proud of them.

They are paying off, let me say, too. The U.S. SST is not going to fly until 1978. At that time the airline industry will be out of its doldrums. We will be ready for a new generation of aircraft. And this is the new generation aircraft. This is the aircraft of the future. That is my response to the gentleman from Illinois.

Mr. Speaker, before I yield to the distinguished chairman of the Appropriations Committee I would like to comment on a paper distributed by the coalition against the SST. This brochure includes the following charges relating to the environmental impact of the SST:

First. The public will not be protected from the SST's sonic boom.

Second. The SST will produce an unprecedented level of airport noise.

Third. The world climate might change because of the amount of water vapor deposited in the stratosphere by the SST.

Regarding the first charge, proposed Federal rules will insure that the SST's can not be operated over the United States at speeds which cause audible sonic booms.

With respect to the second charge, the takeoff noise of the SST over the community will be lower than the typical jet in the present intercontinental fleet, and is expected to meet the levels established in the FAA's noise rule for the latest subsonic jets. This means the SST will relieve, not aggravate, the present noise situation over the community, where people live or work.

Furthermore, based on today's technology, even if the SST were certificated today, without the advantage of 8 additional years of noise suppression research and development—it would produce about the same level of sideline noise during takeoff roll as is now produced by subsonic jets over the community during approach to landing. However, experts are confident that his sideline noise can and will be reduced by at least one-half before its introduction into commercial service. This reduction, of course, is one of the principal reasons for building and testing the SST prototypes.

The third charge is equally fallacious. There is no evidence that water deposited in the stratosphere by the SST would change the climate. Natural weather phenomena injects into the stratosphere many times the amount of water produced by a fleet of SST's. However, additional research on the climatic effects of SST operation is underway and will resolve this question by the time a decision on SST production must be made.

I now yield 5 minutes to the distinguished chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON).

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman from Texas is recognized for 5 minutes.

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

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

Mr. GOLDWATER. Mr. Speaker, I also rise in support of the supersonic transport. The gentleman from Ohio has pointed out that there are many questions that need to be answered. I think there is no question, as the gentleman from Massachusetts has pointed out, that 85 percent of all commercial aircraft in the world is produced in this country.

I would also like to invite Members of Congress to come out to the west coast and see the tremendous dislocation that has been caused by the great reduction in defense and aerospace programs over many years. If funds for the SST program are allowed to be cut, that dislocation will be greater.

Mr. MAHON. Mr. Speaker, I rise to heartily endorse the impassioned plea of the gentleman from Massachusetts, in regard to the SST.

In my judgment, it would be a major mistake—it would be a setback for U.S. supremacy in the world—for us to turn our backs on the SST at this moment.

Of course, this program has problems.

Of course, this country has problems.

But it is very important to American labor and American industry, and to the American flag all over the world, that we maintain the superiority which we now have in supplying to the nations of the world and to the airline companies of the world the airplanes in which people will fly.

I urge Members of the House not to join with those who wish to kill this program. We must stand strong. We must keep this SST program going as a result of actions by this Congress. I sincerely hope that the House will stand by its original position so that the program may continue in an orderly manner.

The SPEAKER pro tempore. The gentleman has consumed 3 minutes. The gentleman from Massachusetts has consumed 23 minutes and the gentleman from Illinois has consumed 19 minutes.

Mr. YATES. Mr. Speaker, I yield myself 2 minutes.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. YATES. Mr. Speaker, my friend from Massachusetts has made a very eloquent statement. He spoke of the supremacy of the American aircraft industry and American planes flying all around the world. Everywhere you go in the world, he said, you will see American 747's, 707's, and other American planes. That is true. And you will still see them even if this appropriation is voted down.

Those planes were all built by private industry. Those planes were not built with taxpayers' money as is the SST. If this program were so attractive why shouldn't the contractor raise the money from private sources as was the case for all other commercial aircraft?

Who is going to benefit by the SST? Let me point out to you that the SST, which has been hailed as such a great advance in transportation, will fly with a premium fare. The statistics that were presented to our committee disclose that only 10 percent of the American public travels overseas now; 90 percent fly domestically. The statistics also show that 90 percent of those who fly overseas fly at reduced rates, at economy rates, or at charter rates. The statistics show that only a small percentage fly at first-class rates.

The testimony shows further that the SST will command a fare that is 24 percent higher than the first-class fare, whatever that fare may be when it flies. Thus, we find that only 2 percent of the Americans are going to use the SST. Two percent. Are we going to spend $1.3 billion of the taxpayers' money for the prototype and $3 to $4 billion of the taxpayers' money for a production model of the plane to serve 2 percent of the American people? How ridiculous can we be?

Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I support the Yates motion.

We have more urgent priorities than we have resources. Think of our problems. We should be spending about $14 billion a year to fight water and air pollution, and those figures come from the conservative U.S. News & World Report. Crime makes millions of older people afraid to go out at night. Most of our elderly barely subsist. Six million children and adults are mentally and physically handicapped. We do not have enough classrooms and teachers for normal children. Our cities are broke and desperate for funds, and they want the Federal Government to share revenues of $10 to $20 billions annually, yet all we have to divide among the cities and States are growing Federal deficits.

We have a $20 billion backlog in military construction. We have a $40 to $50 billion backlog in naval expenditures for the next 10 years. However nice we might think spending $1.3 billion in Federal money to develop the SST is, is it really such a high order of priority or urgency that the ordinary person, the working man, should dig into his pocket to pay taxes so that a business executive can get to London in 3 hours instead of 7? Incidentally, the people will be taxed not only to subsidize the building of the plane, but to pay for the expense-account travel involved. The taxpayer is going to get it from both ends.

If we sell the SST to other nations, it may improve our balance of payments. But it may also make it worse. If two or three times as many people will be traveling and spending money abroad as do now, this could add to balance of payments difficulties. There is no telling in advance what offsetting consequences these SST's will have on our balance of payments.

We have heard a great deal about the unemployment resulting from this. I want to ask this: Does spending money on schools, does spending money on getting rid of crime, does spending money on correction of water and air pollution, does spending money on military housing and new naval vessels—do these expenditures produce no jobs? Is there any inherent job-creating superiority of the SST over these other projects?

The Egyptians built pyramids, supposedly to provide employment for their people. That is just what the SST is—a flying pyramid. But the flying pyramid is not needed, because we have plenty of other ways of creating jobs.

The SST presents us with unsolved problems: Design complications; cost overruns. We have them. So do the British and the French. From what I hear, the British and the French are just waiting for us to drop the SST, so they can drop it also. The truth is we are building the SST because the Russians and the British and the French are doing it. And the Russians and the British and French are doing it because we are. There is a quotation from Alexander Pope in "An Essay on Criticism":

> Be not the first by whom the new is tried,

The automobile industry was not invented in the United States, and the most popular automobiles selling today are not the first automobiles that were invented and put into production. I say we should let the British and the French, if they want to, complete the first SST-Edsel and then let us improve on their mistakes.

Mr. Speaker, nobody really knows whether the SST is going to be, on balance, destructive or beneficial to our economy, and to our environment. We hear things about the sideline noise which is gong to be as loud as 50 of our 747's taking off at once. We are also told that the SST may pollute the upper atmosphere. No one really knows. But where has the case been made that this is the wisest use of our very limited economic resources? Let us do first things first—and things like the SST last.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. REUSS).

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

Mr. YATES. Then, Mr. Speaker, I yield the gentleman 3 minutes.

Mr. REUSS. Mr. Speaker, gentlemen who favor the SST have talked about prestige. Well, what happened? The aircraft industry of France was able to persuade its government to embark upon the Concorde. Then France, having Great Britain over the barrel on Great Britain's entry into the common market, was able to "con" Great Britain into going ahead.

If we really want to think of the prestige of the United States, let us terminate the SST now and leave the Concorde to live or die among its worshipers.

We can recapture our prestige if we will have the commonsense to start reordering our priorities away from this machine—which benefits such a limited few—and toward better schools, decent homes, adequate hospitals, clean air and water, and even a break for the hard-pressed taxpayer. We can restore our prestige if we show that we have the wisdom—yes, and the humility—to admit we made a mistake and that we propose today to correct it.

Therein lies real prestige. Let us vote up the Yates instruction and vote down the SST.

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

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

Mr. BROWN of Ohio. I am a little confused as to your view of the economics of this issue. If we terminate this program and the aerospace industry, in which we have an 85-percent dominance in world markets, and lose the balance-of-payments benefits we would have from the SST, how would we benefit these social programs that have been paid for by the taxes generated from that positive balance of payments?

Mr. REUSS. I will be glad to answer that question. It is not proposed that we terminate the U.S. aircraft industry. It is proposed that we leave the U.S. aircraft industry to that same status which has brought it to its 85-percent dominance of the world, under the free enter-

prise system, and stay away from the state socialism which afflicts those on the other side of the water.

Mr. BROWN of Ohio. The gentleman is a distinguished economist. I wish he would answer my question. How is it, by not providing jobs in this country and not having a viable aerospace industry, that we can finance the social benefits you indicate are at stake here in the SST?

Mr. REUSS. I say, let us provide the services that help the people of this country. Let us build the schools, the homes, the clean air and water, the things we so desperately need, and we will find jobs enough for everybody.

The trouble is we are not doing it. We are engaged in foolishness like the SST. We ought to reorder our priorities.

Mr. BROWN of Ohio. Is the gentleman telling me that being in the lead in certain industries and having a positive balance of payments is not beneficial with respect to financing social programs?

Mr. REUSS. A positive balance of payments comes about through our licking inflation, and through reordering our priorities. That is what we ought to be doing.

Mr. Speaker, having lost the SST on the merits in the Senate last week, the administration is now reduced to defending it as a job-creating WPA project.

In a statement over the weekend, the President contended that the Senate's action "means the loss of at least 150,000 jobs" in the aerospace and other industries.

But listen to what one Boeing official said on Saturday, after the Senate vote:

> Boeing and Seattle can walk away from the SST—there are only 4,800 jobs at Boeing involved anyhow.

What the President is doing here is counting all the people who will be working on the SST if it goes into full production—and this will not happen until 1978 at the earliest. Furthermore, only 50,000 of those predicted jobs will involve people working directly on the SST—the remaining 100,000 are those who will provide services to the people working on the SST.

It is kidding to hold out the SST as something that will solve the current unemployment problems in the aerospace industry—are the aerospace scientists and engineers who are now driving cabs going to be encouraged if we tell them that there will be jobs for them 8 years from now if they will only be patient?

Furthermore, suppose there is full employment by 1978, as all of us hope there will be. Adding the demand for 150,000 more jobs at that time would then be highly inflationary.

The 1970 Nobel Laureate, Paul Samuelson, had this to say of the argument that the SST would create jobs:

> Any way that the U.S. Government or anyone else spends a billion dollars on goods will make a billion dollars' worth of goods, and it would be a return to the outmoded depression philosophy of makework—in which men are hired to do useless things like digging holes and filling them up again in order to increase jobs and purchasing power—if we were to succumb to the makes-jobs argument.

But, the President says, it would be a "waste" to halt the SST now that "nearly $700 million of our national resources" have been put into the project. The President said:

> It would be like stopping the construction of a house when it is time to put in the doors.

If the President is making this argument now, think how much more strongly the same argument will be made when the two prototypes have been completed and more than $1.3 billion of our national resources has been invested. "The only way we can get the taxpayer's investment back is to go forward with full production of the plane," the President will say. If there are objections from those concerned about the environment, they will be treated just the way they are treated now—ignore them if they come from outside the Government, and suppress them and keep them secret if they come from within.

But wait, the President says:

> The termination costs for the program are almost as large as this year's $290 million appropriation request. It would cost nearly $278 million to terminate now. Wrong again. The true termination cost is only $90 million, which represents the amount that must be paid back to Boeing and GE under the contract. As for the rest, $105 million is money already spent under the continuing resolution which allowed the program to go forward pending passage of the appropriation bill; $22 million is money deposited in the Treasury by the airlines to reserve SST delivery positions—money which never belonged to the Government in the first place; and $58 million is airline "risk contributions" which the Transportation Department admits it is not legally bound to refund—they say there is "a possible moral refund obligation."

Finally, the President talks as if all the money spent on the SST would be totally wasted if we stopped now. Again, not so. Under the Government's contracts with Boeing and GE, the title to all the work done so far goes to the Government if the project is canceled. All the parts, mockups, supplies, plans, drawings, dies, fixtures, tools, and so on will be the property of the Government, and at such time as an environmentally sound and commercially viable SST can be built with private capital, the Government will be in an excellent position to sell all of this to a private developer and recoup a large part of its investment.

The SST should be discontinued. Now.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I wish we had more time to deliberate and debate on this question. I ask unanimous consent that I be permitted to insert in the RECORD at this point a recent article "The Case for the Supersonic Transport" written by Harvey Ardman and published in the American Legion magazine for December 1970.

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

There was no objection.

The article is as follows:

THE CASE FOR THE SUPERSONIC TRANSPORT

(By Harvey Ardman)

The development of an American supersonic transport airplane, to carry commercial passengers between continents three times as fast as current jets, has been a controversial subject for quite a few years now.

Government funds as well as private funds are needed to help bear the enormous cost of development, so the creation of an American SST is in the area of public debate, and it has been debated to a fare-thee-well.

A host of objections to the SST has been raised. They include:

The great cost of development.

The need to divert government funds instead, to poverty programs and other social purposes.

The lack of any apparent need for such air speed at such cost when it can take nearly as long to get to and from the airports as it takes to fly the Atlantic right now.

The sonic booms that such planes would make, to the annoyance or worse of people and things below.

Supposed danger of radiation damage to passengers who'd fly as high as the SST's would fly.

Pollution of the upper air by jet exhausts with possibly direful effects on world climate.

Possible destruction of the high ozone layer which helps keep damaging ultra-violet rays from reaching the earth.

Anybody who has been reading the papers or listening to radio or TV knows that these discouraging objections have received the most attention in the public debate. They have gotten the headlines, the prime spots in news broadcasts and the blasts of some of the politicians. In the recent elections some candidates of both parties included anti-SST platforms in their campaigning. Alarmed conservation and anti-pollution groups have issued these objections to the SST broadside.

The public is entitled to hear and weigh these points. The SST is a public question, and these are not the kind of objections that should be swept under the rug.

The public is equally entitled to hear the answers to them and the reasons why an American SST is wanted, if we are really supposed to reach great decisions through the expressed will of an informed public.

Inexpert propagandists have been fantastically wrong in their treatment of scientific developments in the past. So wrong have they been that in a recent release the Nat'l Aeronautic Ass'n—which is *for* the SST—had a bit of fun with the media's habit of giving the bigger play to SST objections. The NAA dug up an Oct 9, 1903, New York Times editorial that appeared after Professor Langley's Flying Machine had crashed into the Potomac on Oct. 7 of that year.

Langley's attempt to fly was a "ridiculous fiasco," said the Times then. It went on to say that it would take "from one million to ten million years" to evolve a machine that would really fly, *if* we could eliminate "the existing relation between weight and strength in inorganic materials." Birds are organic and can fly, machines are inorganic and cannot, it explained. We'd be better advised, it said, to devote our efforts to more profitable things.

Langley's plane crashed in the Potomac again on Dec. 8, 1903. Two days later the Times of those days was back scolding him. The unsolvable problem of flight, it patiently explained to Langley, was that because there is always a weakest part to any mechanical device, extra strength must be built in to provide a safety factor. "To allow it in an aeroplane," Langley was advised, "would be to weight it so that it would be too heavy for its purpose."

As a lesson in newspaper science, let it be noted that Langley's plane was later proved flyable, and that when the above editorial appeared on December 10 the Times had just

seven days left for the life of its explanation of why man would not fly until at least the year 1001903 A.D. On Dec. 17, 1903, Orville Wright took off, flew and landed a heavier-than-air machine under its own power at Kitty Hawk, N.C.

Digging up such editorials is good clean fun, of course. It doesn't prove anything one way or the other about the SST. But it does make a valid point. When we get tailor-made opinion on the scientific impossibility of coping with problems, we are well advised to hark to the experts as well as the amateurs, and we are entitled to a fair shake in getting our hands on what the experts say.

Some of the objections to the SST are deadly serious, and not to be taken lightly. Which doesn't mean that nothing can be done about them. Some of them are pure nonsense. Others are irrelevant. Meanwhile, the main reason why the aviation industry and the U.S. Department of Transportation want the SST has been reported with so little emphasis—among all that has been said—that if you know what it is you're a rare bird. Do you know why those who want it want it?

The SST certainly is not being promoted to make sonic booms, pollute the air, change the climate, waste money or irradiate passengers.

The latter is among the objections in the nonsense category. Radiation from space is a little more at the 65,000-foot elevations that SST's would normally fly than it is at the 35,000-foot levels of our present commercial jets. At 65,000 feet, radiation generally is almost as great as it is at ground level in New York City. New York has higher than normal ground level radiation for reasons nobody yet comprehends. Normal radiation at 65,000 feet is not as great as it is in some long-inhabited areas of South America.

There are periods when solar flares intensify the radiation in the upper atmosphere. These flares are monitored and even predicted from earth. All an SST pilot need do would be to react as you do when you see a red traffic light. He'd stop. That is, stop flying at 65,000 feet and come down to a lower level—in fact he'd be ordered to.

There is a world of experience in dealing with this. Military planes have been flying with men aboard at these altitudes and higher for close to a generation now. Our U–2 pilots logged thousands of hours at 75,000 to 80,000 feet without any radiation problem. The radiation factor is not an argument against our producing SST's, but only a warning to observe precautions that are already timeworn.

Solar flares aside, there is less radiation exposure for passengers flying the Atlantic in an SST than in one of our current commercial jets. Time is a factor of radiation exposure. A passenger on a two-and-a-half-hour SST flight from New York to London at 65,000 feet will, under normal conditions, absorb less radiation than he does today making a six-and-three-quarter-hour flight at 35,000 feet. The much shorter time of exposure more than offsets the slightly higher radiation level.

If concern about radiation is to be taken seriously, we must scrap the present planes as fast as possible and get cracking with high speed SST's so that passengers need not spend so much time at high elevations. Fortunately, the radiation in either case is usually negligible. It is easily avoidable when it is not negligible. Which is why I have labeled this as a nonsense objection against producing American SST's.

At the other extreme, the sonic boom question isn't nonsense at all. A plane flying faster than sound (and the SST's would hit top speeds not quite three times the speed of sound) makes a boom that makes a bang on land and sea below. There is no known way to prevent a plane that's flying faster than sound from making a sonic boom.

The designers, planners and proponents of the SST have been more aware of this than anyone else. The boom is a bug they can't lick entirely.

If we get our own SST's they will have to be, and will be, tightly regulated when it comes to making booms. The regulations of SST flight proposed by the Department of Transportation are tougher than those imposed on supersonic military planes. So when it comes to the booms that you might hear from SST's, you can say they will be scarcer and weaker than whatever booms you have been hearing from military planes. In fact, you can expect none unless you're at sea. This does not overcome the objection, and nothing can overcome objections to booms if there are to be booms.

SST's will be forbidden to fly at boom speeds over land in U.S. territory, and other countries have their own rules. Planes are not being sought for strictly land routes, but only for transoceanic flight. When and if they fly from, say, Chicago to London, they will still have a speed of advantage during the land portion of the flight of 200 to 250 mph over current commercial planes without making booms on the ground.

They will be forbidden to make booms until they are out to sea. Most of their supersonic speed will be at around 65,000 feet over water. They will not dive and maneuver like military planes. Dives and low-level flight produce the window-breaking, dynamite-like booms that have been experienced from military planes.

It is no kindness to ships at sea to make any booms. What kind of booms will ships hear? Sonic booms are measured in pounds per square foot (psf) in excess of the existing air pressure. A psf of 120 is a helluva boom. It doesn't directly injure people but nothing else good can be said about it. The plaster-cracking, window-shattering boom can have a psf as low as 10 to 20. A diving or low-level fighter plane can produce one easily.

The SST in its level flight at its prescribed altitude will make booms of from 1.5 to 2.2 psf on the water below. This is like a thunderclap from maybe half a mile away—not distant, not right on top of you. It exerts the same psf that hits the ears of a Volkswagen driver when he swings his car door shut. At one point in its climb to cruising altitude the SST will make a boom of 3.5 psf. This is like a nearer thunderclap. Ships are surely going to hear these thunderclaps caused by SST's when they hit their transoceanic speeds. It's nothing to cheer about, but neither does it seem to have been a problem of great dimension so far. For many years military planes have been flying all the oceans at Mach 2 (scientific jargon for twice the speed of sound) without creating a maritime problem.

But let's not kiss off sonic booms. Who wants them even if SST's won't make bad ones at sea and none over land? The problem here is a different one. We won't escape booms from supersonic transports by preventing the United States from developing SST's. Britain, France and Russia are making SST's. They've flown theirs while all we have is a dummy.

U.S. and European airlines have already reserved 74 SST's from pending British and French production. Foreign-made SST's are going to be flying the oceans, and making booms over them, whether we develop our own SST's or not. If we keep American firms from making SST's we will lose the business and still get the booms. The boom question, then, is a question of regulation, and not a reason to keep us out of the SST business.

Here we get to the real reason why our aviation experts in and out of the industry want to keep going full speed on SST development.

It is purely economic.

The livelihoods of the Americans whose jobs and income depend on our aerospace industry require us to be ahead of the world in supersonic commercial jet plane design, manufacture, performance and sales in the years ahead. We cannot match the low cost of cheap labor abroad, and we live or die in business competition with the rest of the world by keeping ahead or not keeping ahead in performance.

The SST is the next generation of passenger planes. While we debate whether there should or should not be SST's, our aviation industry is already seriously behind the time schedule of foreign competitors in developing a marketable SST for the world's airlines.

We have more than a million people directly employed in the aerospace industry. We have a total of more than four million whose incomes are directly identifiable with aerospace production and sales, when we include subcontractors and suppliers who are not themselves directly a part of aerospace.

From now through the 1980's the health of the industry will depend largely on whether or not we made and sell the lion's share of the coming generation of SST passenger planes.

According to present plans, the joint British-French SST, the Concorde, will be ready for scheduled flights between 1972 and 1974. The Boeing SST, the Concorde, is well behind that. It can't enter commercial service until 1978, even if it suffers no further delay.

The drawing-board Boeing is far superior to the already-flown Concorde. No airline would prefer a Concorde to a Boeing if it were offered a choice of two proven planes that meet the present specifications of each, though a Concorde would cost less. The major world airlines might sit out the four-to-six-year time difference for most of their SST purchases if they could be assured that the Boeing would be available about on target.

The Boeing's superiority is based on an American technology that cannot yet be duplicated abroad. It would cruise about 430 mph faster than the Concorde with more than twice as many passengers. What the airlines want is more speed while carrying more passengers.

It isn't that they are concerned about saving each passenger four hours or so in crossing the Atlantic. Probably not one passenger in ten could do much with the time saved, though few would choose a seven-hour flight if a two-and-a-half-hour one were available. What interests the airlines is that a single plane could carry far more people in any given time.

A 298-passenger Boeing SST, designed to cruise at 1,780 mph, could make 27 N.Y.-London round trips in the flying time that the new Boeing 747 needs to make ten round trips at its 595 mph cruising speed. Scheduling, turn-around and on-ground factors may not allow full use of this advantage, but the first Boeing SST will probably be twice as productive in passenger haul as a 747, and later ones as much as 2½ times as productive.

Of course, this kind of SST performance represents vast operating savings for the airlines. None of them want to fly many slower planes and crews, and support terminal facilities for them, to do what a few SST's might be doing for their competitors.

This kind of performance could also do something more for passengers than save them a few hours. The economical performance of SST's would hold their air fares down. If we stay with the present planes, airline efficiency will hit a plateau. Thereafter, transoceanic air fares must rise with inflation. The better economic performance of SST's will hold fares down. For most passengers, the dollar savings in fares will probably mean more in the future than the hours saved on each trip.

The present Concorde, designed to carry 128 passengers at 1,350 mph cruising speeds, is so superior to the jets now flying that, without a Boeing SST, the world's airlines would go for Concordes, as their 74 existing orders for Concordes attest.

But it's so inferior to the Boeing's planned performance that the Concorde couldn't stand the competition of an assured Boeing SST.

Rumors keep pouring out of Europe that the Concorde will be abandoned, whether we produce a Boeing SST or not.

Rumors about multi-million dollar projects often have multi-million dollar motives behind them. Every fresh rumor that the Concorde will never go into full production is heralded here as proof that we don't need the Boeing SST after all, and it promotes delay in Boeing SST development. Every delay of the Boeing SST gives the Concorde's makers more time to sell the first models and more time to work on improvements that might make it more competitive with the Boeing. The British Concorde is probably quietly in production now.

Some of our own responsible people outside of the aerospace industry have taken all of this lightly. It is deadly serious (a) to the Concorde makers abroad who are proceeding with the ship in Britain and France behind the facade of rumor, and (b) to everyone whose bread and butter comes from airplane production in the United States.

The widespread public and political campaigns against the SST here are fostering near panic in our aerospace industry. The whole industry is hurting today, even though (thanks to its past technological superiority) it has previously suffered for less from foreign competition than most of our other major industries.

U.S. aerospace is now seriously depressed for a variety of reasons which may not change for the better soon, and it looks to the SST to give it the lift it needs.

Our plane-making industry was on the rise until recently. In 1968 we hit an all-time peak of 1,418,000 people directly employed in aerospace. Well over 4 million more benefited directly from subcontracting and supply orders placed with other industries. Throughout the '60's, U.S. aerospace throve (1) on its near-monopoly of free-world civilian plane sales; (2) on its space contracts for NASA; (3) on its manufacture of U.S. Air Force, Navy and Marine Corps planes and, (4) on its sales of military planes abroad.

In civilian plane sales alone we have provided very nearly all the planes flown by U.S. airlines, while 84% of all jets flown by commercial airlines in the free world today are American made.

In June of 1970, those directly employed were down to 1,160,000. Some 258,000 jobs had disappeared in a little over a year. Cities like Seattle, Los Angeles, Wichita, Dallas and Fort Worth suddenly suffered widespread unemployment.

By next March, the outlook is that another 174,000 jobs in the industry will have disappeared. With each job that goes, roughly three people in subcontracting and supply firms lose work due to the disappearance of aerospace orders.

The industry had been doing better than ever in the sale of civilian planes here and abroad until just recently, when, unfortunately, it needed to do better yet.

We sold $3.2 billion worth of commercial planes in 1966—with about $1 billion in sales overseas. In 1969, we hit a high of $5.6 billion, with almost $2 billion in foreign sales.

Since then a series of blows had struck the industry.

Commercial plane orders of current jets slipped off because of internal crises in the airlines.

Our government can back both its military and its space-program orders.

National policy dictated that we not sell military planes to aggressive small countries abroad. The French moved into that market. With assured sales left them by our moving out of the picture, they have now produced a better small fighter for small nations' purposes.

Today, South American countries no longer buy any U.S. combat planes. They get them chiefly from France.

Readers may applaud or condemn these losses of military and space orders as they choose. For our aerospace industry they mean that the bread and butter of millions of Americans must depend more than ever on holding and enlarging the commercial plane market.

But in the commercial field we have been losing ground in the foreign airlines markets even when we get the business. The trouble is that jets that fly slower than sound are beginning to respond to the law of diminishing economic returns for us. Even when we bring out a better subsonic jet, there's less of it that's brand new. More of it can be made abroad by firms that have caught up with the American technology that first developed today's basic models.

What has been happening is that when McDonnell-Douglas gets a contract to provide planes for Canada, Canada stipulates that she'll make the wings and tail. When Lockheed signs an order to supply planes for British airlines, Britain stipulates that she'll install Rolls-Royce engines in them—and so on. In short, there's less work for the U.S. planemakers even when they get foreign orders.

The same thing applies to replacement parts of existing models, which are a good part of the business. As fast as they can, other industrial countries learn to make their own parts for older model planes that they buy from us.

Even if nobody makes an SST, this will only get worse. If the whole world freezes commercial plane performance at about the level of the present 595 mph Boeing 747, it will only be a matter of time before other countries, with cheaper labor, will provide equivalent planes cheaper for their airlines and ours. All they need is time to catch up with American know-how, if the march of our know-how is willfully arrested.

They are catching up fast. This October a consortium of European nations was reported to be dealing with Britain for trade favors, in return for which they'd stop buying General Electric jet engines in favor of all British engines on their airlines.

They'll not only catch up, but they'll get ahead of us too, if we willfully check our own progress and they don't.

The first pilot model Concorde flew in March 1969. It broke the sound barrier that October. This Oct. 10, a Concorde hit 1,320 mph in level course flight.

The Russian TU–144 made its maiden flight on Dec. 31, 1968. It broke the sound barrier in June 1969 and hit 1,336 mph last May. The Soviets expect the first one to be carrying 120 passengers at a top speed of 1,550 mph in 1972. There's good evidence that Russia is bidding for world markets in a big way.

The 298-passenger, 1,780 mph Boeing exists only in the form of a full-scale mock-up in the huge workrooms of the Boeing Seattle plant. If that's where it stops we will be in the industry-wide position that Henry Ford was in when he stuck to his Model T into the late 1920's after his competitors had passed him by in making good, low-priced cars. Henry had to close shop and start all over, and Ford hasn't regained its one-time lead over General Motors since. When the first Concorde flies an ocean with paying passengers, our new 747 will become a Model T of intercontinental flight.

The catastrophe that awaits us if we pull a Model T performance in plane-making will go far beyond the total depression of our aircraft industry.

That industry has been pulling more than its weight in holding up balance of trade with other nations and in checking the disastrous flow of American dollars abroad.

Let's not review the ground we've lost to foreign competition in the auto, the movie, the camera and the huge electronics industries—as well as steel, textiles and many others—both at home and abroad. In 1970, the details read like a funeral dirge.

Plane-making has been perhaps the brightest spot in the whole picture. Consider that if our $5.6 billion trade in commercial plane sales in 1969 had gone to foreign firms that the United States would have lost another $11.2 billion in both trade balance and dollar flow—from $5.6 billion in to a $5:6 billion out. The best present estimates of what we'll lose as a nation in trade balance and outward dollar flow, if the Concorde flies and the Boeing doesn't, run as high as $50 billion between 1978 and 1990.

Had enough? These are the reasons why those who want the Boeing SST want it, and to say more about why would belabor the point.

We Americans can only live at our living standard if we keep ahead in technology, and constantly offer the rest of the world better products than it can make.

That's what we bet on when we joined the other nations in a series of long-term agreements to do away with protective tariffs. The other nations bet that they could manufacture existing products cheaper than we could. And they can. We bet that we could make what they couldn't. And we can if we will.

When we could make electronics products that they couldn't, we owned the world electronics market. But given a few years for them to study our products, we could no longer rule the mass electronics market. By 1972, inroads made chiefly by Japan and West Germany will see us with an unfavorable balance of trade in electronic products.

The Boeing SST may be late on the scene, compared to the Concorde, but if it moves on schedule it will rule the roost for years. Britain and France built their huge investment in the Concorde around an aluminum technology. They designed it for about the top speed that an aluminum fuselage can endure, due to the heat of air friction.

That speed is about 1,350 mph for safe cruising and up to 1,550 mph for short bursts only, under favorable conditions. The Soviets went the whole limit and gave their TU–144 a capability of 1,550 mph. It will hardly ever do that, because it cannot safely do it for long.

In both cases these foreign planes went right to the limit of the known technology, which is probably why their makers dared challenge the American giant. And of course they worked out all their systems, design and power plants for the speeds they had in mind.

But if we were slower, one reason was that we were developing a titanium technology for fuselages and structure that can stand far greater air-friction heat. We have the technology today. We have used it in two military models. Nobody else has it in such shape as to project mass airplane production on a titanium fuselage base.

Some day it will be copied, if anyone dares sink all that capital in another attempt to get ahead of us. All of our SST basic research and development has moved ahead with an over-1700 mph plane in mind, and a technological ceiling of above 2,000 mph.

Boeing got the official nod as the chief plane designer and producer.

GE has been developing the powerful engines. Various work and research has been parceled out from time to time to such firms as Aerojet General, Avco, Fairchild Hiller, LTV Aerospace, Northrop, North American

Rockwell, Rohr, Garrett, Goodyear, Uniroyal, Bendix, Hamilton Standard, Litton Industries and Sperry. Others will enter the field in time. McDonnell-Douglas ought to be one such, as it rates high in titanium technology.

If this is a formidable array of lobbyists for the SST (and it is) it is also an array of those who employ the bulk of the millions whose livelihood depends on American plane production and sales. The technology they are working on would virtually force the Concorde to start over.

It is interesting to note the objection made to the SST to the effect that the large sums of government money needed to help underwrite the development are needed instead for poverty programs.

It is estimated that it will take a little over $1.6 billion to make and test our prototype Boeing SST. Boeing and GE (the major contractors) would put up about $300 million between them, the airlines would put up about $60 million and the government would advance close to $1.3 billion. Still more will be needed to get full production under way.

About $1 billion has already been spent, and of course, Congress doesn't switch money from plane production to poverty programs. It treats them separately.

More to the point was an article in the Harvard Business Review by the mayor of St. Louis a year or so ago, discussing St. Louis' terrible poverty problems. McDonnell-Douglas, a major St. Louis employer and a major U.S. plane-maker, was held up as a fine example of an industry which restyled its jobs and its production methods in order to employ more unskilled labor in St. Louis. One need only walk among the laid off workers in the many U.S. cities that are hurt by the aerospace cutbacks to get it from them that what hurts aerospace makes poverty grow.

"The SST will make and save full production jobs in the late 1970's and the 1980's," says William Magruder, former test pilot and Lockheed executive who now heads up the Department of Transportation's special SST division. "Our present poverty situation is aggravated because somebody failed to look ahead in the 1950's and 1960's. The SST looks ahead to jobs in the 1980's, and if we'll do more of that in industry today we'll have less poverty then."

The SST is still moving ahead in Seattle and elsewhere today, and employing thousands of workers who'll lose their jobs if Congress turns thumbs down on continued SST development.

The basic SST contracts between Boeing, GE and the government provide that the government will get its development investment back with the sale of the 300th Boeing SST. If 500 are sold—as expected—the government will directly profit $1.1 billion from its investment. Somebody has guesstimated that employment on the SST, if it goes ahead full steam, will net between $6 and $7 billion in income taxes. How they do this arithmetic I don't know, but anyone would agree that the tax revenues from the billions of aerospace income from SST's would be plenty.

One SST will cost an airline about $52 million at 1978 prices, compared to $24 million for a Boeing 747 today and more in 1978. Sale of 500 SST's would involve a gross initial cost of $26 billion to the airlines. Overseas routes for 500 in the 1980's have already been projected, which explains how the sponsors hit on the 500 figure.

Since commercial flights began, plane owners have consistently recaptured the cost of a new plane in five to six years.

The role of the airlines is ambiguous. As businesses, they'd rather use and wear out their present equipment than invest immediately in a new generation of passenger planes. If the world's airlines were one cartel, they'd probably quietly agree among themselves not to use any SST's for a long time, and let the aerospace industry worry about its own problems.

But the facts of life are that our antitrust laws forbid any such conspiracy here, while the foreign airlines hope to get the transoceanic business with Concordes if they can.

Conceding that a good SST would be the superior competitive plane, our airlines don't dare stay with 747's once BOAC, Air France, *et al.*, or their own American rivals, are offering 1,350 mph flights over the seas. You *can* stick with the Model T, but only if your competitors don't go you one better.

So our overseas airlines are going along on both sides of the SST fence, while worrying chiefly that they haven't yet paid for their 747's. They are reserving Concordes in order to be able to compete as soon as European lines are flying them, and reserving and investing in Boeing's too. Ten airlines have put up $60 million for Boeing development, which may be credited to future purchases. Twenty-six of them have deposited $22.4 million as down payments to reserve 122 Boeing SST's when and if they are produced on schedule.

In official expressions, recognizing the facts of life, airline presidents have said they are for the Boeing SST and want to be sure it's a good one.

This about sums up the factual situation that foreign competition makes SST's a dead certainty, and our debate is really about whether we should willfully deprive ourselves of the business. It's the story of the small fighter plane all over again. We didn't prevent little nations from buying combat planes when we refused to sell them, we just sent the business to France.

This does not dispose of various objections dealing with air pollution, noise pollution, and various claimed damaging effects in the upper atmosphere—from destroying the ozone shield to altering the climate.

These objections have a high emotional content, and some of them a fear content. It is extremely difficult to find a factual basis for them except for some truths that are out of proportion to their conclusions. Several of them are of this sort: "Arsenic is poison. There is arsenic in sea water. So sea water will give you arsenic poisoning." It will not, because the volume of water you'd have to drink would kill you first.

Predictions that SST's would alter the climate claim that the moisture left in vapor trails at 65,000 feet would remain there and accumulate a cloud level over the earth in time. There are no known facts to support such a prediction. SST's can hardly ever produce vapor trails when cruising at 65,000 feet. One severe thunderstorm can deposit as much water in the stratosphere as 400 SST's flying four transoceanic flights, and there have been up to 6,000 thunderstorms a day for untold millions of years.

By the same token, there is no basis in known fact for the allegation that water deposited at high altitudes by SST's could destroy the ozone layer, which acts as a shield to keep out damaging ultra-violet rays from the sun. Again, the insignificance of SST water contributions to the total vastness of the atmosphere allows no such prediction. The problem has been carefully studied. In the absence of any evidence supporting such allegations the studies continue, however, since the subject is not a trivial one even if the supporting evidence for the charges is lacking.

Since amateurs are sounding off on these subjects every day, the public is at least entitled to access to the following expert opinion released by the Department of Transportation:

"Two scientific groups—The National Research Council of the National Academy of Sciences, and the Office of Meteorological Research—have studied the situation and report that there will be no appreciable disturbance of the earth's normal atmospheric balance by a fleet of SST's making 1,600 flights per day."

How about ordinary pollution by smoke, hydrocarbons and other exhaust pollutants? Jet engines don't pollute as much as internal combustion engines. The latest jet engines have smokeless burners that reduce emissions for ground operations by 70% for smoke particles and by 45% for smog ingredients. The SST's will have better pollution control equipment, since the latest in pollution-control design will be engineered into them from the start.

A Boeing SST fully loaded, going at top speed, will be the polluting equivalent of three cars doing 60 mph. If the maximum of 500 planned Boeings were all flying at once, they'd pollute the world's atmosphere about as much as the next 1,500 cars to pass on your nearest thruway, and far less than the more numerous slower planes they'd replace.

Present Boeing design suggests that one Boeing SST will make a little more sideline noise on runways and takeoff than a 707 or 747. Boeing engineers are betting that with eight years to work on it their intensive research into noise control will make the SST as "quiet" as (i.e., no more noisy than) any other jetliner. But the present design is noisier.

SST's should relieve airport and airways congestion. They'll fly far above the presently-used air lanes, and, like the 747, permit more passengers to be moved on fewer flights. Such haul capacity may become absolutely necessary the way public air travel keeps growing.

But both the pros and cons of these sidelight issues are not part of the essential case for the SST. The economic meaning of the big ships to 4 million Americans and our total economy is the big case for the SST.

Mr. BOLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Illinois (Mr. YATES).

One of the major arguments being used against the SST is the argument concerning pollution. I can tell you that you could draw a radius around the city of Washington of 150 miles and you will find more air and water pollution occurring there than would be caused by a whole fleet of 300 SST's.

Mr. Speaker, I want to say this, also: We do not have a problem as to whether or not we will have an SST, because as we have heard repeatedly here today, England and France are flying SST's. So are the Russians. The Russian-made plane flies 200 miles per hour faster than the Concorde, and it flew at more than twice the speed of sound in May of this year.

The only question before us today is are we going to force our domestic airlines to go abroad and buy their SST's or are we going to permit it to be developed in this country so that we can sell them to our domestic airlines and also to the foreign airlines?

Do not fool yourselves. We will not be able to say to France, England, Russia, Spain, Japan, or anyone else, "You are not going to fly your SST's into this country." If the only aircraft in which they are making flights overseas are SST's, then they will simply turn around and say to us, "You are not going to fly any kind of an aircraft into our airports."

It is totally ridiculous to refer to this as a WPA project. The Federal Government is investing $1.3 billion in this pro-

gram. With the sale of the first aircraft the Federal Government will start to recover their total investment. With the sale of 300 of these aircraft, the total Federal investment will be recovered.

Let me say this, also, Mr. Speaker: If, out of a potential 450 to 500 SST aircraft, 300 of them are going to be purchased by domestic airlines, then we will have over $12 billion spent abroad to make even more acute the situation of our economy and our unfavorable balance of payments.

I urge the defeat of the Yates motion.

Mr. BOLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, this has been an excellent debate. I certainly congratulate those who have attempted to lay the facts before the House this afternoon. However, I want to rise in opposition to the motion made by my friend from Illinois (Mr. YATES).

I think one of the most appealing arguments that has been made for the motion is that it represents a misapplication of our national resources and that we are ignoring our true priorities if we continue to fund this particular project. I think we ought to be reminded of what the President said in his statement which he issued just a day or two ago. This particular program can have a very important impact on our entire economy. This program can have a very real effect not only on our balance of payments but on the tax revenues coming into our Treasury.

I want to keep this great aerospace industry in our country healthy. I want to make sure that it continues to generate the kind of tax revenues, the kind of tax dollars that we can use.

Mr. Speaker, I would repeat I think in casting our vote on this motion this afternoon we ought to consider that the implications go far beyond just the $290 million appropriation. I, for one, would have confidence in the ability of the Committee on Appropriations of this House in a free conference to arrive at a figure perhaps somewhat less than the $290 million. I do not know. However, I suggest that the better part of wisdom this afternoon would be to leave that decision for the time being to the Committee on Appropriations of the House of Representatives.

I do not take this position out of blind determination that the SST must go forward no matter what the costs or consequences. We have reached a stage of development, I need not remind you, in which such reflective support for every technological innovation is neither rational nor wise.

At the same time, it will do us little good to adopt the posture that every technological innovation should be resisted merely because it is new; or to exaggerate the consequences or impact it is likely to have on the environment, economy, or national priorities.

Frankly, I fear that the opponents of the SST have displayed at times a tendency to exaggerate and mislead about the environmental difficulties posed by the project and to treat it as some kind of technological dragon that needs to be symbolically slain to demonstrate our capacity to master the technical forces we have created.

For instance, grave warnings have been issued that the SST will emit enough water vapor in the stratosphere to destroy the ozone that shields the surface of the earth from deadly ultra-violet radiation. While it is true that the SST will emit large quantities of water vapor in a relatively dry stratosphere, it is not true at all that water vapor automatically destroys ozone. It in fact, will retard the process of ozone formation only when the water molecule is disassociated by solar energy. Yet there is no evidence that this happens readily at the stratospheric level or that the 50-percent increase in the amount of water vapor in the stratosphere in the past 5 years has had any impact at all on the process of ozone formation.

Or take the matter of noise pollution. It has been charged that on takeoff an SST would sound as loud as 50 conventional jets combined. This news was certainly unlikely to evoke a chorus of support from the millions of Americans who reside in the vicinity of our great metropolitan airports. But as has been pointed out more than once the analogy is wholly misleading because it is not based on perceived noise level, and because the airport noise that irritates surrounding residents stems from landing and takeoff climb and not the runway noise on which the analogy is based. In fact, because of a steeper ascent and descent stage the SST is likely to be 50 percent quieter than conventional jets out over the adjacent residential areas.

There are other examples that could be mentioned, but my concern here is merely to illustrate the process of distortion that has occurred and to suggest that such misrepresentations are not very good grounds for terminating the project.

The other main argument against the SST is that a matter of priorities is involved and that there are other R. & D. areas, such as thermal pollution research, to which some of the funds we are appropriating for the SST could be put to more timely use. With this argument I am in greater sympathy and would therefore express the hope that the House conferees display some willingness to compromise on the appropriation figure with the Senate.

If something less than complete funding should occur this year, it is probable that the 1978 target date may be pushed ahead a year or two. But so long as the United States makes its willingness to continue with the SST clear to the world, we need not fear that our vastly superior plane will be bid out of the market. Such a minor stretch-out would, furthermore, allow us to resolve any remaining serious environmental questions, such as sideline noise, or economic difficulties that many are rightly concerned about today.

However, I would stress that a vote for the Yates motion is not a vote in favor of the kind of cautious continuation and improvement of the SST program that I have suggested. It is a vote to kill the project, to jeopardize the long-run vitality and viability of the American aircraft industry, and to cause serious balance-of-trade difficulties for this Nation in the next decade. Therefore, I urge my colleagues to vote down the motion and send the conferees uninstructed. Hopefully, they can arrive at a compromise with the Senate which will both meet legitimate concern about unresolved environmental questions and allow the project to continue, if necessary, at a somewhat slower pace.

Mr. BOLAND. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman from Massachusetts has 3 minutes remaining.

Mr. YATES. Mr. Speaker, may I inquire as to the time remaining to me?

The SPEAKER pro tempore. The gentleman from Illinois has 1 minute remaining.

Mr. BOLAND. Mr. Speaker, I yield 1 minute to the gentleman from Illinois. Let me say that I appreciate the fact that the gentleman has yielded one-half of his hour to me for purposes of this debate. So I am delighted to yield 1 minute of my time to him to close the debate.

Mr. Speaker, the motion which has been offered by the gentleman from Illinois (Mr. YATES) is to instruct the conferees to agree to the Senate amendment No. 4 which struck out the $289,965,000 that was voted by the House for the first supersonic transport.

Mr. Speaker, at the conclusion of the debate and the conclusion of the remarks of the gentleman from Illinois, I will offer a preferential motion to table his motion to instruct the conferees.

Mr. Speaker, I would suggest that if you favor the SST, you vote "yea" on the motion to table the motion of the gentleman from Illinois.

Mr. Speaker, the gentleman from Illinois in his opening remarks was critical of some of the remarks made by those in the administration who have lived with this program for many, many months and years. Perhaps the language was too strong. I am not going to use language as strong as that referred by the gentleman from Illinois. In my judgment the action of the other body in this matter was ill conceived and ill advised. It is a mistake. It ought to be rectified in conference and it ought to be rectified because it would have some very serious results.

We have already obligated under continuing resolutions about $100 million. So, this money has already been allocated through the end of December. This is an obligation under the various continuing resolutions that this Congress has passed. Also, under the SST contracts we will be responsible for the termination costs which would come to around $80 million.

So, in effect, we owe, if we cut the SST program off, at least $180 million.

The effect of the motion which has been offered by the gentleman from Illinois to instruct the conferees would be to tie our hands completely. If the motion to instruct is not tabled, we would not be able to face up to our fiscal responsibilities.

Mr. Speaker, I ask for a "yea" vote on my motion to table the motion which has

been offered by the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, in closing I want to make two points. The first relates to the objection which most Members of the Senate who voted against the appropriation found most persuasive and that was the destructive effect that the SST would have on the environment. The testimony before our committee shows quite clearly that the SST will defile the environment in three ways: by sonic boom, by unbearable airport noise, and by the possibility of creating a permanent cloud cover in the upper atmosphere.

When the gentleman from Illinois (Mr. ANDERSON) talks about strengthening the economy, I join him in wanting to strengthen the economy but I do not want to do it through building a vehicle which would degrade the environment as the SST would.

We are living with new standards of what constitutes progress. We look at our rivers which are filled with filth and sludge and detergents and the other destructive byproducts of chemical and industrial pollution which surrounds us and we are horrified. We look at the skies that are clouded with sulfuric fumes which are belching from the chimneys of our industrial complex, and there are days when we gasp for breath. If this is progress, we have had to pay a heavy penalty for it. We do not want that kind of progress any more. Just because a new scientific advance will bring greater speed, or make a buck does not mean that it automatically is "progress." Today, we are determined to weigh its effect upon the quality of life on this earth and on our communities.

The SST must be judged by today's standards, and the economic benefits which it promises to bring must be balanced against the environmental loss which we will have to pay. By that test, the SST fails. And I say if the British and French Concorde and the Russian Tupolev will defile the environment over our country, in our country, as a result of noise, as a result of polluting the atmosphere, then I think they should be barred from this country if they are not barred from their own.

On August 5, I wrote a letter to President Nixon, saying:

> Now that the MIT group of scientists has raised its warning flag, I urge you to initiate conferences immediately to obtain from France, Britain, and Russia their assurance that they will not proceed with production of the Concorde or the Tupolev 144 pending the undertaking and completion of a study by an authoritative commission of the effect on world environment of projected supersonic flight. I feel quite sure that you would be willing to give our nation's pledge that SSTs will not enter production until such a study is completed.

The White House turned down my request. I still believe my idea to be a good one.

The second point I want to make, Mr. Speaker, is that the reduction in intercontinental speed by the SST is really no solution to what the American people want in their transportation. They want answers and solutions to the increasing delays surrounding their major airports, they are tired of being stacked in the air unable to land, or being enclosed in a plane on a field and unable to take off. They want the growing congestion bottlenecks eliminated so they can have safe, efficient, time-observing domestic flights.

The American people want their airports to be safe, so that accidents will not be repeated like the deplorable tragedy which wiped out the Marshall University football team at the Huntington, W. Va., airport where the aircraft was required to land at an airport which did not possess adequate air traffic facilities. That is where they want their tax dollars to go, for assurance of safety in air travel, not for additional speed in a questionable aircraft.

Mr. Speaker, there is no need to rush to build the SST program and to approve its huge appropriations. I urge approval of my motion.

Mr. TUNNEY. Mr. Speaker, no nation can tolerate waste of its most supreme talent—the energy and imagination of her skilled workmen. Yet that is what is happening today in the aerospace industry. Employment in the industry continues its desperate plunge, and the Nation is deprived of some of its keenest brainpower.

Hearings I held last week in Los Angeles emphasized the disastrous unemployment. Union leaders, corporation executives, unemployed scientists, craftsmen testified of the need for Federal action to offset cutbacks in defense and space spending.

Clearly the vast enterprise and know-how of the industry should be extended for a solution of some of the Nation's critical domestic problems—water and air pollution, mass transportation, crime control, medical care. Such long-term diversification will in no way diminish the industry's contribution to our national defense or deflect its missions in space but will simply give here at home—in our cities and on our streets—the same quality of invention and technology that was invested in getting to the moon.

The aerospace industry is the product of Federal and private enterprise and the Government must move quickly to provide funds for essential conversion of the industry to down-to-earth needs. The salvation of the industry lies in such conversion.

Testimony elicited during my hearings led me to reverse my longstanding opposition to the SST program.

That reversal was based upon three things:

First, the jobs provided by it in an industry which is in dire straits.

Second, the fact that we were only considering the development of a prototype while scientists solve the environmental problems.

Third, the technological fallout which would be more valuable than the $290 million expenditure.

My concern for the people in this ailing industry, along with the testimony on the three preceding issues, persuaded me at that time that the program would be worthwhile.

I was mistaken.

I have had the opportunity since my return from California to study the Senate hearings and the Senate debate.

They show, as to the jobs created by the SST, that the figure of 150,000 is grossly misleading. That represents the employment estimate for full production in 1978–80, which is 50,000 tripled to allow an estimate for other jobs created by it. All estimates, I point out. The number of people now employed on the SST is 4,800, most of them employed by Boeing. A Boeing official said last week:

> Boeing and Seattle can walk away from the SST—there are only 4,800 jobs at Boeing involved anyhow.

The impression created during my hearings in California that production of a prototype would allow a resolution of the environmental problems is also contradicted by Senate testimony. There are three different types of environmental effects. Sonic boom, sideline noise, and pollution in the upper atmosphere. Senate testimony about using the prototype to do environmental testing demonstrated that you do not need the prototype to answer some of the problems and that it would not help to answer the others. The sonic boom may be studied with existing aircraft so you do not need the prototype for that. The sideline noise, which one witness said would be equivalent to 50 subsonic jets taking off simultaneously, can be simulated with existing engines, so you do not need the prototype for that. The stratospheric pollution is caused by water vapor interacting with the ozone which shields out the sun's ultraviolet rays, creating the danger of eliminating this shield effect. Flying four prototypes would not demonstrate the effect of a fleet of 500 flying four flights a day, so the prototypes would not help answer this criticism.

There is the additional factor that a $27 million, 3-year research program, is going to be conducted into noise and environmental research. The Senate action did not affect this program.

The technological fallout was commented upon by the ad hoc committee to investigate the SST created by President Nixon after he became President. It did a major review of the entire program and I quote a section from its report on technological fallout:

> While technological fallout will inevitably result from a complex, high technology program such as the SST development, the value of this benefit appears to be limited. We believe technological fallout to be of relatively minor importance in this program and therefore should not be considered either wholly or in part as a basis for justifying the program. In the SST program, fallout or technological advances should be considered as a bonus or additional benefit from a program which must depend upon other reasons for its continuation.

At first, I thought SST could be excused simply as a crutch to an ailing industry. But, after reading fully the record on the SST, I am convinced that it would be harmful to the industry as well as disastrous to our environment.

It would not provide the diversifications necessary for lasting job security. Initially it would provide some extra employment but not nearly the number

of jobs which would come if the industry were diversified and were handling a multiplicity of domestic as well as defense and space assignments.

The SST project, I fear, would delay the planning and the funding needed to begin conversion. It would put off the research and the retooling necessary to construct better communications for our police, speedier rapid transit, and the technology for keeping our air and water clean.

The SST would be tragic for the pollutants it would smear across our upper atmosphere and the noise it would impose over our countryside; and, as importantly, because it would divert the aerospace industry from the broader challenge of our domestic priorities.

Mr. LLOYD. Mr. Speaker, with full respect for those who view supersonic air transport as a permanent blot upon our environment, I have determined to vote in favor of continuing appropriations for developing a prototype SST because I believe the plus factors far outweigh the negative factors and that the negative factors can be substantially reduced if not eliminated altogether.

Fundamentally, we have had supersonic air transport for about 15 years, and the extension into domestic service is in my opinion inevitable. The suggestion in the other body that we can stop worldwide development by prohibiting the landing of supersonic airplanes in this country would make of us an island of isolation from which we would have a view of the air transport progress of the rest of the world. About the same as saying: "Stop the world, I want to get off."

The problems of lateral noise and unsatisfied evidence of the actual pollution of the upper air are troublesome and are problems which must be solved. By developing prototypes, we will have the means and the tools with which to attack these environmental problems, and I am confident that our scientific capability will enable us to solve these problems as similar problems of development and technical advance have been solved throughout the ages.

We are in a transition from a wartime to peacetime economy and that transition is causing unemployment. We are searching for responsible ways to increase civilian employment opportunities. This is one natural and logical road toward higher civilian employment in the aerospace industry.

I hope the other body will cooperate so that we can get on with the job of improving employment opportunity, continuing our leadership in aviation and the aerospace industry and developing the necessary research capability to prevent our technological advancement from having an adverse influence upon our environment.

Mr. MOORHEAD. Mr. Speaker, last summer the Joint Economic Committee, of which I am a member, studied the SST program in some depth. It is difficult to conceive of a project that has less justification than this one. The SST's costs will be gigantic. Development of the plane is totally at odds without national priorities. If built and flown, it will be a fantastically noisy contraption—both in the air and on the ground. New evidence strongly suggests that its vapor trails may destroy vital elements in the earth's upper atmosphere. SST development has been greeted unenthusiastically by the airlines, shunned by private industry and the financial world, and almost universally damned by a panel of President Nixon's closest advisers. The SST's potential benefits, such as they are, will accrue to less than one-half of 1 percent of our population.

In short, it is hard to disagree with the conclusion of the Council of Economic Advisers that the SST is a "white elephant" and that the Federal Government should discontinue its support of prototype development.

As that one thoughtful Republican economist, Milton Friedman, declared:

If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built.

The decisive 52 to 41 bipartisan victory in the other body displayed a rational sense of priorities in denying a $290 million handout to the ailing aerospace industry.

I strongly support the Yates motion to instruct the conferees to uphold the deletion of this inequitable and irresponsible use of Federal funds.

I include an editorial from the Pittsburgh Post-Gazette on this subject at this point:

SENATE REBUFF TO THE SST

The Senate has displayed a rational sense of priorities in denying a $290 million subsidy for the continued development of the supersonic transport. The decisive 52 to 41 vote was a bipartisan victory. Concern for the probably disastrous environmental effects of the controversial aircraft was undoubtedly the paramount factor in the Senate rejection of the SST program. Most encouraging of all was the responsiveness of legislators to the anxieties of scientists and citizens' groups less obsessed with a mythical world aviation leadership than with the deteriorating quality of life on earth.

It is possible to sympathize with the disappointment of SST advocates who believed that a copious transfusion of government funds would stimulate an ailing aerospace industry. But a preponderance of legislators rightly conclued that the general welfare outweighed the desirable objective of providing employment for hundreds of thousands of distressed aircraft workers.

Will the chimerical SST rise phoenix-like from the ashes of defeat? Some of its champions think so. Sen. Jacob Javits, New York Republican, who voted to delete funds for the supersonic transport, has indicated that he would be willing to support a reduced appropriation of $100 million for continued research and development of the SST. Opponents of the supersonic "boondoggle" fear that some such compromise may be considered in a forthcoming joint congressional conference on the bill.

The clear-cut margin by which the SST appropriation was rejected should be ample warranty, however, that a less ambitious substitute will not be foisted on a prematurely jubilant opposition. As tough-minded economist Milton Friedman has declared: "If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built." The U.S. Senate has wisely decided that a project which menaces the psychic well-being of the public should not be pursued at the public expense.

Mr. SHRIVER. Mr. Speaker, the action of the other body last week in deleting funding for the SST prototype program was most unfortunate. If that action is allowed to stand, it could deal a disastrous blow to U.S. leadership in civil aviation and result in greater unemployment in the already-distressed aerospace centers of our Nation.

We must remember that this is a research and development program. The United States already is lagging in research and development efforts in aeronautics. The SST program today represents our only advanced aeronautical research and development effort.

How else do you solve the problems of supersonic flight unless you pursue solutions through an active research program?

The Congress is on record as favoring development of a nonpollutant automobile engine, but we have not told Detroit to stop its research efforts and stop producing automobiles.

We all recognize the growing concern throughout the Nation about the quality of our environment. However, the actions we take should be based upon facts not emotions.

In regard to the SST program, we have been given every possible assurance that one of the objectives of this research and development program is to secure more information and greater understanding of the possible environmental effects.

The administration has requested $290 million to continue the SST program. On May 28, 1970, the House, in its wisdom, approved that appropriation. We already have invested nearly three-quarters of a billion dollars which will go down the drain with the U.S. SST program, if the Senate action is sustained.

There is nothing new or novel in providing Government financial assistance to the SST. Most commercial air transport advancements were based on some type of Government financing. The one thing different with the SST prototype is that the investment will be returned to the taxpayers with interest.

In recent months we have witnessed a sharp downtrend in employment in the aerospace industry. I am deeply concerned over an unemployment rate ranging between 9 and 11 percent in Wichita, Kans., where the Boeing Co. maintains a division. In Seattle, Wash., the unemployment rate stands at 12 percent.

The failure to move ahead with the SST prototype program will undoubtedly mean further layoffs. Over the long term it could eliminate 50,000 jobs during the production phase of the SST program. Mr. William M. Magruder, director of the SST program in the Department of Transportation, has estimated a loss of 28 percent of all jobs available at the end of 1979 if we do not have the U.S. SST program.

Mr. Speaker, this is the age of the supersonic transport. It is here regardless of the outcome of the American SST program. Since the short-sighted action taken by the other body last week, there has been growing optimism on the part of the British, French, and Russians over an increasing demand for the British-

French Concorde and the Russian TU–144.

The proven aviation leadership of the United States and the economic health of our Nation are at stake here. Without the U.S. product, airlines will buy and operate one of the foreign SST's at a great cost to our economy. With an American SST, we can strengthen our labor force, bolster the industry, and generate the revenues needed to help underwrite Government programs which are not self-supporting or income-producing.

I strongly urge that the House conferees on the Department of Transportation appropriations bill insist upon the House position in regard to the SST prototype program.

Mr. MIZELL. Mr. Speaker, I rise today to express my opposition to the proposed motion to instruct the House and Senate conferees to accept the decision of the Senate to discontinue development of the supersonic transport craft.

More than that, Mr. Speaker, I rise to reassert my belief that the United States should and must maintain its superiority in every field of endeavor, if we are to continue to enjoy the bounty which American technology has afforded all of us.

Throughout the history of aviation, from the Wright Brothers' first flight over Kitty Hawk, N.C., until the present day, the United States has played the leading role. Should we now abandon that role, and relegate ourselves to a less significant position? Clearly, the answer is "No."

Earlier American advances in aviation have brought with them substantial rewards for the entire American economy, in terms of jobs, national revenue, and international trade.

The supersonic transport is going to represent another major advance in the aerospace field. We must recognize that the SST is going to fly, and it is up to us to decide whether or not the SST will be built by Americans.

I believe the choice is clear. The SST should be American-made. We can build the safest and best supersonic transport of all the nations now competing in the field. We owe it to ourselves and to our international neighbors to provide a superior product. We cannot afford to relinquish our leadership in aviation.

The U.S. Government obligated $708 million through fiscal 1970 for the development of a supersonic transport. Under the authority of a continuing resolution, another $105 million has been obligated in the past 6 months, for a total of $813 million in Government funds spent on development of an American SST. Add another $59 million contributed by the Nation's airlines and $80 million put into the project by Boeing and General Electric, and there is a total of $953 million already invested in this project. That is too much money to just go down the drain.

It is inconceivable to me that we should allow that much money to be completely wasted by aborting this project when it is more than halfway completed.

I was not a Member of Congress when this issue was first raised. But I can see the progress that has been made since that time, and I can also see the great losses we will suffer if that progress is not continued.

If we decide to quit now, we will have wasted very nearly $1 billion which American taxpayers entrusted to our care. That is not very good stewardship, as I see it.

But the losses would not stop there. The Nation's airlines put $22 million in escrow in the U.S. Treasury years ago as part of their involvement in this effort. That money will have to be returned. They have invested another $59 million on risk so that research and development could proceed. Much of that money may have to be returned, as well. And an estimated $12 million for termination of contracts, settling liabilities, and paying administrative costs to shut down this multimillion-dollar operation will also be required.

Therefore, we must face a potential additional expense of almost $93 million if this project is aborted at this stage.

Private industry does not have the resources to continue this project alone. Great Britain, France, and the Soviet Union—our rivals in this endeavor—all provided substantial government subsidies toward production of SST models, or they would not be flying today. And they are flying.

There are a great many unsubstantiated rumors regarding the effects the SST will have on our environment. I share the concern of millions of citizens for the state of our environment, as my record will attest. And because of this concern, I am going to vote for a continuation of research on ways to insure that the SST will not be a detriment to the American environment.

Funds for such research are included in the $290 million appropriation being requested at this time for continuation of the project.

In casting my vote against this motion to kill the American SST, I am voting for American superiority and prestige, for more jobs, for a better balance of payments, for a better aircraft, and for development of environmental safeguards, and I urge my colleagues to vote with me to oppose this motion to terminate its development.

Mrs. MAY. Mr. Speaker, there are no compelling reasons to instruct the conferees to delete the funds for the SST prototypes. To the contrary, all of the reasons for not instructing the conferees are compelling. I can list them in short order:

First, the jobs. An estimated 150,000 American jobs in many parts of the country and for an estimated two decades are at stake.

Second, our balance-of-payments posture. If we drop this program we will have crippled our strenuous national efforts to restore a favorable balance-of-payments posture for perhaps the next 30 years.

Third, the predicted return to the Government through direct revenues and taxes of the more than $6 billion promised by the program. That will be lost.

Fourth, the loss of America's preeminence in aviation to Britain, France, and Russia. We have held this preeminence at great effort for 40 years.

And fifth, the environmental considerations. This could turn out to be the item at the top of the list. Let me quote the President of the United States, who clearly put this matter in perspective last Saturday, December 5. The President said, and I quote him:

> I am well aware of the many concerns that have been voiced about the possible effects Supersonic transports might have on the environment. I want to reassure the Congress that the two prototype aircraft will in no way affect the environment. As for possible later effects, we have an extensive research project under way to insure against damage. Further progress on the part of the U.S. in the SST field will give this country a much stronger voice with regard to any long range effects on the environment than if we permit other nations to take over the entire field. And this they will surely do if we retire from this project now. The SST is an airplane that will be built and flown. This issue is simply which nation will build them.

And so, there is every reason—compelling all—to approve the SST as this body has so wisely done before. There is no reason that can be justified not to approve the SST.

I recommend and urge the substantial defeat of the Yates amendment.

Mr. GUBSER. Mr. Speaker, when the Department of Transportation bill was before the House earlier this year, an amendment to delete $290 million for development of a supersonic transport was offered by the gentleman from Illinois (Mr. YATES). I voted to delete the $290 million on a teller vote and the Washington Evening Star reported that an ad hoc committee sitting in the gallery confirmed my vote on this matter.

I voted against the SST because I felt that there were too many unanswered questions about the effect of such an aircraft on the environment. I therefore felt we should not go ahead with full-scale development until these questions were properly answered.

My position was not one of opposing the SST in the future if it were determined that the environment would not be adversely affected. It was a position of waiting to be certain.

Today the situation is different from that which prevailed at the time the vote was taken earlier this year. The other body has deleted all funds for an SST. If the House instructs its conferees to accept the Senate position, the SST will be permanently dead for all practical purposes. If, on the other hand, the House conferees enter into a free conference without instructions, it would be logical to assume that a figure less than $290 million will be arrived at as a compromise. This will not be enough for full-scale development of the SST, but it will be enough to provide answers to environmental questions. To me, this is the intelligent position and the one which I shall follow.

There are three major questions about the SST which concern environmentalists. These are the sonic boom, the question of sideline noise, and the question of possible weather modification.

About an hour ago I called my good friend, Dr. Robert H. Cannon, Jr., Assistant Secretary for Systems Develop-

ment and Technology, Department of Transportation. I have known Dr. Cannon well for a number of years and believe implicitly in his integrity and scientific competence. He is an ardent conservationist and long-time Sierra hiker. He emphasizes that his principal job as Assistant Secretary is to find ways and means of minimizing the effect of modern transportation on our environment. He deals with vehicle emission, aircraft noise, and other environmental matters.

Dr. Cannon was formerly Chief Scientist for the U.S. Air Force and was a distinguished professor of aeronautics and astronautics at the Stanford University School of Engineering. He is recognized as an outstanding expert in his field.

In my conversation with Dr. Cannon, we thoroughly discussed the question of sonic boom, sideline noise, and weather modification.

Dr. Cannon frankly states that he sees no way to fly currently proposed SST's at supersonic speeds over land masses without an unacceptable sonic boom. For this reason, the Department of Transportation has already made the decision that SST's will not and may not fly at boom-producing speeds over the continental United States. The notice of proposed rulemaking has already been entered in the Federal Register and just a few days ago the other body passed a bill to prohibit supersonic flights over the continental United States which used precisely the same language as appeared in the Federal Register.

It is also my understanding that foreign governments have been advised that this proposed rule will apply to their aircraft as well as to our own.

Thus, it is obvious that sonic boom is already a moot question and should not influence our decision here today.

The question of noise is a bit more difficult. On approaches, the SST will actually be quieter than the 747, which in turn is quieter than the 707, 727, the DC–8 and other jets in common use today. This is because the SST will use what scientists call variable inlet geometry by which engine noise is directed back into the powerplant instead of emanating outwardly. Furthermore, the FAA noise rule prohibits any aircraft which will be noisier on approaches than the 747.

On takeoffs, the SST will be as quiet as the 747 because, at the standard measuring point, due to extra power, it can climb out at a faster rate.

The only remaining noise problem is that of "sideline" noise and I am informed that science already knows how to make an SST as quiet as a 747. This will mean a redesign of the SST engine, following testing of the original prototypes. Dr. Cannon assured me that an SST engine redesign can be carried out and that SST airport noise levels at or below those presently required of the 707 and the 747 will be assured before the SST program is allowed to proceed to the operational stage.

Thus, the question of "sideline" noise is one which can and will be controlled.

Lastly, there is the more difficult question of weather modification. Dr. Cannon admits with complete candor that he does not have the answers to this problem, nor does anyone else.

High-flying jets will discharge water vapor into the atmosphere and it is not known whether this vapor will disperse quickly or will accumulate and eventually create a cloud cover. Such a cloud cover could affect infra-red radiation from the earth and reflect it back to earth, causing our mean temperature to rise.

On the other hand, the cloud cover could block off ultraviolet rays from the sun and prevent them from reaching the earth, causing a permanent drop in temperature. Still another possibility is that there will be negligible effect upon climate.

In this respect, we have a clear-cut and unanswered environmental question. However, it should be pointed out that the Department of Transportation appropriation bill as voted by the Senate earmarks $4½ million for climatological assessment of whether or not high-flying supersonic transportation can present a danger of an important change in weather.

Dr. Cannon has described his plans for a 2-year test program which he will conduct as directed by the Senate amendment. He says:

> If the results are conclusively bad, the Department of Transportation will recommend that production of the SST not proceed.

Thus, Mr. Speaker, of the three environmental problems we have heard so much about, only one is questionable. Studies will be made of that question and the program will be canceled if the answer shows a possible detrimental effect on weather and the environment.

I repeat, Mr. Speaker, the present situation is not a question of full speed ahead on the SST. Progress will be less than the rate called for in the House bill. On the hand, it should not become a question of a dead stop for the program. Rather, we should defer a final decision on production until we have the answers from Dr. Cannon's investigation concerning weather modification. Until we have those answers and because of the great economic factors involved, we owe it to ourselves to keep this program alive. The House conferees should not be bound to an extreme position. Rather, they should be allowed to negotiate a position which is considerate of our environment and still preserves the chance for the United States to continue its dominance of the aerospace industry.

This situation is entirely different from the one we faced earlier this year and I shall therefore vote against instructing the conferees.

Mr. VAN DEERLIN. Mr. Speaker, I am convinced that development of the American SST and protection of the environment are not necessarily incompatible.

Since the potential rewards of going ahead with this aircraft seem to far outweigh the possible pitfalls, it would be most unwise to terminate Federal funding at this point, as voted by the other body. We should at least proceed with the construction and testing—under carefully controlled conditions—of the two prototype SST's before making any final decisions about the future of this aircraft.

The case for continuing the research and development phase of the SST project has been summed up well by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) and by the able gentleman from Massachusetts (Mr. BOLAND). They point out that our foreign competitors are nearly ready and certainly willing to fill any void created by our precipitate departure from the SST market.

Just a few months ago, the House voted to appropriate the full $290 million sought for the SST during fiscal 1971. A majority of Members evidently felt then, as they have for some years, that the program is at least worth a try. Nothing has happened since then to justify a reversal of this decision.

Mr. BROOMFIELD. Mr. Speaker, the SST has been debated for so long and scrutinized from so many angles that, in a very real sense, it has become an issue of historic and national consequence. A year or so ago the SST was just another plane—although a very large one indeed. But today the SST symbolizes a number of issues that have grabbed the minds of our people: pollution, economy, and the whole matter of priorities. The controversy over this plane has generated healthy debate throughout the Nation, requiring us here to examine a wide range of related problems and forcing us to make decisions which must certainly influence domestic policy for the rest of the decade. The SST controversy is a prototype of the national debate which lies before us. Our final resolution of this issue will be a prototype for decisions we will make in the years to come.

I strongly recommend that we reject the SST, that we move now to save our environment, restore our economy, and rework our entire system of priorities.

The argument against the supersonic transport are by now so familiar that I only sketch them out for you here.

The noise level of the SST could prove to be an overwhelming inconvenience for Americans near airports or under its flight pattern. Its sonic boom could shatter windows for miles around. It might seriously pollute our upper atmosphere, thereby changing the earth's climate around the world.

It has been argued that the construction of the SST would create jobs for workers in the aerospace industry, now so crippled by unemployment. The fact is that any billion-dollar Government project will provide a billion dollars worth of jobs. And there are many more projects of greater importance to a greater number of Americans that our Government could wisely begin.

If the pollution problem is solved, if the noise problem is worked out, if the SST can be built to operate on less fuel, then perhaps it would be a worthwhile undertaking for private industry. It would still be a bad investment for the Federal Government. There are too many Americans starving in ghettoes and too many cities wasted by air pollution for us to even consider spending a billion dollars on a plane that would be

just one more luxury for a tiny fragment of our population.

Mr. CLANCY. Mr. Speaker, I rise in opposition to the motion of the gentleman from Illinois (Mr. YATES) and hope that a motion to table will prevail.

It is my firm opinion that the SST prototype program is necessary to assure our Nation's ability to retain its position of leadership in the supersonic air age just ahead. The imperatives of a U.S. SST to sustain this leadership in the face of spirited competition from abroad are both technological and economic. To abandon the SST program would mean the crippling of our national efforts to restore a favorable balance of payments, the denial to the taxpayer of any chance of recouping the investments already made, and the abandonment of the predicted returns to the Government of direct revenue and taxes.

The halting of the SST program at this point would mean the destruction of a development effort well on the road to completion. It would mean a waste of nearly $700 million plus an additional $278 million in contract terminations. Therefore, the closing of this project would almost match the $290 million being sought at this time to continue the SST program.

As President Nixon recently pointed out, we are in a transition period from a wartime to a peacetime economy. Because of this factor, we are experiencing substantial unemployment in the aerospace industry. The abandonment of the SST program would mean the loss of at least 150,000 additional jobs in that and in other industries.

A supersonic transport will be flown. I firmly believe that the issue before us is whether passengers will ride on an American made product or one produced by a foreign nation. Let us insure the fact that it will be a U.S. SST.

Mr. WHALEN. Mr. Speaker, I would like to make an observation about the issue before the House today. I believe it also applies to what transpired in the other body in the vote to kill the American supersonic transport program.

The opponents of the SST here today, as was the case in the Senate, really are arguing the question of the SST, per se. This is not the issue.

The action taken by the Congress will have no effect whatever on the existence of the SST. The fact is that the SST already exists. Two currently are flying, a fact of which we are all aware. The basic issue today, then, is whether the United States should build an SST. A vote to terminate the American SST program will not eliminate the SST. Rather, it merely will have the effect of guaranteeing that there only will be two competitors instead of three.

One other observation I would like to make, Mr. Speaker, concerns the ecological considerations involved in the operation of SST's. I would like to point out to my colleagues that we have had supersonic aircraft flying in our skies since the 1950's. In addition to the various experimental aircraft that have been built, there have been the F–101, F–102, F–104, F–105, F–106, F–4, B–58, SR–71, F–8, F–111, XB–70, and others.

Supersonic flight is not new, by any means. And I have not seen any evidence to indicate that our environment or ecology has been affected to the magnitude that some have been suggesting here today.

Mr. RANDALL. Mr. Speaker, I intend to oppose the preferential motion to instruct the conferees to concur with the Senate's action to withhold appropriations for the SST. I shall support any parliamentary effort to table or defeat such a preferential motion.

The issues involved here are more complex than would seem at first look. It is not alone a question of whether we will lose 150,000 jobs. It is not a question of whether we should reorder our priorities and use the savings on water quality projects, air pollution, public housing, mass transit, urban renewal, and other urban objectives.

There are issues here which transcend the question of a slump in our economy, or even the cost of the project. In my opinion, there is a greater issue than national prestige, although that is involved. Deeper down there is the big issue as to whether or not our withdrawal from competition in the SST may be a signal to the world that we are willing to give up our leadership in air transportation which we have enjoyed for so many years. Perhaps an even greater danger to us is whether our withdrawal from competition will be interpreted as an indication to the world that we have lost our will to compete, not only in the area of the supersonic transport but that we have thus expressed a willingness to relinquish our leadership in other important matters. In my view that is what we should be most concerned about, as we vote to continue or withdraw from SST competition.

I am convinced that one day our people will be flying on a supersonic transport. I would suppose that even the opponents of our American SST would agree to that proposition. The facts are that the British and French are building the Concorde. It will fly. Then it will sell. It is not as good as our own prototype, which has a higher cost-benefit ratio. I think the gentleman from Michigan (Mr. GERALD R. FORD) put the issues most eloquently in perspective, when he said that if we quit the SST race now and relinquish leadership to the British and the French, our own aircraft industry will be anchored to the past.

The SST is not the child of the Nixon administration alone. The concept has been supported by former administrations. Three Congresses have supported the SST program to date.

Now, Mr. Speaker, we should all be rightfully concerned about the effect of the SST on the environment. But I question whether the opponents of the SST should go to such scare tactics as to make us all think we are still in the Halloween season. I refer to such scares produced by the argument that the SST will affect ultraviolet radiation by depleting the supply of ozone in the stratosphere. I refer to such suggestions that the SST would cause a layer of dust due to the engine exhaust products, so heavy as to cut off the sun and lower the temperature of the earth to such a point that it would create a new ice age. I refer to the argument that the SST would produce permanent clouds in the upper stratosphere, and then to the rather ridiculous charge that those who travel on the SST would be affected by such radiation levels as to impair their health or make travel on our SST's impossible.

Over in the other body an Assistant Secretary of Commerce, Dr. Myron Tribus, answered all of these questions quite conclusively. He stated affirmatively that the ultraviolet radiation would be barely detectable and that the same was true of exhaust products of the SST in comparison with other manmade sources of air pollution. He went on to say that if the SST were to cause clouds in the stratosphere, computer calculations could be made in sufficient time to guide the future development of the SST in relation to this problem. As to the problem of radiation danger to crews and passengers, Dr. Tribus pointed out that the danger would not be greater and perhaps even less than that experienced on today's subsonic flights, because of the reduced exposure time with an SST traveling at 1,800 miles per hour as compared to 600 miles per hour for today's subsonic aircraft.

On the matter of pollution, I was most impressed by the testimony which was presented to the Appropriations Committee of the other body, which set out the total pounds of pollutants emitted by certain vehicles per 1,000 pounds of fuel consumed. Remember, we are talking about pounds of pollutants for every 1,000 pounds of fuel consumed. Here are the facts: The subsonic jets put out 6.5 pounds of pollutants, while it is estimated the SST will produce only 6.9 pounds of pollutants. The old piston aircraft produced 168 pounds of pollutants per 1,000 pounds of fuel used. The real culprit as far as pollution is concerned is the automobile, which grinds out 262 pounds of pollutants per 1,000 pounds of fuel consumed.

Those who base their objections to U.S. development of the SST by suggesting the frightening things that might happen in the area of environmental consequences, are showing they are not willing to listen to MIT studies and also the findings of several Government agencies. It is this kind of pessimist who would have tried to stop the work of the Wright brothers. It is such kind of critic who in 1809 would have joined in branding the steamship "Fulton's Folly." Is is such people who fought development of jet transportation.

All up and down the corridors of history there have been those who have opposed change, or what we prefer today to call progress. It happened when Christopher Columbus wanted to set sail on his trip to discover America. Sometimes they are called doubters, just as one of the disciples doubted the crucifixion of our Lord. There have been doubters aplenty all through history. I suppose our forebears would never have ridden in a chariot, which first made use of the principle of the wheel, unless those with faith outnumbered and overruled the doubters.

We must not be doubters or lose faith that our American technological superiority can and will build a supersonic transport that will overcome the twin problems of noise and air pollution.

One of the most potent arguments to support the proposition that the United States should build the SST, so far as the evils of noise and pollution are concerned, is that if we build our own SST we know that we as a country will continue to be determined to seek solutions until we find the answer to noise and pollution. If we quit and drop out of competition, and the Russians, British, and French proceed on, we have no assurance at all that they will have any concern about the pollution of world air. We have no guarantee that they will be concerned about either noise on the ground, or pollution in the air. As a matter of international law they can continue on to do as they please.

The strongest rebuttal to the pollution problem is that foreign governments have never yet shown any measure of concern about air pollution, whereas our country has demonstrated its concern. If we build an SST we can control its pollution, but if we are at the mercy of foreign makes of SST's we may have some very serious and dangerous pollution problems because in the past they have demonstrated a rather complete lack of concern for air pollution.

As Senator HENRY JACKSON put it:

"When we talk about banning SST in America, we ignore the planetary aspects of SST's flying everywhere except in the most progressive country in the world."

Following the action last week in the other body in cutting off funds for the SST, I am told by one who just returned that there was dancing in the streets of Toulouse, France, and Bristol, England. SUD Aviation and British Aircraft Corp. were delighted to see America drop out of the competitive race to build the SST.

While it is hearsay, word comes from a mutual friend who conversed with one of our astronauts on his return from Soviet Russia. Our astronaut was much impressed with their TU-144 or Tupolev SST. He said he was convinced that Russia was very close to the successful completion of a prototype that would be operational in the near future.

Most of us who will support the SST have also supported efforts by the Congress to improve our environment. But who can forget the continual complaint in a city in Pennsylvania about odors of an industry there? This last week the plant that produced the odors closed. There will be no odors now—neither will there be any jobs in that town.

We must continue the fight against the pollution of our environment. We can and we will. But we must also have industry and jobs to pay the taxes to fight pollution. Harvey Ardman in the American Legion magazine for December 1970 says that the case for the supersonic transport is purely economic. It is not just 150,000 jobs lost now, but the future of the aerospace industry in the decade or two decades ahead. The economic meaning of the big ships can affect indirectly as many as 4 million Americans and the health of our total economy. That is the case for the SST.

The SPEAKER. All time has expired. The Chair wants to have it understood that chronologically all time has expired.

MOTION TO TABLE OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. BOLAND moves to lay on the table the motion offered by the gentleman from Illinois (Mr. YATES).

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

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

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

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 213, nays 175, answered "present" 1, not voting 45, as follows:

[Roll No. 389]

YEAS—213

Abernethy	Fascell	Martin
Adair	Feighan	Mathias
Adams	Fisher	May
Albert	Flood	Meeds
Anderson, Calif.	Flynt	Michel
	Foley	Miller, Calif.
Anderson, Ill.	Ford, Gerald R.	Miller, Ohio
Annunzio	Foreman	Mills
Arends	Fountain	Mize
Ashbrook	Frey	Mizell
Ayres	Friedel	Mollohan
Beall, Md.	Fulton, Pa.	Montgomery
Belcher	Fulton, Tenn.	Morton
Bell, Calif.	Garmatz	Murphy, Ill.
Berry	Giaimo	Murphy, N.Y.
Betts	Goldwater	Natcher
Blackburn	Gonzalez	Nelsen
Blanton	Goodling	Nichols
Boggs	Griffin	O'Neal, Ga.
Boland	Gubser	Passman
Bow	Hagan	Patman
Bray	Haley	Pelly
Brinkley	Hall	Pepper
Brock	Hammer-schmidt	Perkins
Brooks		Philbin
Brown, Ohio	Hanley	Pickle
Broyhill, Va.	Hansen, Wash.	Pike
Buchanan	Harsha	Pirnie
Burleson, Tex.	Hastings	Poage
Burton, Utah	Hawkins	Price, Ill.
Cabell	Hays	Price, Tex.
Camp	Hébert	Quillen
Carter	Henderson	Randall
Casey	Hicks	Rarick
Cederberg	Holifield	Reid, Ill.
Chamberlain	Hosmer	Roberts
Chappell	Hull	Rogers, Colo.
Clancy	Jarman	Rooney, N.Y.
Clark	Johnson, Calif.	Rousselot
Clausen, Don H.	Johnson, Pa.	Ruth
	Jonas	Sandman
Clawson, Del	Jones, Ala.	Satterfield
Colmer	Jones, N.C.	Schadeberg
Corbett	Kazen	Scherle
Corman	Keith	Schmitz
Cowger	Kleppe	Scott
Cramer	Kluczynski	Sebelius
Crane	Kuykendall	Shipley
Cunningham	Landgrebe	Shriver
Daniel, Va.	Landrum	Sikes
Daniels, N.J.	Lennon	Sisk
de la Garza	Lloyd	Skubitz
Delaney	Long, La.	Slack
Denney	Lukens	Smith, Calif.
Derwinski	McClory	Smith, N.Y.
Devine	McClure	Snyder
Dickinson	McCulloch	Springer
Dorn	McDade	Staggers
Downing	McEwen	Steed
Edmondson	McFall	Stratton
Edwards, Ala.	McMillan	Stubblefield
Erlenborn	Mahon	Stuckey
Eshleman	Mailliard	Taft
Evins, Tenn.	Mann	Teague, Calif.
Fallon	Marsh	Teague, Tex.
Thompson, Ga.	Whalen	Wilson, Charles H.
Ullman	Whalley	
Van Deerlin	White	Winn
Vigorito	Whitehurst	Wright
Wampler	Whitten	Wyatt
Ware	Williams	Wyman
Watson	Wilson, Bob	Young
Watts		

NAYS—175

Addabbo	Fish	Mosher
Alexander	Flowers	Nedzi
Anderson, Tenn.	Ford, William D.	Nix
		Obey
Andrews, Ala.	Forsythe	O'Hara
Andrews, N. Dak.	Fraser	Olsen
	Frelinghuysen	O'Neill, Mass.
Ashley	Fuqua	Ottinger
Barrett	Galifianakis	Patten
Bennett	Gallagher	Podell
Bevill	Gaydos	Pryor, Ark.
Biaggi	Gibbons	Pucinski
Biester	Gilbert	Quie
Bingham	Green, Oreg.	Railsback
Blatnik	Green, Pa.	Rees
Brademas	Griffiths	Reid, N.Y.
Brasco	Gross	Reuss
Broomfield	Gude	Rhodes
Brotzman	Hamilton	Riegle
Brown, Calif.	Harrington	Robison
Brown, Mich.	Hathaway	Rodino
Broyhill, N.C.	Hechler, W. Va.	Roe
Burke, Fla.	Heckler, Mass.	Rogers, Fla.
Burke, Mass.	Helstoski	Rooney, Pa.
Burlison, Mo.	Hogan	Rosenthal
Burton, Calif.	Horton	Rostenkowski
Bush	Howard	Roth
Byrne, Pa.	Hungate	Roybal
Byrnes, Wis.	Hunt	Ruppe
Caffery	Hutchinson	Ryan
Carey	Ichord	St Germain
Carney	Jacobs	Saylor
Celler	Jones, Tenn.	Scheuer
Chisholm	Kastenmeier	Schneebeli
Clay	Koch	Schwengel
Cleveland	Kyl	Stafford
Cohelan	Kyros	Stanton
Collins, Ill.	Langen	Steele
Conable	Latta	Steiger, Ariz.
Conte	Leggett	Steiger, Wis.
Conyers	Long, Md.	Stokes
Coughlin	Lowenstein	Sullivan
Culver	Lujan	Symington
Davis, Ga.	McCarthy	Taylor
Davis, Wis.	McCloskey	Thompson, N.J.
Dellenback	McDonald, Mich.	Thomson, Wis.
Dennis		Tiernan
Diggs	Macdonald, Mass.	Tunney
Dingell		Udall
Donohue	Madden	Vander Jagt
Dulski	Matsunaga	Vanik
Duncan	Mayne	Widnall
Dwyer	Melcher	Wold
Eckhardt	Mikva	Wolff
Edwards, Calif.	Minish	Wylie
Eilberg	Mink	Yates
Esch	Monagan	Yatron
Evans, Colo.	Moorhead	Zablocki
Farbstein	Morgan	Zion
Findley	Morse	Zwach

ANSWERED "PRESENT"—1

Minshall

NOT VOTING—45

Abbitt	Hanna	Powell
Aspinall	Hansen, Idaho	Preyer, N.C.
Baring	Harvey	Purcell
Bolling	Karth	Reifel
Button	Kee	Rivers
Collier	King	Roudebush
Collins, Tex.	McKneally	Smith, Iowa
Daddario	MacGregor	Stephens
Dent	Meskill	Talcott
Dowdy	Moss	Waggonner
Edwards, La.	Myers	Waldie
Gettys	O'Konski	Welcker
Gray	Pettis	Wiggins
Grover	Poff	Wydler
Halpern	Pollock	

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gettys for, with Mr. Dent against.
Mr. Gray for, with Mr. Moss against.
Mr. Rivers for, with Mr. Waldie against.
Mr. Dowdy for, with Mr. Halpern against.
Mr. Kee for, with Mr. King against.
Mr. Daddario for, with Mr. Myers against.
Mr. Waggonner for, with Mr. Karth against.
Mr. Grover for, with Mr. Preyer of North Carolina against.

Mr. Wydler for, with Mr. Hanna against.
Mr. Meskill for, with Mr. Powell against.
Mr. Hansen of Idaho for, with Mr. Reifel against.

Until further notice:

Mr. Abbitt with Mr. Collins of Texas.
Mr. Purcell with Mr. Weicker.
Mr. Aspinall with Mr. Talcott.
Mr. Baring with Mr. Collier.
Mr. Smith of Iowa with Mr. Pettis.
Mr. Stephens with Mr. Poff.
Mr. Harvey with Mr. Pollock.
Mr. Roudebush with Mr. McKneally.
Mr. Wiggins with Mr. O'Konski.

Messrs. HOLIFIELD, PHILBIN, and GOODLING changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. BOLAND, MCFALL, YATES, STEED, MAHON, CONTE, MINSHALL, EDWARDS of Alabama, and BOW.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous material on the matter just concluded.

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

There was no objection.

RELEASING CONDITIONS IN DEED WITH RESPECT TO LAND HERETOFORE CONVEYED BY THE UNITED STATES TO SALT LAKE CITY CORP.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Surplus Property Act of 1944, as amended (50 U.S.C. 1622(h), the terms and conditions in the instrument of transfer issued by the United States on November 15, 1961, to the Salt Lake City Corporation, providing for a reversion of title to the United States under specified circumstances, are hereby waived, for the limited purpose of permitting the repair and lighting of a large concrete "U" (an emblem of the University of Utah) situated on a tract of approximately 3.73 acres in section 33, township 1 north, range 1 east, Salt Lake meridian, Utah.

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

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2162, POISON PREVENTION PACKAGING ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, MURPHY of New York, KEITH, and THOMPSON of Georgia.

CONFERENCE REPORT ON S. 2108, FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report of the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Representatives of December 3, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, I do not propose to take much time on the conference report on the family planning legislation (S. 2108) because the conference report is in almost every respect the legislation which was passed by the House about 3 weeks ago, on November 16 to be exact.

Under the conference report, first, none of the funds appropriated could be used in programs where abortion is a method of family planning; and, second, all of the services and informational materials under the legislation would be available on a voluntary basis.

The House bill authorized $267 million over a 3-year period. The Senate bill authorized the appropriation of $991.25 million over a 5-year period. The programs covered in the two bills were the same, but for the provision in the Senate bill for the construction and operation of population research centers. These were not provided for in the House version; they are not in the conference report.

The conference report provides for a 3-year program, as in the House bill, with an overall authorization of $387 million. The increase—over the House authorizations—is for project grants for family planning services and for research. The administration tells me that these increases are badly needed. They still do not provide the amount estimated to be needed in these areas.

Mr. Speaker, this is a good conference report and I trust the House will pass it.

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

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

Mr. GROSS. Mr. Speaker, I would ask the gentleman from West Virginia does the gentleman state that all amendments adopted in the conference report are germane to the bill?

Mr. STAGGERS. Yes; they are.

Mr. Speaker, I think the conferees did a very good job. It is a very good bill, and I recommend the adoption of the conference report on this bill.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. SPRINGER. Mr. Speaker, I think I should point out here that at the conference the Senate adopted the House bill with the exception of one matter, one major matter.

The House bill called for $267 million. The Senate bill called for $991 million. We settled for $387 million or roughly $600 million below the Senate bill and $120 million above the House bill.

The administration is well satisfied with the conference report.

Mr. Speaker, I recommend the adoption of the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SISK). The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3418, TRAINING OF FAMILY PHYSICIANS

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of December 3, 1970.)

Mr. STAGGERS (during the reading of the statement). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. STAGGERS) is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, the conference report before the House today is essentially the bill as was passed by the House December 3, and provides a 3-year program for the training of family physicians at medical schools and at teaching hospitals.

As passed by the House, the bill would have authorized a total of $225 million over a 3-year period for this program. The Senate authorized a 5-year program at a total of $425 million, but in conference the Senate accepted the House figures.

In conference we agreed to a modification of the provision in the House bill authorizing the use, out of appropriated funds under the general authorization, of up to $5 million a year for planning programs at schools and hospitals. The conference agreement authorizes $8 million to be used each year for planning and developmental grants.

Title II of the Senate bill authorized the establishment of a substantial research and training program in the fields of nutrition and problems related to malnutrition, at an authorization of $32 million for the fiscal year 1971, and a like amount for each of the next 4 fiscal years, totaling $160 million.

The House conferees felt that we needed to hold hearings before agreeing to a program as far reaching as this one, but agreed to a $5 million authorization for a study to be conducted by the Secretary of Health, Education, and Welfare in conjunction with medical schools and other health professions schools of the feasibility and desirability of establishing courses at those schools dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in this area.

Mr. Speaker, the conference agreement was signed by all the House Members, and we recommend its adoption by the House.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. The Senate bill was for 5 years and with an authorization of $425 million; the House-passed bill was for 3 years at $225 million. The conference wound up with $225 million and a 3-year program. Is that what happened?

Mr. STAGGERS. That is the program passed on the House floor, and we retained it in conference.

Mr. GROSS. Unlike the conference report previously adopted, the figure approved by the House was not substantially increased in this case, is that correct?

Mr. STAGGERS. That is true. There was a reason for that, as the gentleman from Illinois (Mr. SPRINGER) told the House a few moments ago. The administration had requested more money for the program in the other bill and said that it was needed. We have inserted a statement to that effect in the RECORD. The Senate said that even that amount was not enough. But we cut it down. Usually the Senate moves these amounts up. We compromised. We cut $600 million out of their bill on family planning, or more than that. We believe we have come up with a good bill. We think this is a good bill.

Mr. GROSS. If the gentleman will yield further, it is usually no great achievement to cut the asking price of the other body because it invariably loads in higher expenditures. Then the figure of $225 million for 3 years was contained in the House-passed bill?

Mr. STAGGERS. That is correct.

Mr. GROSS. Are there any nongermane amendments in the report?

Mr. STAGGERS. No. I might add that the bill that passed the other body had in it $160 million for courses in nutrition. That program was adopted by our side, except we cut the amount from $160 million to $5 million, for research into the need for such courses.

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

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

Mr. SPRINGER. Every time we have had a medical bill or a bill relating to doctors on the floor of the House in the past few years any number of Members have asked, "What is being done in the field of family practice?" This is the doctor that you go to in the neighborhood, the one that you want to talk to or you want to get some relief from.

The great difficulty that we have had in the last 15 years in this committee in the whole field of developing medical training is that doctors graduating from medical school ultimately become doctors who specialize and, in the second place, when they become specialists, they stay in the cities and do not get out into the rural areas.

In order to correct this situation we simply had to have some kind of program to promote family practice. There is no hope of getting these doctors in the rural areas—and I am also talking about the ghetto areas and the poor areas—unless we develop more doctors in the family practice field.

Therefore, this bill would provide grants to medical schools for the purpose of setting up separate departments in this field. We have been working on this program and doing everything we can with it, wrestling, trying to figure some way to encourage more doctors to practice away from the city and affluent areas, with the hope of getting them into the areas where more doctors are needed, and there is a great shortage. That is the principal purpose of the bill, so that everyone understands what it is all about.

The gentleman from Iowa has raised the question of money. I do not think we shall have done the job any cheaper by doing it in 3 years rather than in 5 years. However, we have retained the practice which our committee adopted some 15 years ago when Mr. HARRIS was chairman of the committee. At that time we decided that we would take no program beyond 3 years in order that we might take a look at the program at the end of the 3 years and determine whether or not it was making progress. This is the real reason we have never yielded to the Senate beyond 3 years.

The bill is only $5 million different from the Senate bill.

However, the Senator from New York, Mr. JAVITS, had $160 million in for the particular item which we raised by only $5 million. Whether or not we can say we saved $155 million, I do not know. At least, there is only $5 million above the House bill, but I think the gentleman from Iowa has made the point, that we have not done it any cheaper under this plan. We have merely put in a 3-year program.

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

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

Mr. HUNT. Mr. Speaker, I am curious about several points and about one in particular. We have spoken for some time and discussed this matter for some time about how to get general practitioners into the rural areas. Does the gentleman from Illinois have any thought on why we permit students to pursue a premed course through college for 4 years, and then unless they achieve a straight-A rating, they cannot get into the medical school?

Our contention is this, that the straight-A students who come through there will go to the medical school and either become a specialist in the medical school or will want to teach. I am wondering why we cannot have some relaxing of this rule whereby, I am told, only one out of seven is selected, and why we cannot have some schools that will concentrate on general practitioners who have a B or C rating in college.

Mr. SPRINGER. May I say to the gentleman from New Jersey, there is no way I know whereby we in the Congress can legislate and tell a State university, in either New Jersey or Illinois, what students it shall or shall not admit. I have differed with my own University of Illinois Law School, because that is almost exactly 100 percent what is happening there. They are taking the students with the highest grades and saying this is the test. They have so many more applicants than they can take, they say this is the only way they can do it and be fair—just to take the students with the highest averages.

That is not true in the undergraduate colleges. The gentleman, I am sure, knows there is a great deal of emphasis on taking those who seem to have the best incentive in life and who are most in need of college. But this is not true only of the medical schools, and in this the medical schools are not the only ones who are guilty.

Mr. HUNT. That may be true, but at the same time, I know some very fine physicians who have graduated from college with a plus-C or minus-B rating who are doing a very fine job. I can name five in my own hometown.

Mr. SPRINGER. I never would have become a lawyer if that had been the test for becoming a lawyer. But I cannot criticize the universities for the standards they use in admitting students, and I do not believe this committee ought to be engaged in telling the medical universities what students to admit or under what conditions the students may be admitted. I do not believe that is our prerogative.

What we are trying to do in this bill is to produce more general practitioners. There is one reason why we have not been able to get them into these rural areas. The specialists in a field simply will not go into an area where the demand is very small. A general practitioner can go into any area and make quite a living. I have a couple who came into my own congressional district this year and got into communities of less than 3,000, but they are in counties of 15,000 or 18,000, and they are serving the entire counties. Their income is going to be as great this year as those in some of the larger cities, in Champaign or Decatur or other large cities, simply because the demand for the doctor is so great in the little rural communities that he is kept so busy he will have earnings equal to many in the larger cities.

Again, those two were not specialists but were general practitioners.

We are trying to increase with this bill the number of general practitioners. They can practice almost any place and make almost as much as the specialists in the larger cities. That is the real purpose of this bill.

Mr. HUNT. I agree with my colleague, the gentleman from Illinois. I agree that we cannot dictate to the colleges or to the medical schools as to which students they shall or shall not admit. But by the same token, we are appropriating money for schools or colleges who steadfastly refuse to admit anyone except the A students. I think this is a wrong approach. I think there ought to be some medium here. We have ofttimes written legislation on this floor that simply says other people ought to be given an equal chance. All we ask is that they be permitted to go into the medical school, and if they flunk out, that is it.

They are being precluded, and are being discriminated against.

Mr. SPRINGER. May I say to my distinguished colleague, he has said something worth saying on the floor of the House. I have been trying to encourage the medical schools to take a different attitude with reference to this problem. With all of these "A" students we are skimming the cream of the crop, which is good, but at the same time we ought to give the other fellow some incentive to go out.

May I say to the gentleman, there are not enough slots to be filled. Last year we had in the neighborhood of 2,500 students from the United States studying in foreign medical schools. We have been engaged in a program in this country every year, in the neighborhood of some 600 to 800. There are some in my own district who are studying in foreign countries, all because they were not able to get into the University of Illinois or the University of Chicago or St. Louis University or some other medical school in that area.

We are trying to increase the number of slots available for students to go to medical schools.

With the rising population, our bill of 1968 guaranteed that in 1972 we would have the same number of doctors per thousand. That does not mean anything if the doctors are all cluttered in a few areas and have not been scattered over the countryside. Even though there may be the same number of doctors per thousand, in the city of Chicago there may be one for every 500 or 600 people, whereas in Mendota, Ill., there may be one for every 1,200 or 1,600 people.

The problem will still remain, unless we can get more emphasis on the family practitioner. This program is placing emphasis on the family practitioner. Then we will have some hope of getting them out to the places where they are needed.

I have answered the gentleman the best I can.

Mr. HUNT. I am in thorough agreement, and I believe the gentleman is on the right track, when he says there are not enough slots to accomplish what I should like to see done. The gentleman says we have 2,500 students in foreign medical schools. How many foreign students do we have in American medical schools?

Mr. SPRINGER. Actually it is a small number. I am talking about a comparison. It would be a fraction of 1 percent.

Mr. HUNT. I do not know; I will take the gentleman's word for that.

Mr. SPRINGER. Actually, at the State university today it would be almost impossible for them to take a foreign student. The demand in the State is so great that the criticism in the State legislature would be too great to take any foreign student, unless he came under some kind of a managed program the Federal Government said was absolutely necessary. In the medical schools I have run through there are almost no foreign students.

Mr. HUNT. Apparently the State of New Jersey is by itself, because we do have them in the State schools.

Mr. SPRINGER. May I say to my distinguished colleague, in addition to this we have a great many foreign doctors coming to the United States to practice, and they are most welcome so long as they can pass the boards, and most of them can. They come from all over the world, because the opportunity to practice is so great and the demand is so great.

From Britain and Canada last year, though I do not have the figures, a rather substantial number came from both countries.

A few years ago I was at the hospital of the University of Cambridge. As I walked around the hospital I would guess there were well over half the doctors who were Indians or Pakistanis.

Mr. HUNT. That is very true, and the answer is quite evident, in that they have socialized medicine there and the income for the doctors in this country is much more lucrative. That is what draws them here.

I see no reason why we should not enlarge the slots in our schools to have our own students go to medical school, whether they are "B" or "C" students, to give them an opportunity to become doctors and make a living here.

Mr. SPRINGER. May I say to my distinguished colleague, we are now in the process of installing 16 new medical schools. They are not all finished. That will be a very substantial increase in the number of doctors.

We are fairly sure we are going to finance this far beyond 1972, which is the last year under the present program.

That is our only hope.

May I say also that the Illinois Medical Society itself came forward with a new program, which they have not sold yet to the University of Illinois but which they are desperately trying to do to all in our area, to cut the medical school term from 4 years to 2 years, and to put 2 years of the medical school back at the undergraduate school. That would double the number of doctors coming out. Every 2 years it would double the number. Now, in 10 years that makes a substantial number if you had 400 who were doctors in the last 2 years instead of 400 in 4 years. That is one thing we will have to come to ultimately. The deans of the medical schools I have talked to are very insistent on this. I think we are making true progress in this field. I think this is the most hope we have for increasing the number of doctors and the only hope we have for seeing our way to doing this in the immediate future.

In talking to the State schools I have talked to they said that they can take this and absorb this for the first 2 years in the undergraduate schools in the field of science. So in this way you can increase the number of slots and double them for the last 2 years.

That is my best explanation of it.

Mr. HUNT. I thank the gentleman for his explanation. I do hope that perhaps in the foreseeable future there will be some alleviation of this problem where you have to be an out-and-out brain and where you have to become a cardiologist and not a general practitioner. I do not see any reason why a straight-A student should have any better bedroom or bedside manners as a physician than a grade A student or a student with a B average or a C-plus student. They may have the same qualities.

I am hopeful and I will be insistent on the fact that somewhere along the line, if we are going to provide money for the program, we will have someone who will say that there will be other people who will have a chance to go to college besides those who are so very fortunate.

Mr. SPRINGER. I will be happy to report to the medical schools what the gentleman has said. I am sure he is not the only one who has said this, and I know they will be interested.

Mr. GROSS. Will the gentleman yield to me?

Mr. SPRINGER. Of course. I yield to the gentleman.

Mr. GROSS. Is there any compulsion in this legislation on the so-called family physician to remain a family physician or family doctor?

Mr. SPRINGER. No; I do not think we could ever compel a man to remain one, but he would have no specialized training except this. He could not be a surgeon or something else.

Mr. GROSS. But he might transfer his services and go from the rural community to the city. That would defeat the purposes of the legislation, it seems to me.

Mr. SPRINGER. May I say to the gentleman, we do not say in this bill where he has to practice, but what we do is increase the available supply. Through this we will get them in the areas where they can be used the most, we believe. We have not been successful up to this date because so many have become specialists. A general practitioner, as I say, would have no more interest in practicing in Chicago than in the gentleman's district, and it might be a lot more pleasant to practice in the Third District of Iowa. However, the fact that he becomes a brain surgeon or a great neurologist does not mean that he will go to a small community to practice, but a general practitioner practices any place.

Mr. GROSS. I would hope some of these general practitioners would come to the Third District of Iowa, but after all is said and done, there is not the slightest obligation, as far as I can ascertain, in this legislation either by way of penalizing them in any way or through any other form of compulsion to say that they must serve the communities where they are needed the most.

Mr. SPRINGER. No; I must disagree with my distinguished colleague. I do not believe we will want to come to the point where someone can tell me that I have to go out and practice law in a community that I do not want to live in. However, if it is made attractive enough by virtue of what you are doing and there is not any great distinction in the amount of money that you will make in one place over another, then I think there would be an inclination, or at least there would be on my part if I were a doctor, to practice in a smaller community. I think perhaps it would be more pleasant in the smaller community than it would be in Chicago or New York. I think it would be wrong for us to say, though, to them that you must practice in one certain place. I do not think we have ever done that.

Mr. GROSS. I do not mean in one certain place but to follow the line of general practitioners.

Mr. SPRINGER. Well, he will do that because that is what he is primarily trained for.

Mr. GROSS. But it can be in the cities that he will practice.

Mr. SPRINGER. That is true.

Mr. GROSS. And not out in the country.

Mr. SPRINGER. That is true. We will not tell him where he must practice, but by making them general practitioners we will be sure that this is the kind of person who can make a living in any kind of a community.

Mr. GROSS. Is this financial assistance in the form of loans?

Mr. SPRINGER. There are loans; yes.

Mr. GROSS. In what way is it disbursed—through the medical colleges? Are the colleges themselves subsidized, or is the money paid out to the individual?

Mr. SPRINGER. The money is paid out for the formation of a department.

Mr. GROSS. Of a department?

Mr. SPRINGER. A department.

Mr. CARTER. Mr. Speaker, will the distinguished chairman of the committee yield to me at this point?

Mr. STAGGERS. I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, in response to the last question of the distinguished gentleman from Iowa it is our opinion that after approximately 3 years of residency and training in the medical field that these young people will be trained to be general practitioners and we hope that that will lead them toward the ghetto areas and the rural areas.

This is the first time such a program as this has been instituted. I think it is a very good one.

Certainly, Mr. Speaker, I urge the adoption of the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 10634, STATE TAX WITHHOLDING OF INTERSTATE EMPLOYEES

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 3, 1970.)

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there were four principal subjects before us in this conference: First, multiple tax liability; second, multiple withholding; third, filing of information returns; and fourth, coverage of transportation employees.

First. The House version did not deal with the question of tax liability in any manner since this was a question which had been acted on in a broader bill by the Committee on the Judiciary and passed by the House—it is still pending in the Senate. The Senate would have provided that interstate employees could be liable for taxes in no more than two States—State of residence and a State where the employee earns more than 50 percent of his compensation. The House managers prevailed on this point and this was the major subject at issue.

Second, as to withholding, the House provided that only the State of an employee's residence could require withholding. The Senate provided that the State in which an employee earns more than 50 percent of his compensation could require withholding; or, if he did not earn more than 50 percent in any one State, his State of residence could. The Senate version was adopted.

Third, as to the filing of information returns, the House provided that only the State of an employee's residence could require the filing of information. The Senate provided that both the State of residence and a State where an employee earns more than 50 percent of his income could require the filing of information returns. We adopted the Senate version.

Fourth, as to particular transportation employees, the House bill did not specifically cover employees of water carriers such as barge operators operating under exemptions. The Senate version did. The House did cover employees of fishing vessels, the Senate version did not. The conference report covers both classes of employees.

I believe that this conference report is highly satisfactory and even improves the legislation and urge that it be adopted.

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

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

Mr. GROSS. Mr. Speaker, approximately a year ago a Member of the other body slipped a nongermane amendment on a bill that provided he could employ an alien on his committee. That is one of the reasons why I am going to ascertain in the future whether all amendments to conference reports are germane.

Mr. STAGGERS. I can assure the gentleman from Iowa that the amendments are all germane to the bill.

Mr. GROSS. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, I think the gentleman from West Virginia has explained the bill. It is a very simple bill, and I recommend the adoption of the conference report.

Mr. SCHWENGEL. Mr. Speaker, I rise in opposition to approval of the conference report on H.R. 10634, which as originally conceived was a bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence.

This bill as passed by the House on September 14, 1970, was designed to remedy a situation which had been creating hardships for both employees and

employers involved in interstate transportation. The problem had arisen in recent years because States and local governments, in their constant search for additional sources of revenue, had begun to withhold income taxes from wages of nonresidents who in their employment passed through the State.

H.R. 10634 as passed by the House related solely to withholding and reporting problems. The House passed version would prohibit State and local governments from withholding for other than the State or local subdivision of residence of employees on wages from railroads, motor carriers and other interstate carriers. It would also relieve interstate carriers from any duty to file information returns for tax purposes on the wages and salaries of these employees except in the State or local subdivision of such employee's residence. The House passed bill would not impair the general taxing authority of State and local governments nor would it relieve employees of their liability to pay taxes properly due.

As amended by the Senate and approved in conference the bill goes considerably beyond the withholding and reporting aspects of the House version. As approved in conference, the bill would provide that: First, compensation of interstate employees would be taxable only in the employee's State or subdivision of residence and/or in the State or subdivision in which more than 50 percent of the compensation is earned; second, employers would be required to withhold on compensation paid to such employees only for the State or subdivision in which more than 50 percent of the compensation is earned, except that if the employee did not earn more than 50 percent of his compensation in any one State or subdivision during the preceding taxable year, the employer would be required to withhold only for the subdivision of residence of the employee; and third, employers would be required to file information returns on employees only to the State or subdivision of residence of the employee and to the State for which withholding was required under the 50 percent rule.

The conference agreement encompasses such substantive changes that I do not think the House can merely rubberstamp its approval in these waning days of the 91st Congress without more deliberation. This agreement opens up a whole new can of worms. It involves a major change in Federal State tax jurisdiction relationships. It addresses itself to the problem of multiple State tax liability and places certain limitations on State and local jurisdictions in imposing taxes on certain nonresidents working with the State—a prerogative which had previously been left to the State.

The conference report reduces the present problem as far as employees are concerned, but it does not eliminate it. I know from the experience of the employees who reside in my State of Iowa and work at the Rock Island Arsenal in Illinois what difficulty they have in obtaining from Illinois the certification necessary to satisfy the income tax requirements of Iowa. To me it is far preferable to retain the provision of the House passed bill—that withholding be limited to the State or subdivision in which the employee resides.

The conference agreement would reduce some of the current administrative problems involved in withholding and reporting confronted by interstate employers, but much complex recordkeeping is still required on their part. This is necessary in order to determine what amount of compensation is earned in any State or subdivision. For railroad and motor carrier operators the amount of compensation attributable to a particular State or subdivision is based upon mileage traveled. For railroad maintenance or local terminal operators, and operators for air transport and water carriers, time is the basis used. These employers would have no reason to maintain these records for their own purposes. There will be further administrative problems for these employers with regard to new or transferred employees or in cases of employees with shifting assignments. These problems would be eliminated if the House provision to withhold and report only in the resident State or locality of the employee were retained.

I urge my colleagues to reject this conference report and insist that this legislation as passed by the House be restored.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be allowed to sit during general debate this afternoon.

The SPEAKER pro tempore (Mr. SISK). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PLANT VARIETY PROTECTION ACT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1290 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1290

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII, and against section 31 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1290 provides an open rule with 1 hour of general debate for consideration of S. 3070, The Plant Variety Protection Act. All points of order are waived against the bill for failure to comply with the Ramseyer rule, clause 3, rule XIII, and against section 31 of the bill because of appropriations in a legislative bill.

The purpose of S. 3070 is to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest.

Certificates of plant variety protection would be issued to assure developers of novel varieties of sexually reproduced plants exclusive rights to sell reproduce, import, or export such varieties, or use them in the production of hybrids or different varieties, for a period of 17 years. A plant variety protection office would be established in the Department of Agriculture to administer the law.

Protection is presently limited, under patent law, to those varieties of plants which reproduce by such methods as grafting or budding. No protection is available to those varieties of plants which reproduce sexually—generally by seeds. Thus, patent protection is not available with respect to new varieties of agricultural crops such as cotton or soybeans.

The Secretary would establish reasonable fees to be collected to cover substantially all costs of administration; provide for their deposit in a revolving fund which would be available for administration of the act; and provide for a $50 filing fee pending establishment of fees by the Secretary.

Mr. Speaker, I urge the adoption of the rule.

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

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

Mr. HALL. Mr. Speaker, it is all well and good to say that the Committee on Rules decided in its wisdom to waive all points of order because of the Ramseyer rule, and because it is an appropriation on a legislative bill, but I wonder if the gentleman could develop for the Members who have their rights taken away by such a waiver as individually elected Representatives of the House of the Con-

gress, the reasoning and the background for why there should be such waivers.

Mr. YOUNG. Mr. Speaker, I would say to the gentleman from Missouri that the distinguished chairman of the Committee on Agriculture is here, but the request by the Committee on Agriculture was for a waiver for the simple reasons stated in the resolution, and in the statement that it does not comply with the Ramseyer rule.

If the gentleman wants to ask the gentleman why his committee did not comply, he may do so.

Mr. HALL. Mr. Speaker, if the gentleman will yield further—

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

Mr. HALL. I understand and often agree to not repeating all of the Ramseyer requirements in every piece of legislation that comes to the floor of the House. I find no fault with that when the Committee on Rules states it forthrightly and we need to solve, plus expedite our business. But for a long time we have made book on whether it was the Committee on Rules, whether it was the asking committee, or, indeed, whether in some instances, the Parliamentarian; that we have waived other points of order, and thus obviating the rights of individuals. And to simply get up and say that under a certain section of the bill that you make in order by this rule, points of order must be waived because it is an appropriation on a bill that otherwise has to do with authorizing only by a legislative committee is certainly not adequate in my book to make me support this.

I would like to know why this right is taken away.

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

Mr. YOUNG. I yield to the gentleman.

Mr. LATTA. Mr. Speaker, if the gentleman from Missouri will take a look at page 9, line 23, he will find the other reason why the Committee on Rules took this action.

The language of the bill reads: "The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable fees for services performed under this Act. The fees authorized by this section shall be established to substantially cover the costs of administration of this Act."

That is setting up this fund that they can reuse the funds year after year without appropriations—and that is the second reason that the Rules Committee took the action that they did.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. YOUNG. I yield to the gentleman.

Mr. HALL. Yes, I understand that it establishes some income which we hope may or may not be self-supporting and gives the Secretary open-handed authority now and forevermore without reporting back through the appropriation process or any other of the common consitutional devices and prerogatives of the Congress, to go ahead with this.

If the Committee on Rules continues to waive points of order on such a basis, I do not know why we just do not become a "rubber-stamp" body. I oppose such rules.

Mr. LATTA. Mr. Speaker, will the gentleman yield further.

Mr. YOUNG. I yield to the gentleman.

Mr. LATTA. Let me say that this is not unique under these circumstances, and I do not think we are establishing a precedent here.

Mr. HALL. No, because we have done the same thing with section 32 funds, and on almost any bill that comes through here we are willing to "waive points of order" instead of debating them and letting the committee work its will, whether it is in the Committee of the Whole House on the State of the Union or whether it is the whole House. Oftentimes we hear that under a tax bill and other means of obtaining revenue we do not dare to open up the tax bills or the Liberty Loan bond issue would be revised and amended.

I just wonder when we are going to stop and if members of the Committee on Rules cannot explain that more adequately. The rule should be voted down.

I thank the gentleman for yielding.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I think the main thrust of this legislation has been needed for several years for some protection setting up this department or within the Department of Agriculture a plant variety protection office. And this office is empowered to issue certificates of plant variety protection.

Mr. Speaker, as I pointed out earlier in the colloquy with the gentleman from Missouri, there is a new fund being created by this bill in which these fees will be deposited for use and reuse by the department without appropriation, or the Appropriations Committee.

As I mentioned, this is not unique. If the gentleman has a better system for doing this, I am certain at the time that this bill comes out, he can move to strike and insert his bit of wisdom.

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

Mr. LATTA. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Why is not the rule conformed to in this case?

Mr. LATTA. Let me say to the gentleman who is as great an advocate as I am when it comes to saving the taxpayers' money that we hear a lot about that these days, and it will cost a little bit more money to print this whole act in this bill and to reproduce it in the CONGRESSIONAL RECORD.

I observed the other day that there has been a tremendous jump in the cost of printing the CONGRESSIONAL RECORD, and that is because all printing costs have gone up. I am sure the gentleman wants to save the taxpayers' money. This is one of the instances in which we thought we could do so, and I am sure the gentleman will concur with me that we should waive the Ramseyer act in order to save the money.

Mr. GROSS. If the gentleman will yield, I do not know about that. We ought to abolish the rule if we are not going to use the rule. The gentleman says that this is not unique. No, it is not unique because we scarcely get a rule that does not waive points of order in one way or another. It seems to me we are resorting to the comfortable way of life.

Mr. LATTA. It might not be too comfortable, but it does save some money to waive the Ramseyer rule. I think this is an appropriate case in which it could be waived, and the members of the Rules Committee believe it should be waived.

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

Mr. YOUNG. Mr. Speaker, I have no further requests for time. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

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

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 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 332, nays 27, not voting 75, as follows:

[Roll No. 390]

YEAS—332

Abernethy	Cederberg	Frelinghuysen
Adams	Chamberlain	Frey
Addabbo	Chappell	Friedel
Albert	Clancy	Fulton, Pa.
Alexander	Clark	Fulton, Tenn.
Anderson, Calif.	Clausen, Don H.	Fuqua
Anderson, Ill.	Clawson, Del	Galifianakis
Andrews, Ala.	Cleveland	Gallagher
Andrews, N. Dak.	Cohelan	Garmatz
Annunzio	Collins, Ill.	Gettys
Arends	Colmer	Giaimo
Ashley	Conable	Gibbons
Ayres	Conte	Gilbert
Barrett	Conyers	Goldwater
Beall, Md.	Corbett	Gonzalez
Belcher	Corman	Goodling
Bell, Calif.	Coughlin	Green, Oreg.
Bennett	Cowger	Green, Pa.
Berry	Crane	Griffin
Betts	Culver	Griffiths
Bevill	Cunningham	Gubser
Biaggi	Daniel, Va.	Gude
Biester	Daniels, N.J.	Hagan
Blackburn	Davis, Ga.	Haley
Blanton	Davis, Wis.	Hamilton
Blatnik	de la Garza	Hammer-schmidt
Boggs	Delaney	Hanley
Boland	Dellenback	Hansen, Wash.
Bow	Derwinski	Harrington
Brademas	Devine	Harsha
Brasco	Donohue	Hastings
Bray	Dorn	Hathaway
Brinkley	Downing	Hays
Brock	Dulski	Hébert
Brooks	Duncan	Helstoski
Broomfield	Dwyer	Henderson
Brotzman	Eckhardt	Hicks
Brown, Mich.	Edmondson	Hogan
Brown, Ohio	Edwards, Ala.	Holifield
Broyhill, N.C.	Edwards, Calif.	Horton
Broyhill, Va.	Eilberg	Howard
Buchanan	Erlenborn	Hull
Burke, Fla.	Esch	Hungate
Burke, Mass.	Eshleman	Hunt
Burleson, Tex.	Evans, Colo.	Hutchinson
Burlison, Mo.	Farbstein	Ichord
Burton, Calif.	Fascell	Jarman
Burton, Utah	Feighan	Johnson, Calif.
Bush	Findley	Johnson, Pa.
Byrne, Pa.	Fish	Jones, Ala.
Byrnes, Wis.	Fisher	Jones, N.C.
Cabell	Flood	Jones, Tenn.
Caffery	Flowers	Kazen
Camp	Flynt	Keith
Carey	Foley	Kleppe
Carney	Ford, Gerald R.	Kuykendall
Carter	Forsythe	Kyl
Casey	Fountain	Kyros
	Fraser	Landgrebe

Landrum	O'Neill, Mass.	Skubitz
Latta	Passman	Smith, Calif.
Leggett	Pepper	Smith, Iowa
Lennon	Perkins	Smith, N.Y.
Lloyd	Pettis	Springer
Long, Md.	Philbin	Stafford
Lujan	Pickle	Staggers
Lukens	Pike	Stanton
McCarthy	Pirnie	Steed
McClory	Poage	Steele
McClure	Podell	Steiger, Ariz.
McDade	Pollock	Steiger, Wis.
McDonald, Mich.	Price, Ill.	Stratton
	Price, Tex.	Stubblefield
McFall	Pryor, Ark.	Sullivan
McMillan	Pucinski	Symington
Macdonald, Mass.	Quie	Taft
	Quillen	Talcott
MacGregor	Railsback	Taylor
Madden	Randall	Teague, Calif.
Mahon	Rarick	Thompson, N.J.
Mailliard	Rees	Thomson, Wis.
Mann	Reid, Ill.	Tiernan
Marsh	Reid, N.Y.	Tunney
Martin	Reuss	Udall
Mathias	Rhodes	Ullman
Matsunaga	Riegle	Van Deerlin
May	Roberts	Vander Jagt
Mayne	Robison	Vanik
Meeds	Roe	Vigorito
Melcher	Rogers, Colo.	Wampler
Michel	Rogers, Fla.	Ware
Mikva	Rooney, N.Y.	Watson
Miller, Calif.	Rooney, Pa.	Watts
Miller, Ohio	Rostenkowski	Whalen
Mills	Roth	Whalley
Minish	Roybal	White
Mizell	Ruppe	Whitehurst
Mollohan	Ruth	Whitten
Monagan	St Germain	Widnall
Montgomery	Sandman	Williams
Moorhead	Satterfield	Wilson, Bob
Morgan	Schadeberg	Wilson, Charles H.
Morse	Scherle	
Mosher	Scheuer	Winn
Natcher	Schneebeli	Wolff
Nedzi	Schwengel	Wyatt
Nelsen	Scott	Wylie
Nichols	Sebelius	Wyman
Nix	Shipley	Yatron
O'Hara	Shriver	Young
Olsen	Sikes	Zablocki
O'Neal, Ga.	Sisk	Zwach

NAYS—27

Ashbrook	Jacobs	Patten
Bingham	Jonas	Pelly
Brown, Calif.	Kastenmeier	Rosenthal
Dickinson	Koch	Rousselot
Gross	Lowenstein	Ryan
Hall	Mink	Schmitz
Hawkins	Mize	Snyder
Hechler, W. Va.	Obey	Thompson, Ga.
Hosmer	Patman	Yates

NOT VOTING—75

Abbitt	Foreman	O'Konski
Adair	Gaydos	Ottinger
Anderson, Tenn.	Gray	Poff
	Grover	Powell
Aspinall	Halpern	Preyer, N.C.
Baring	Hanna	Purcell
Bolling	Hansen, Idaho	Reifel
Button	Harvey	Rivers
Celler	Heckler, Mass.	Rodino
Chisholm	Karth	Roudebush
Clay	Kee	Saylor
Collier	King	Slack
Collins, Tex.	Kluczynski	Stephens
Cramer	Langen	Stokes
Daddario	Long, La.	Stuckey
Denney	McCloskey	Teague, Tex.
Dennis	McCulloch	Waggonner
Dent	McEwen	Waldie
Diggs	McKneally	Weicker
Dingell	Meskill	Wiggins
Dowdy	Minshall	Wold
Edwards, La.	Morton	Wright
Evins, Tenn.	Moss	Wydler
Fallon	Murphy, Ill.	Zion
Ford, William D.	Murphy, N.Y.	
	Myers	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Waggonner with Mr. Adair.
Mr. Dent with Mr. Saylor.
Mr. Gettys with Mr. Collier.
Mr. Moss with Mr. Wiggins.
Mr. Gray with Mr. Myers.
Mr. Kee with Mr. Button.
Mr. Waldie with Mr. Weicker.
Mr. Karth with Mr. Minshall.
Mr. Preyer of North Carolina with Mr. O'Konski.
Mr. Daddario with Mr. Meskill.
Mr. Abbitt with Mr. Dennis.
Mr. Purcell with Mr. McEwen.
Mr. Baring with Mr. Collins.
Mr. Long of Louisiana with Mr. McCulloch.
Mr. Stephens with Mr. Poff.
Mr. Aspinall with Mr. Harvey.
Mr. Celler with Mr. Grover.
Mr. Hanna with Mr. Clay.
Mr. Edwards of Louisiana with Mr. Cramer.
Mr. Evins of Tennessee with Mr. McCloskey.
Mr. Slack with Mr. Langen.
Mr. Stokes with Mr. Fallon.
Mr. Rivers with Mr. King.
Mr. Rodino with Mr. Hastings.
Mr. Murphy of New York with Mr. Wydler.
Mr. Teague of Texas with Mr. Morton.
Mr. Wright with Mr. Reifel.
Mr. Dowdy with Mr. Denney.
Mr. Anderson of Tennessee with Mr. Zion.
Mr. Kluczynski with Mr. Roudebush.
Mr. Dingell with Mrs. Chisholm.
Mr. Stuckey with Mr. Foreman.
Mr. Murphy of Illinois with Mr. Hansen of Idaho.
Mr. William D. Ford with Mr. Powell.
Mr. Ottinger with Mr. Diggs.
Mr. Biaggi with Mr. McKneally.
Mr. Halpern with Mr. Wold.

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

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE ON SCIENCE AND ASTRONAUTICS

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

WASHINGTON, D.C.,
December 8, 1970.

HON. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am tendering my resignation as a member of the House Committee on Science and Astronautics.

I am apprising Chairman Miller of this action so that you and he may make the appropriate arrangements.

I wish to take this opportunity to wish you the very best in retirement. I have greatly appreciated your kindness and consideration to me since I came to Congress.

Warmest regards,
Sincerely,

BERTRAM L. PODELL.

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

There was no objection.

PLANT VARIETY PROTECTION ACT

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 3070, with Mr. CAREY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. POAGE) will be recognized for 1 hour and the gentleman from North Dakota (Mr. KLEPPE) will be recognized for 1 hour. The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this is a bill which has been considered for a long time and it has become of special importance this year because of the tremendous blight we have seen affecting our corn crop. We know that the evil effects of that blight can to a large degree be alleviated by plant breeding. We know that is costly. We know it is particularly costly if you have to do it in a hurry, and we know that it is important to get seed that will resist that blight promptly.

It is the belief of those who support this legislation that by giving protection to those who develop varieties which in this case would be resistant, more productive, or more desirable varieties, giving protection to the producer of such a variety that he might sell that variety to the public for a period of time without someone else taking the benefit of his work and his expenditures, is in the public interest. I am convinced that it is in the public interest; our committee is convinced it would be beneficial to the whole country to give this kind of protection. I recognize that there are those who feel that the whole idea of a patent and a copyright program is unsound, and we ought never give anybody any protection for the development of their ideas.

But practically all of the nations of the world have taken a contrary view and have felt it to be in the public interest to develop desirable machinery and methods and statutes to give that kind of protection. That is what this bill does. It gives that kind of protection to those persons who produce plants from seed. We have laws at the present time authorizing a tax on asexually developed plants; that is, those produced by grafting or budding or the use of the tissue of the plant. But for plants produced from seed, there has been no such protection.

This will place the protection machinery in the Department of Agriculture under a form similar to patent papers, but which will be handled by the Department of Agriculture, because it involves plant seeds over which the Department of Agriculture has a special interest.

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

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

Mr. FINDLEY. Mr. Chairman, I thank the gentleman for yielding, and I compliment him for bringing this bill to the floor.

Mr. Chairman, it is my understanding seed companies are definitely in favor of

this, and I have heard very little criticism on it. The only criticism I have heard is that it will impose higher costs on the farmer. Does the chairman of the committee have anything to comment on that?

Mr. POAGE. I do not think there is any doubt that it will mean if somebody produces a seed that gives better results than anybody else's seed, and if he is the only one who can sell that seed, then he will get more for it. That is the only reason he will develop the seed.

Our patent laws all enable the man who patents the invention to get more for it. I think there is no question about that. But this will not increase the cost of anything the farmer now has. The farmer will have everything he has today without any increase in cost.

This enables the farmer and us to get some research done in a hurry. At least, we hope for that. We hope to get special research done in a hurry, because it will give the costs back to those who spend their time and money in developing new plant species.

This is the only way we know to get people to invest their time and money. It is expensive to develop such seeds. So in the long run we believe there will be beneficial results for the producers and farmers. That is the reason the Agriculture Committee is basically interested in this. That is what basically this bill does.

It seems to me since we have just taken a vote on the rule, and the vote has been overwhelming, it would be a mistake to take the rest of the afternoon on this and to interfere with the ceremonies which are anticipated a little later on this evening, so I reserve the balance of my time.

Mr. KLEPPE. Mr. Chairman, I think the chairman of our committee has explained this bill very well. I rise in support of it.

Mr. Chairman, I would add that we held rather extensive hearings on this legislation. Any controversies that originated have been very well taken care of in this legislation.

I would add one further comment on the question of the gentleman from Illinois (Mr. FINDLEY). It was never the intent of this legislation in any way, shape, or form, to stifle competition which would result from a farmer developing a particular breed of plant. This was not the intent of the legislation, and I do not think we want to do that. The protection we are talking about is very definitely along the lines of or similar to what we have under the patent law. This is a good piece of legislation.

Mr. Chairman, I rise in support of the bill, S. 3070, a measure which will encourage the development of novel varieties of sexually reproduced plants, make them available to the public, provide protection for breeders and promote progress in agriculture.

When this measure becomes law a plant variety protection office will be established within the Department of Agriculture. Its function will be to issue certificates of plant variety protection to developers of new varieties. Among the benefits which will enure to agricultural America and the consuming public are:

First. It will greatly stimulate private plant breeding;

Second. It will allow our Government agricultural experiment stations to increase their efforts on needed basic research;

Third. It would permit public expenditures for applied plant breeding to be deviated to important areas which industry may not pursue;

Fourth. It will give farmers and gardeners more choice, and varieties which are better in yield or in quality, and so forth;

Fifth. It will make American agricultural products more competitive in world markets; and

Sixth. Consumers and other purchasers of crops will benefit: in some instances by improved quality, in others by aiding the production needed to serve them.

As a member of the subcommittee which conducted hearings on this measure I am convinced that the new law will definitely stimulate plant breeding. Experience in England provides a good case history. Prior to the enactment of its Plant Varieties and Seeds Act of 1964, little plant breeding was done in England by private companies, and not much was done by government agencies. Since the new law came into effect, there has been a great upsurge of plant breeding, and a once moribund seed industry is now showing signs of great new vitality.

The availability of legal protection for plant varieties will allow our Government experiment stations to concentrate more of their efforts on greatly needed basic research. Plant breeding is becoming an ever more sophisticated science. If the United States is to continue to keep pace with developments elsewhere, our scientific institutions must constantly search out the new genetic techniques and properties which can be incorporated into the overall American plant breeding effort. Private seedsmen cannot afford to do this kind of research. The public institutions are well equipped for such investigations.

The availability of protection for plant breeders should increase the benefits from public expenditures where they continue to be used for applied plant breeding. Many public institutions today spend sizable sums of money on the development of finished plant varieties. Once released, these experiment station varieties are made available to all. Advertising and marketing such varieties is often not attractive. Within a short time, many of those which are marketed disappear from the market because those who handle them learn they cannot make the kind of return on their investment needed to allow them to continually handle such varieties.

Finally, and most importantly, legal protection for plant varieties should make U.S. agricultural products more competitive in world markets. Higher crop yields help reduce per unit costs of the finished product, be it meat, milk, food, or fiber. Clear examples of this may be seen by noting the dramatic increase in yields of just two crops—corn and sorghum—which, as a result of their adaptation to hybridization, have been the object of keen competition among private plant breeders of this country.

For all of the above reasons I urge my colleagues to support S. 3070, a measure which will benefit all America.

Mr. Chairman, I reserve the balance of my time.

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

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

Mr. MAYNE. Mr. Chairman, I thank the gentleman from North Dakota for yielding.

Mr. Chairman, I speak in support of this bill, which is very much needed and salutary legislation.

Mr. Chairman, the bill under consideration, S. 3070, would extend the same legal protection to plant scientists as has been enjoyed by research workers in other fields for decades through our patent laws.

Those plants which reproduce asexually such as by budding and grafting have been covered by patent law since 1930. There is no justification for not extending the same coverage to sexually reproduced plants.

Plant breeding is becoming an ever more sophisticated science. This legislation is a must if the United States is to keep pace with the rest of the world in the area of botanical research and development. The protection available through this legislation will definitely stimulate plant research.

This bill has already passed the Senate without serious opposition. I urge my colleagues to join me in support of this proposal.

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

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

Mr. KASTENMEIER. Mr. Chairman, I represent an agricultural district too, and I am concerned about the cost of this to the farmer, and ultimately, of course, to the consumer. It seems strange that we have gone all the way through our history up to 1970 without the need to resort to this sort of protection for some special interests.

As a matter of fact, plants have been developed over the years, have they not—the winter wheats and things we grow in the Dakotas—and without such recourse to protective laws, but rather through development, and much of it public development through the State universities and the Department of Agriculture? This will result, will it not, in a sort of hiding of development, as is often the case in the patent development protection?

Mr. KLEPPE. I will say to the gentleman, we believe it would not. The gentleman probably knows that asexually produced plants already have the type of protection that this legislation provides for sexually produced plants.

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

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

Mr. POAGE. The answer is quite clear. There is no way in the world for a seed producer to profit by his development if he hides it, because what he has to do is to make the development public and sell it on as wide a basis as he can. That is the only way in the world this bill can help him.

I believe, rather than encouraging anybody to hide his development or discovery, on the other hand it very definitely encourages the use of that development as widely as possible.

Mr. KASTENMEIER. On that point I refer to the hiding of the development of the process. An invention in process is often concealed by the inventor. Presently in our public institutions and otherwise information with respect to the development of plants is commonly shared, and there is none of the concealment or hiding which would be implicit in an economic motive under this sort of legislation.

Mr. POAGE. Mr. Chairman, will the gentleman further?

Mr. KLEPPE. I yield further.

Mr. POAGE. Again it seems clear to me that under the present system, of course, our public agencies all interchange information. They would do exactly the same thing under the terms of this bill, because none of the public research agencies, the experiment stations, would have any reason for doing other than what they are doing now. They would not be restricting the use of their seeds.

With respect to the big seed houses today, nobody knows what the big seed houses are doing because they have to hide everything. It is the only assurance in the world they have that somebody else will not reap all the rewards of their investment. We are trying to get this out from under the barrel and put it out in the light where the public can see what they are doing, where they will have some protection as to what they are doing.

Mr. KLEPPE. If I may make one comment, there is nothing in this bill, as I understand it, that would not be productive from the standpoint of public institutions or individuals.

What we are talking about basically, and what the gentleman is referring to, involves money and involves cost to the consumers. The whole intent of this is to protect the spirit of competition so that we can develop better products and better plants so that the consumer will have a better product of whatever it is to be produced. Whether it comes from a public institution or an individual, I do not see that this legislation would not offer the very best kind of protection necessary to insure that development.

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

Mr. KLEPPE. I am glad to yield further.

Mr. KASTENMEIER. I would only say, in commenting, I can imagine that the seed houses would like this protection. The consumer in the ultimate—and the farmer in the first instance, the user of seeds—is going to be penalized. For that reason, Mr. Speaker, I am going to oppose the bill.

Mr. KLEPPE. May I ask the gentleman from Wisconsin, when he indicates that the farmer would be penalized, specifically how he figures that?

Mr. KASTENMEIER. The gentleman knows that the patent system is a costly system not only bureaucratically here in the Department of Agriculture but also in terms of obtaining a patent today.

This involves the whole invention process. I trust it will not cost as much in the Department of Agriculture as it does in the Patent Office. I should know about that, because I am chairman of the Patent Subcommittee of the Committee on the Judiciary. It is a very expensive process, I assure the gentleman.

I think as a result of it it has caused an increase in cost. We think in terms of invention that it has served the purpose in our Nation's history to reward the inventor. However, I think in the field of agriculture, where we have gone so many years, all of the years of our Republic up to the present time, without this particular protection, it would be very costly now to invoke it.

I urge the Members to consider the implications of an act such as we are considering today.

Mr. KLEPPE. I respect the gentleman's position, but I think on the other side of the coin where we would be if we did not allow some protection to these individuals that would make a substantial investment to improve our plant varieties and thereby ultimately to benefit the consumer. I think this is the real plus of this situation.

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

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

Mr. HUNGATE. Mr. Chairman, I commend the committee on the work they have done in this field. I have had constituents who have been interested in this matter over a period of 5 or 6 years. I know this is a difficult problem. I believe it will be constructive and helpful, though. I agree with the gentleman from Wisconsin that there are many things we have not had in our Republic up to now. Among them are Federal aid to education, SST's, ABM's, minimum wages, and open housing. I think we need to look at the farmer's situation and try to give him a fair shake along with the rest of the population.

I thank the gentleman for yielding and again commend him on the fine work he has done.

Mr. KLEPPE. I thank the gentleman for his comment.

Mr. Chairman, I reserve the balance of my time.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

Mr. KLEPPE. I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read.

The Clerk read as follows:

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

INDEX

Chapter 1.—ORGANIZATION AND PUBLICATIONS

Section 1. Establishment.

There is hereby established in the Department of Agriculture a bureau to be known as the Plant Variety Protection Office, which shall have the functions set forth in this Act.

Sec. 2. Seal.

The Plant Variety Protection Office shall have a seal with which documents and certificates evidencing plant variety protection shall be authenticated.

Sec. 3. Organization.

The organization of the Plant Variety Protection Office shall, except as provided herein, be determined by the Secretary of Agriculture (hereinafter called the Secretary). The office shall devote itself substantially exclusively to the administration of this Act.

Sec. 4. Restrictions on Employees as to Interest in Plant Variety Protection.

Employees of the Plant Variety Protection Office shall be ineligible during the periods of their employment, to apply for plant variety protection and to acquire directly or indirectly, except by inheritance or bequest, any right or interest in any matters before that office. This section shall not apply to members of the Plant Variety Protection Board who are not otherwise employees of the Plant Variety Protection Office.

Sec. 5. Bond of Employees.

Such employees as the Secretary designates, before entering upon their duties, shall severally give bond, with sureties, in sums prescribed by the Secretary, conditioned for the faithful discharge of their respective duties and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

Sec. 6. Regulations.

The Secretary may establish regulations, not inconsistent with law, for the conduct of proceedings in the Plant Variety Protection Office after consultations with the Plant Variety Production Board.

Sec. 7. Plant Variety Protection Board.

(a) APPOINTMENT.—The Secretary shall appoint a Plant Variety Protection Board. The Board shall consist of individuals who are experts in various areas of varietal development covered by this Act. Membership of the Board shall include farmer representation and shall be drawn approximately equally from the private or seed industry sector and from the sector of government or the public. The Secretary or his designee shall act as chairman of the Board without voting rights except in the case of ties.

(b) FUNCTIONS OF BOARD.—The functions of the Plant Variety Protection Board shall include:

(1) Advising the Secretary concerning the adoption of Rules and Regulations to facilitate the proper administration of this Act;

(2) Making advisory decisions on all appeals from the examiner. The Board shall determine whether to act as a full Board or by panels it selects; and whether to review advisory decisions made by a panel. For service on such appeals, the Board may select as temporary members, experts in the area to which the particular appeal relates; and

(3) Advising the Secretary on all questions under section 44.

(c) COMPENSATION OF BOARD.—The members of the Plant Variety Protection Board shall serve without compensation except for standard government reimbursable expenses.

Sec. 8. Library.

The Secretary shall maintain a library of scientific and other works and periodicals, both foreign and domestic, in the Plant Variety Protection Office to aid the officers in the discharge of their duties.

Sec. 9. Register of Protected Plant Varieties.

The Secretary shall maintain a register of published specifications of United States protected plant varieties and a file of such

other scientific and technical information as may be necessary or practicable.

Sec. 10. Publications.

(a) The Secretary may publish, or cause to be published, in such format as he shall determine to be suitable, the following:

(1) The specifications for plant variety protection including drawings and photographs.

(2) The Official Journal of the Plant Variety Protection Office, including annual indices.

(3) Pamphlet copies of the plant variety protection laws and rules of practice and circulars or other publications relating to the business of the Office.

(b) The Plant Variety Protection Office may print the heading of the drawings or photographs for protected plant varieties for the purpose of photolithography and may provide suitable copy for any lithography to appear on the same page.

(c) The Secretary may (1) establish public facilities for the searching of plant variety protection records and materials, and (2) from time to time, as through an information service, disseminate to the public those portions of the technological and other public information available to or within the Plant Variety Protection Office to encourage innovation and promote the progress of the useful arts.

(d) The Secretary may exchange any of the publications specified for publications desirable for the use of the Plant Variety Protection Office. The Secretary may exchange copies of specifications, drawings, and photographs of United States protected plant varieties for copies of specifications, drawings, and photographs of applications and protected plant varieties of foreign countries.

Sec. 11. Copies for Public Libraries.

The Secretary may supply printed copies of specifications, drawings, and photographs of protected plant varieties to public libraries in the United States which shall maintain such copies for the use of the public.

Chapter 2.—LEGAL PROVISIONS AS TO THE PLANT VARIETY PROTECTION OFFICE

Sec. 21. Day for Taking Action Falling on Saturday, Sunday, or Holiday.

When the day, or the last day, for taking any action or paying any fee in the United States Plant Variety Protection Office falls on Saturday, Sunday, a holiday within the District of Columbia, or on any other day the Plant Variety Protection Office is closed for the receipt of papers, the action may be taken or the fee paid, on the next succeeding business day.

Sec. 22. Form of Papers Filed.

The Secretary may by regulations prescribe the form of papers to be filed in the Plant Variety Protection Office.

Sec. 23. Testimony in Plant Variety Protection Office Cases.

The Secretary may establish regulations for taking affidavits, depositions, and other evidence required in cases before the Plant Variety Protection Office. Any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where he resides, may take such affidavits and depositions, and swear the witnesses. If any person acts as a hearing officer by authority of the Secretary, he shall have like power.

Sec. 24. Subpenas, Witnesses.

(a) The clerk of any United States court for the district wherein testimony is to be taken in accordance with regulations established by the Secretary for use in any contested case in the Plant Variety Protection Office shall, upon the application of any party thereof, issue a subpoena for any witness residing or being within such district or within one hundred miles of the stated place in such district, commanding him to appear and testify before an officer in such district authorized to take depositions and affidavits, at the time and place stated in the subpoena. The provisions of the Federal Rules of Civil Procedure relating to the attendance of witnesses and the production of documents and things shall apply to contested cases in the Plant Variety Protection Office insofar as consistent with such regulations.

(b) Every witness subpoenaed or testifying shall be allowed the fees and traveling expenses allowed to witnesses attending the United States district courts.

(c) A judge of a court whose clerk issued a subpoena may enforce obedience to the process or punish disobedience as in other like cases, on proof that a witness, served with such subpoena, neglected or refused to appear or to testify. No witness shall be deemed guilty of contempt for disobeying such subpoena unless his fees and traveling expenses in going to, and returning from, one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret matter except upon appropriate order of the court which issued the subpoena or of the Secretary.

Sec. 25. Effect of Defective Execution.

Any document to be filed in the Plant Variety Protection Office and which is required by any law or regulation to be executed in a specified manner may be provisionally accepted by the Secretary despite a defective execution, provided a properly executed document is submitted within such time as may be prescribed.

Sec. 26. Regulations for Practice Before the Office.

The Secretary shall prescribe regulations governing the admission to practice and conduct of persons representing applicants or other parties before the Plant Variety Protection Office. The Secretary may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Office of Plant Variety Protection any person shown to be incompetent or disreputable or guilty of gross misconduct.

Sec. 27. Unauthorized Practice.

Anyone who in the United States engages in direct or indirect practice before the Office of Plant Variety Protection while suspended or excluded under section 26, or without being admitted to practice before the Office, shall be liable in a civil action for the return of all money received, and for compensation for damage done by such person and also may be enjoined from such practice. However, there shall be no liability for damage if such person establishes that the work was done competently and without negligence. This section does not apply to anyone who, without a claim of self-sufficiency, works under the supervision of another who stands admitted and is the responsible party; nor to anyone who established that he acted only on behalf of any employer by whom he was regularly employed.

Chapter 3.—PLANT VARIETY PROTECTION FEES

Sec. 31. Plant Variety Protection Fees; Appropriations.

The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable fees for services performed under this Act. The fees authorized by this section shall be established to substantially cover the costs of administration of this Act. Such fees shall be deposited into a fund to be available, without fiscal year limitation, for the administration of this Act. The initial capital of the fund shall consist of appropriations, which are hereby authorized to be made. Until such time as the Secretary prescribes fees as provided by this section, a fee of $50 shall be charged for filing each application, subject to such adjustment as may be appropriate after fees are prescribed by the Secretary hereunder.

Sec. 32. Payment of Plan Variety Protection Fees; Return of Excess Amounts.

All fees shall be paid to the Secretary, and the Secretary may refund any sum paid by mistake or in excess of the fee required.

TITLE II—PROTECTABILITY OF PLANT VARIETIES AND CERTIFICATES OF PROTECTION

Chapter 4.—PROTECTABILITY OF PLANT VARIETIES

Sec. 41. Definitions and Rules of Construction.

The definitions and rules of construction set forth in this section apply for the purposes of this Act.

(a) The term "novel variety" may be represented by, without limitation, seed, transplants, and plants, and is satisfied if there is:

(1) Distinctness in the sense that the variety clearly differs by one or more identifiable morphological, physiological or other characteristics (which may include those evidenced by processing or product characteristics, for example, milling and baking characteristics in the case of wheat) as to which a difference in genealogy may contribute evidence, from all prior varieties of public knowledge at the date of determination within the provisions of section 42; and

(2) Uniformity in the sense that any variations are describable, predictable and commercially acceptable; and

(3) Stability in the sense that the variety, when sexually reproduced or reconstituted, will remain unchanged with regard to its essential and distinctive characteristics with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

(b) The terms "United States" and "this country" means the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

(c) The term "kind" means one or more related species or subspecies singly or collectively known by one common name, for example, soybean, flax, or radish.

(d) The term "date of determination" means the date when there has been at least tentative determination that the variety has been sexually reproduced with recognized characteristics, whether or not the novelty of those characteristics has been determined.

(e) The term "breeder" shall mean the person who—

(1) directs the final breeding creating the novel variety, or

(2) discovers the novel variety, and

makes the tentative determination described in subsection (d). Where such actions are conducted by an agent on behalf of his principal, rather than the agent, shall be considered the breeder. The terms "breed", "develop", "originate", and "discover", and derivatives thereof shall each include the other.

(f) The term "sexually reproduced" shall include any production of a variety by seed.

(g) The term "basic seed" means the seed planted to produce certified or commercial seed.

(h) The term "testing" means testing or experimental use of a variety before any sale thereof. Sale for other than seed purposes of seed or other plant material produced as the result of testing shall not constitute a sale for the purpose of the preceding sentence or for the purpose of the following subsection.

(i) The term "public variety" means a variety sold or used in this country, or existing in and publicly known in this country; but use for the purpose of testing, or sale or use as individual plants not known to be sexually reproducible, shall not make the variety a public variety.

(j) A variety described in a publication as specified in section 42(a)(1)(B) is "effectively available to workers in this country" if a source from which it can be purchased is indicated in such publication or readily determinable or if such publication teaches how to produce the variety from source-material effectively available to workers in this country.

Sec. 42. Right to Plant Variety Protection; Plant Varieties Protectable.

(a) The breeder of any novel variety of sexually reproduced plant (other than fungi, bacteria, or first generation hybrids) who has so reproduced the variety, or his successor in interest, shall be entitled to plant variety protection therefor, subject to the conditions and requirements of this title unless one of the following bars exist:

(1) Before the date of determination thereof by the breeder, or more than one year before the effective filing date of the application therefor, the variety was (A) a public variety in this country, or (B) effectively available to workers in this country and adequately described by a publication reasonably deemed a part of the public technical knowledge in this country which description must include a disclosure of the principal characteristics by which the variety is distinguished.

(2) An application for protection of the variety based on the same breeder's acts, was filed in a foreign country by the owner or his privies more than one year before the effective filing date of the application filed in the United States.

(3) Another is entitled to an earlier date of determination for the same variety and such other (A) has a certificate of plant variety protection hereunder or (B) has been engaged in a continuing program of development and testing to commercialization, or (C) has within six months after such earlier date of determination adequately described the variety by a publication reasonably deemed a part of the public technical knowledge in this country which description must include a disclosure of the principal characteristics by which the variety is distinguished.

(b) The Secretary may, by regulation, extend for a reasonable period of time the one year time period provided in subsection (a) for filing applications, and may in that event provide for at least commensurate reduction of the term of protection.

Sec. 43. Reciprocity Limits.

Protection under the Act may, by regulation, be limited to nationals of the United States, except where this limitation would violate a treaty and except that nationals of a foreign state in which they are domiciled shall be entitled to so much of the protection here afforded as is afforded by said foreign state to nationals of the United States for the same genus and species.

Sec. 44. Public Interest In Wide Usage.

The Secretary may declare a protected variety open to use on a basis of equitable remuneration to the owner, not less than a reasonable royalty, when he determines that such declaration is necessary in order to insure an adequate supply of fiber, food, or feed in this country and that the owner is unwilling or unable to supply the public needs for the variety at a price which may reasonably be deemed fair. Such declaration may be, with or without limitation, with or without designation of what the remuneration is to be; and shall be subject to review as under section 71 or 72 (any finding that the price is not reasonable being reviewable), and shall remain in effect not more than two years. In the event litigation is required to collect such remuneration, a higher rate may be allowed by the court.

Chapter 5.—APPLICATIONS: FORM, WHO MAY FILE, RELATING BACK, CONFIDENTIALITY

Sec. 51. Application for Recognition of Plant Variety Rights.

(a) An application for a certificate of Plant Variety Protection may be filed by the owner of the variety sought to be protected. The application shall be made in writing to the Secretary, shall be signed by or on behalf of the applicant, and shall be accompanied by the prescribed fee.

(b) An error as to the naming of the breeder, without deceptive intent, may be corrected at any time, in accordance with regulations established by the Secretary.

Sec. 52. Content of Application.

An application for a certificate recognizing plant variety rights shall contain:

(1) The name of the variety except that a temporary designation will suffice until the certificate is to be issued.

(2) A description of the variety setting forth its novelty and a description of the genealogy and breeding procedure, when known. The Secretary may require amplification, including the submission of adequate photographs or drawings or plant specimens, if the description is not adequate or as complete as is reasonably possible, and submission of records or proof of ownership or of allegation made in the application. An applicant may add to or correct the description at any time, before the certificate is issued, upon a showing acceptable to the Secretary that the revised description is retroactively accurate. Courts shall protect others from any injustice which would result. The Secretary may accept records of the breeder and of any official seed certifying agency in this country as evidence of stability where applicable.

(3) A declaration that a viable sample of basic seed necessary for propagation of the variety will be deposited and replenished periodically in a public repository in accordance with regulations to be established hereunder. This declaration may be added by amendment.

(4) A statement of the basis of applicant's ownership.

Sec. 53. Joint Breeders.

(a) When two or more persons are the breeders, one (or his successor) may apply, naming the others.

(b) The Secretary, after such notice as he may prescribe, may issue a certificate of plant variety protection to the applicant and such of the other breeders (or their successors in interest) as may have subsequently joined in the application.

Sec. 54. Death or Incapacity of Breeder.

Legal representatives of deceased breeders and of those under legal incapacity may make application for plant variety protection upon compliance with the requirements and on the same terms and conditions applicable to the breeder or his successor in interest.

Sec. 55. Benefit of Earlier Filing Date.

(a) An application for a certificate of plant variety protection filed in this country based on the same variety, and on rights derived from the same breeder, on which there has previously been filed an application for plant variety protection in a foreign country which affords similar privileges in the case of applications filed in the United States by nationals of the United States, shall have the same effect as the same application would have if filed in the United States on the date on which the application for plant variety protection for the same variety was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed. No application shall be entitled to a right of priority under this section, unless the applicant designates the foreign application in his application or by amendment thereto and, if required by the Secretary, furnishes such copy. translation or both, as the Secretary may specify.

(b) An application for a certificate of plant variety protection for the same variety as was the subject of an application previously filed in the United States by or on behalf of the same person, or by his predecessor in title, shall have the same effect as to such variety as though filed on the date of the prior application if filed before the issuance of the certificate or other termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

(c) A later application shall not by itself establish that a characteristic newly described was in the variety at the time of the earlier application.

Sec. 56. Confidential Status of Application.

Applications for plant variety protection and their contents shall be kept in confidence by the Plant Variety Protection Office, by the Board, and by the offices in the Department of Agriculture to which access may be given under regulations. No information concerning the same shall be given without the authority of the owner, unless necessary under special circumstances as may be determined by the Secretary, except that the Secretary may publish the variety names designated in applications, stating the kind to which each applies.

Sec. 57. Publication.

The Secretary may establish regulations for the publication of any pending application when publication is requested by the owner.

Chapter 6.—EXAMINATION, RESPONSE TIME, INITIAL APPEALS

Sec. 61. Examination of Application.

The Secretary shall cause an examination to be made of the application and if on such examination it is determined that the applicant is entitled to plant variety protection under the law, the Secretary shall issue a notice of allowance of plant variety protection therefor as hereinafter provided.

Sec. 62. Notice of Refusal; Reconsideration.

(a) Whenever an application is refused, or any objection or requirement made by the examiner, the Secretary shall notify the applicant thereof, stating the reasons therefor, together with such information and references as may be useful in judging the propriety of continuing the prosecution of the application; and if after receiving such notice the applicant requests reconsideration, with or without amendment, the application shall be reconsidered.

(b) For taking appropriate action after the mailing to him of an action other than allowance, an applicant shall be allowed six months, or such other time as the Secretary in exceptional circumstances shall set in the refusal, or such time as he may allow as an extension. Without such extension, action may be taken up to three months late by paying an additional fee to be prescribed by the Secretary.

Sec. 63. Initial Appeal.

When an application for plant variety protection has been refused by the Plant Variety Protection Office, the applicant may appeal to the Secretary. The Secretary shall seek the advice of the Plant Variety Protection Board on all appeals, before deciding the appeal.

Chapter 7.—APPEALS TO COURTS AND OTHER REVIEW

Sec. 71. Appeals.

From the decisions made under sections 44, 63, 91, 92, and 128 appeal may, within sixty days or such further time as the Secretary allows, be taken under the Federal

Rules of Appellate Procedure. The Court of Customs and Patent Appeals and the United States Courts of Appeals shall have jurisdiction, with venue in the case of the latter as stated in 28 U.S.C. 2343.

Sec. 72. Civil Action Against Secretary.

An applicant dissatisfied with a decision under section 63 or 91 of this title, may, as an alternative to appeal, have remedy by civil action against the Secretary in the United States District Court for the District of Columbia. Such action shall be commenced within sixty days after such decision or within such further time as the Secretary allows. The court may, in the case of review of a decision by the Secretary refusing plant variety protection, adjudge that such applicant is entitled to receive a certificate of plant variety protection for his variety as specified in his application as the facts of the case may appear, on compliance with the requirements of this Act.

Sec. 73. Appeal or Civil Action in Contested Cases.

(a) A party to a proceeding under section 92 of this title, dissatisfied with the decision, may take an appeal under section 71 or may have remedy by civil action if commenced within sixty days after such decision or within such further time as the Secretary allows. A party contemplating appeal as provided herein shall notify all adverse parties of his intention and any such adverse party, not the Secretary, shall have the right, by notice served within ten days of the notice to him, to elect that any review shall be by civil action. In such suits the record in the Plant Variety Protection Office shall be admitted on motion of any party upon the terms and conditions as to costs, expenses, and the further crossexamination of witnesses, as the court imposes, without prejudice to the right of the parties to take further testimony. The testimony and exhibits of the record in the Plant Variety Protection Office when admitted shall have the same effect as if originally taken and produced in the suit.

(b) Such suit may be instituted against the party in interest as shown by the record of the Plant Variety Protection Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same State, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia, or any United States district court to which it may transfer the case, shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs. The Secretary shall not be made a party but he shall have the right to intervene. Judgment of the court in favor of the right of an applicant to plant variety protection shall authorize the Secretary to issue a certificate of plant variety protection on the filing in the Plant Variety Protection Office of a certified copy of the judgment and on compliance with the requirements of this Act.

Chapter 8.—CERTIFICATES OF PLANT VARIETY PROTECTION

Sec. 81. Plant Variety Protection.

(a) If it appears that a certificate of plant variety protection should be issued on an application, a written notice of allowance shall be given or mailed to the owner. The notice shall specify the sum, constituting the issue fee, which shall be paid within one month thereafter.

(b) Upon timely payment of this sum, and provided that deposit of seed has been made in accordance with section 52(3), the certificate of plant variety protection shall issue.

(c) If any payment required by this section is not timely made, but is submitted with an additional fee prescribed by the Secretary within nine months after the due date or within such further time as the Secretary may allow, it shall be accepted.

Sec. 82. How Issued.

A certificate of plant variety protection shall be issued in the name of the United States of America under the seal of the Plant Variety Protection Office, and shall be signed by the Secretary or have his signature placed thereon, and shall be recorded in the Plant Variety Protection Office.

Sec. 83. Contents and Term of Plant Variety Protection.

(a) Every certificate of plant variety protection shall certify that the breeder (or his successor in interest) his heirs or assignees, has the right, during the term of the plant variety protection, to exclude others from selling the variety, or offering it for sale, or reproducing it, or importing it, or exporting it, or using it in producing (as distinguished from developing) a hybrid or different variety therefrom, to the extent provided by this Act. If the owner so elects, the certificate shall also specify that in the United States seed of the variety shall be sold by variety name only as a class of certified seed and, if specified, shall also conform to the number of generations designated by the owner. Any rights, or all rights except those elected under the preceding sentence, may be waived; and the certificate shall conform to such waiver. The Secretary may at his discretion permit such election or waiver to be made after certificating and amend the certificate accordingly, without retroactive effect.

(b) The term of plant variety protection shall expire seventeen years from the date of issue of the certificate in the United States. If the certificate is not issued within three years from the effective filing date, the Secretary may shorten the term by the amount of delay in the prosecution of the application attributed by the Secretary to the applicant.

(c) The term of plant variety protection shall also expire if the owner fails to comply with regulations, in force at the time of certificating, relating to replenishing seed in a public repository: *Provided, however,* That this expiration shall not occur unless notice is mailed to the last owner recorded as provided in section 101(d) and he fails, within the time allowed thereafter, not less than three months, to comply with said regulations, paying an additional fee to be prescribed by the Secretary.

Sec. 84. Certificate of Correction of Plant Variety Protection Office Mistake.

Whenever a mistake in a certificate of plant variety protection, incurred through the fault of the Plant Variety Protection Office, is clearly disclosed by the records of the Office, the Secretary may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of plant variety protection. A copy thereof shall be attached to each copy of the published specifications or certificate of plant variety protection and such certificate of correction shall be considered as part of the original certificate of plant variety protection Every such certificate of plant variety protection shall have the same effect as if the same had been originally issued in such corrected form. The Secretary may issue a corrected certificate of plant variety protection without charge in lieu of and with like effect as a certificate of protection.

Sec. 85. Certificate of Correction of Applicant's Mistake.

Whenever a mistake of a clerical or typographical nature, or of minor character, or in the description of the variety, which was not the fault of the Plant Variety Protection Office, appears in a certificate of plant variety protection and a showing has been made that such mistake occurred in good faith, the Secretary may, upon payment of the required fee, issue a certificate of correction in the manner and with attachment of copies as in section 84, if the correction unquestionably could have been made before the certificate issued. Such certificate of plant variety protection shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

Sec. 86. Correction of Named Breeder.

An error as to the naming of a breeder in the application, without deceptive intent, shall not affect validity of plant variety protection and may be corrected at any time by the Secretary in accordance with regulations established by him or upon order of a federal court before which the matter is called in question. Upon such correction the Secretary shall issue a certificate accordingly. Such correction shall not deprive any person of any rights he otherwise would have had.

Chapter 9.—REEXAMINATION AFTER ISSUE, AND CONTESTED PROCEEDINGS

Sec. 91. Reexamination After Issue.

(a) Any person may, within five years after the issuance of a certificate of plant variety protection, notify the Secretary in writing of facts which may have a bearing on the protectability of the variety, and the Secretary may cause such plant variety protection to be reexamined in the light thereof.

(b) Reexamination of plant variety protection under this section and appeals shall be pursuant to the same procedures and with the same rights as for original examinations. Abandonment of the procedure while subject to a ruling against the retention of the certificate shall result in cancellation of the plant variety certificate thereon and notice thereof shall be endorsed on copies of the specification of the protected plant variety thereafter distributed by the Plant Variety Protection Office.

(c) If a person acting under subsection (a) makes a prima facie showing of facts needing proof, the Secretary may direct that the reexamination include such interparty proceedings as he shall establish.

Sec. 92. Priority Contest.

(a) If the Secretary determines that two applications of different applicants may be based on the same variety, he may:

(1) Initiate a priority contest on his own motion whether or not one of the applications may have been certified; or

(2) Issue a certificate on the application having the earliest effective filing date, with notice to all; or

(3) Issue a certificate naming alternative owners, under a single variety name acceptable to both.

(b) On request of any person when a certificate has been issued naming another as an owner or alternative owner, both having applied for protection on the same variety, the Secretary shall institute a priority contest, except that any person shall have forfeited his right to assert priority for the purpose of obtaining plant variety protection when an adverse certificate has issued if he fails to make the request within one year of the mailing of notice specified in part (2) above or if he fails to make the request within the period for taking action after refusal of his application on the basis of the adverse certificate.

"Sec. 93. Effect of Adverse Final Judgment or of Non Action.

(a) A final judgment under section 92 adverse to an application from which no appeal or other review had been or can be taken or had shall constitute cancellation of any certificating on that application, and notice thereof shall be endorsed on copies of the specifications of the protected plant variety thereafter distributed by the Plant Variety Protection Office.

(b) Any person who has not proceeded in accordance with the provision of this chapter

shall not be foreclosed or in any way prejudiced with respect to the defense of an infringement suit or affirmative relief under declaratory judgment proceedings.

(c) No person subject to an adverse decision in a proceeding under this chapter shall be foreclosed with respect to asserting comparable grounds in defense of an infringement suit or as a basis for affirmative relief under declaratory judgment proceedings.

Sec. 94. Interfering Plant Variety Protection.

The owner of a certificate of plant variety protection may have relief against another owner of a certificate of the same variety by civil action, and the court may adjudge the question of validity of the respective certificates, or the ownership of the certificate. The provisions of section 73(b) of this title shall apply to actions brought under this section.

TITLE III—PLANT VARIETY PROTECTION AND RIGHTS

Chapter 10.—OWNERSHIP AND ASSIGNMENT

Sec. 101. Ownership and Assignment.

(a) Subject to the provisions of this title, plant variety protection shall have the attributes of personal property.

(b) Applications for certificates of plant variety protection, or any interest in a variety, shall be assignable by an instrument in writing. The owner may in like manner license or grant and convey an exclusive right to use of the variety in the whole or any specified part of the United States.

(c) A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, shall be prima facie evidence of the execution of an assignment, grant, license, or conveyance of plant variety protection or application for plant variety protection.

(d) An assignment, grant, conveyance or license shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it, or an acknowledgment thereof by the person giving such encumbrance that there is such encumbrance, is filed for recording in the Plant Variety Protection Office within one month from its date or at least one month prior to the date of such subsequent purchase or mortgage.

Sec. 102. Ownership During Testing.

An owner who, with notice that release is for testing only, releases possession of seed or other sexually reproducible plant material for testing retains ownership with respect thereto; and any diversion from authorized testing, or any unauthorized retention, of such material by anyone who has knowledge that it is under such notice, or who is chargeable with notice, is prohibited, and violates the property rights of the owner. Anyone receiving the material tagged or labeled with the notice is chargeable with the notice. The owner is entitled to remedy and redress in a civil action hereunder. No remedy available by State or local law is hereby excluded. No such notice shall be used, or if used be effective, when the owner has made identical sexually reproducible plant material available to the public, as by sale thereof.

Chapter 11.—INFRINGEMENT OF PLANT VARIETY PROTECTION

Sec. 111. Infringement of Plant Variety Protection.

Except as otherwise provided in this title, it shall be an infringement of the rights of the owner of a novel variety to perform without authority, any of the following acts in the United States, or in commerce which can be regulated by Congress or affecting such commerce, prior to expiration of the right to plant variety protection but after either the issue of the certificate or the distribution of a novel plant variety with the notice under section 127:

(1) sell the novel variety, or offer it or expose it for sale, deliver it, ship it, consign it, exchange it, or solicit an offer to buy it, or any other transfer of title or possession of it;

(2) import the novel variety into, or export it from, the United States;

(3) sexually multiply the novel variety as a step in marketing (for growing purposes) the variety; or

(4) use the novel variety in producing (as distinguished from developing) a hybrid or different variety therefrom; or

(5) use seed which had been marked "propagation prohibited" or progeny thereof to propagate the novel variety; or

(6) dispense the novel variety to another, in a form which can be propagated, without notice as to being a protected variety under which it was received; or

(7) perform any of the foregoing acts even in instances in which the novel variety is multiplied other than sexually, except in pursuance of a valid United States plant patent; or

(8) instigate or actively induce performance of any of the foregoing acts.

Sec. 112. Grandfather Clause.

Nothing in this Act shall abridge the right of any person, or his successor in interest, to reproduce or sell a variety developed and produced by such person more than one year prior to the effective filing date of an adverse application for a certificate of plant variety protection.

Sec. 113. Right To Save Seed; Crop Exemption.

Except to the extent that such action may constitute an infringement under subsections (3) and (4) of section 111, it shall not infringe any right hereunder for a person to save seed produced by him from seed obtained, or descended from seed obtained, by authority of the owner of the variety for seeding purposes and use such saved seed in the production of a crop for use on his farm, or for sale as provided in this section: *Provided*, That without regard to the provisions of section 111(3) it shall not infringe any right hereunder for a person, whose primary farming occupation is the growing of crops for sale for other than reproductive purposes, to sell such saved seed to other persons so engaged, for reproductive purposes, provided such sale is in compliance with such State laws governing the sale of seed as may be applicable. A bona fide sale for other than reproductive purposes, made in channels usual for such other purposes, of seed produced on a farm either from seed obtained by authority of the owner for seeding purposes or from seed produced by descent on such farm from seed obtained by authority of the owner for seeding purposes shall not constitute an infringement. A purchaser who diverts seed from such channels to seeding purposes shall be deemed to have notice under section 127 that his actions constitute an infringement.

Sec. 114. Research Exemption.

The use and reproduction of a protected variety for plant breeding or other bona fide research shall not constitute an infringement of the protection provided under this Act.

Sec. 115. Intermediary Exemption.

Transportation or delivery by a carrier in the ordinary course of its business as a carrier, or advertising by a person in the advertising business in the ordinary course of that business, shall not constitute an infringement of the protection provided under this Act.

Chapter 12.—REMEDIES FOR INFRINGEMENT OF PLANT VARIETY PROTECTION, AND OTHER ACTIONS

Sec. 121. Remedy for Infringement of Plant Variety Protection.

An owner shall have remedy by civil action for infringement of his plant variety protection under section 111. If a variety is sold under the name of a variety shown in a certificate, there is a prima facie presumption that it is the same variety.

Sec. 122. Presumption of Validity; Defenses.

(a) Certificates of plant variety protection shall be presumed valid. The burden of establishing invalidity of a plant variety protection shall rest on the party asserting invalidity.

(b) The following shall be defenses in any action charging infringement and shall be pleaded: (1) noninfringement, absence of liability for infringement, or unenforceability; (2) invalidity of the plant variety protection in suit on any ground specified in section 42 of this title as a condition for protectability; (3) invalidity of the plant variety protection in suit for failure to comply with any requirement of section 52; (4) that the asserted infringement was performed under an existing certificate adverse to that asserted and prior to notice of the infringement; and (5) any other fact or act made a defense by this Act.

Sec. 123. Injunction.

The several courts having jurisdiction of cases under this title may grant injunctions in accordance with the principles of equity to prevent the violation of any right hereunder on such terms as the court deems reasonable.

Sec. 124. Damages.

(a) Upon finding an infringement the court shall award damages adequate to compensate for the infringement but in no event less than a reasonable royalty for the use made of the variety by the infringer, together with interest and costs as fixed by the court.

(b) When the damages are not determined by the jury, the court shall determine them. In either event the court may increase the damages up to three times the amount determined.

(c) The court may receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable under the circumstances.

(d) As to infringement prior to, or resulting from a planting prior to, issuance of a certificate for the infringed variety, a court finding the infringer to have established innocent intentions, shall have discretion as to awarding damages.

Sec. 125. Attorney Fees.

The court in exceptional cases may award reasonable attorney fees to the prevailing party.

Sec. 126. Time Limitation on Damages.

(a) No recovery shall be had for that part of any infringement committed more than six years (or known to the owner more than one year) prior to the filing of the complaint or counterclaim for infringement in the action.

(b) In the case of claims against the United States Government for unauthorized use of a protected variety, the period between the date of receipt of written claim for compensation by the department or agency of the Government having authority to settle such claim, and the date of mailing by the Government of a notice to the claimant that his claim has been denied shall not be

counted as part of the period referred to in the preceding paragraph.

Sec. 127. Limitation of Damages; Marking and Notice.

Owners may give notice to the public by physically associating with or affixing to the container of seed of a novel variety or by fixing to the novel variety, a label containing the words "Propagation Prohibited" and after the certificate issues, such additional words as "U.S. Protected Variety". In the event the novel variety is distributed by authorization of the owner and is received by the infringer without such marking, no damages shall be recovered against such infringer by the owner in any action for infringement, unless the infringer has actual notice or knowledge that propagation is prohibited or that the variety is a protected variety, in which event damages may be recovered only for infringement occurring after such notice. As to both damages and injunction, a court shall have discretion to be lenient as to disposal of materials acquired in good faith by acts prior to such notice.

Sec. 128. False Marking; Cease and Desist Orders.

(a) Each of the following acts, if performed in connection with the sale, offering for sale, or advertising of sexually reproducible plant material, is prohibited, and the Secretary may, if he determines after an opportunity for hearing that the act is being so performed, issue an order to cease and desist, said order being binding unless appealed under section 71:

(1) Use of the words "U.S. Protected Variety" or any word or number importing that the material is a variety protected under certificate, when it is not.

(2) Use of any wording importing that the material is a variety for which an application for plant variety protection is pending, when it is not.

(3) Use of the phrase "propagation prohibited" or similar phrase without reasonable basis, a statement of this basis being promptly filed with the Secretary if the phrase is used beyond testing and no application has been filed. Any reasonable basis expires one year after the first sale of the variety except as justified thereafter by a pending application or a certificate still in force.

(b) Anyone convicted of violating a binding cease and desist order, or of performing any act prohibited in subsection (a) of this section for the purpose of deceiving the public, shall be fined not more than $10,000 and not less than $500.

(c) Anyone whose business is damaged or is likely to be damaged by an act prohibited in subsection (a) of this section, or is subjected to competition in connection with which such act is performed, may have remedy by civil action.

Sec. 129. Nonresident Proprietors; Service and Notice.

Every owner not residing in the United States may file in the Plant Variety Protection Office a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the plant variety protection of rights thereunder. If the person designated cannot be found at the address given in the last designation, or if no person has been designated, the United States District Court for the District of Columbia shall have jurisdiction and summons shall be served by publication or otherwise as the court directs. The court shall have the same jurisdiction to take any action respecting the plant variety protection, or rights thereunder that it would have if the owner were personally within the jurisdiction of the court.

Chapter 13.—INTENT AND SEVERABILITY

Sec. 131. Intent.

It is the intent of Congress to provide the indicated protection for new varieties by exercise of any constitutional power needed for that end, so as to afford adequate encouragement for research, and for marketing when appropriate, to yield for the public the benefits of new varieties. Constitutional clauses 3 and 8 of article I, section 8 are both relied upon.

Sec. 132. Severability.

If this Act is held unconstitutional as to some provisions or circumstances, it shall remain in force as to the remaining provisions and other circumstances.

Chapter 14.—TEMPORARY PROVISION AND RELATED ENACTMENTS; EXEMPTED PLANTS; MISCELLANEOUS

Sec. 141. Effective Date.

This Act shall take effect upon enactment. Applications may be filed with the Secretary and held by him until the Office of Plant Variety Protection is organized and in operation.

Sec. 142. Amendment of Federal Seed Act.

The Federal Seed Act (53 Stat. 1275) is amended as follows:

(a) By adding at the end thereof:

"TITLE V—SALE OF UNCERTIFIED SEED OF PROTECTED VARIETY

"Section 501.

"(a) It shall be unlawful in the United States or in interstate or foreign commerce to sell by variety name seed not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed: *Provided,* That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety."

(b) By adding at the end of section 102 the following wording: "Seed of a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed shall be certified only when

"(1) the basic seed from which the variety was produced was furnished by authority of the owner of the variety if the certification is made during the term of protection, and

"(2) it conforms to the number of generations designated by the certificate, if the certificate contains such a designation.".

Sec. 143. Amendment of Judicial Code.

Title 28 of the United States Code, entitled Judicial Code and Judiciary, is amended as follows:

(a) After section 1544 add:

"Sec. 1545. Decision of the Plant Variety Protection Office.

"The Court of Customs and Patent Appeals shall have nonexclusive jurisdiction of appeals under section 71 of the Plant Variety Protection Act."

(b) In section 1338 after "Patents" in the heading, after "patents" and after "patent" (both occurrences) insert ", plant variety protection".

(c) After section 2351 add:

2353. The Court of appeals has nonexclusive jurisdiction to hear appeals under section 71 of the Plant Variety Protection Act.

Sec. 144. Exempted Plants.

The provisions of this Act shall not apply to the seeds, plants, or transplants of okra, celery, peppers, tomatoes, carrots, and cucumbers.

Sec. 145. Short Title.

This Act may be cited as the "Plant Variety Protection Act".

Mr. POAGE (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point and printed at this point in the RECORD.

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

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT OFFERED BY MR. POAGE

Mr. POAGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POAGE of Texas: Page 43, between line 17 and line 18, insert the following:

"(d) In section 1498 and the following new subsection:

"(d) Hereafter, whenever a plant variety protected by a certificate of plant variety protection under the laws of the United States shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor or any person, firm, or corporation acting for the Government and with the authorization and consent of the Government, the exclusive remedy of the owner of such certificate shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement: *Provided,* That a Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence or induce use of the protected plant variety by the Government: *Provided, however,* That this subsection shall not confer a right of action on any certificate owner or any assignee of such owner with respect to any protected plant variety made by a person while in the employment or service of the United States, where such variety was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: *And provided further,* That before such action against the United States has been instituted, the appropriate corporation owned or controlled by the United States or the head of the appropriate agency of the Government, as the case may be, is authorized to enter into an agreement wtih the certificate owner in full settlement and compromise, for the damages accrued to him by reason of such infringement and to settle the claim administratively out of available appropriations."

Mr. POAGE. Mr. Chairman, this amendment was approved by the committee and has the support of the committee. It is designed simply to give a forum to provide an appeal and fixes the Court of Claims as that agency.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POAGE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 9, line 25, after "authorized" strike out all through the period after "Act" in line 4, page 10, and insert in lieu thereof: "shall be recovered to the Treasury of the U.S.A., and expenses needed for the administration of this act shall come through the nation's regular budgetary, authorization, and appropriations process."

Mr. HALL. Mr. Chairman, I certainly shall not take 5 minutes.

If one will take the bill and look at the bottom of page 9, after the phrase, "the fees authorized," my amendment would simply strike "by this section shall be established to substantially cover the costs of administration of this Act. Such fee shall be deposited into a fund to be available, without fiscal year limitation, for the administration of this Act."

I leave all of the rest of the wording of the distinguished committee in there, stating that the initial capital of the fund shall consist of appropriations authorized herewith can be made and that the Secretary may change the initial fee of $50 if he sees fit.

All I am inserting in lieu of that phrase which is stricken is simply that funds so contributed can be recovered into the Treasury of the United States and that expenses needed for the implementation of this act will have to come through the regular budgetary process of authorization of the legislative committee and appropriations of the Committee on Appropriations.

Mr. Chairman, in my opinion it is a simple amendment. I hope it will be accepted.

Mr. Chairman, I am afraid that with the speed with which we are acting, it has precluded prior discussion and distribution of the amendment. I am sure, Mr. Chairman, this comes about as a result of accepting Senate-passed legislation by one of our committees. I have absolutely nothing against the purpose of this act. In fact, I am strongly for it. I believe that the two greatest things that have ever happened to agriculture have been the technical breakthroughs in hybrid and sexually produced plants. I think they should be copyrighted and protected along with the rubber-tired tractor.

So, Mr. Chairman, I offer this amendment simply in support of keeping our Government a constitutional government and avoiding backdoor raids on the Treasury, keeping that from happening, and piling expenses upon us again and again.

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

Mr. Chairman, I do not want to be in opposition to what the gentleman from Missouri has suggested, because I think that basically he probably has a sound approach on this procedure. This bill, however, was presented to the committee and it has been before the committee for several months. However, the presentation that the gentleman from Missouri is making was not submitted to the committee nor any request that we handle it in this way. Rather, it was suggested that the procedure used in the bill was the most expeditious and cheapest way of handling these funds. It all comes out to exactly the same amount of money whether you put it into an administrative fund and pay the expenses out of that fund or whether you put it into the Treasury and pay the expenses for its operation out of the Treasury.

It is my belief that you save some of the overlapping of the work that is done here in the Congress and some duplication by using the direct method.

We do not think that it involves any particular amount of money one way or the other, but the committee felt that it was a simpler and a more direct approach to use the money you took from these individuals who sought a certificate—and they are the ones who pay it, not the general taxpayers, because it is not tax money that is taken in. It is money you take from these people—we felt that it would be simpler and easier to put that in a fund and use directly.

We thought that it would probably be more likely to keep the cost down by letting everybody see that these costs were coming out of the money that they were paying in. We thought that when they had a monetary interest in maintaining this fund that possibly there would be a better accounting of it than if the money went into the Treasury, and then we appropriated tax money to perform this particular function.

That is the reason the committee took the course we did take. It may not be a good reason but we thought it was. Certainly, we do not claim that this is the only way the matter might be handled.

I do not think that it would destroy the bill if you adopt the amendment offered by the gentleman from Missouri (Mr. HALL). The committee is not going to run off and get mad if you adopt the amendment. The amendment has certain merits to it, and I would certainly be the first one to admit this, but I think we would save a little money by not adopting the amendment.

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

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

Mr. HUNGATE. Mr. Chairman, I have no objection myself to the amendment offered by the gentleman from Missouri, but I would like to ask the gentleman a procedural question concerning the time limit on this Congress, that if the Senate did not accept this amendment that it would be a reasonable likelihood we would never finish action on the bill?

Mr. POAGE. I think that is a reasonable likelihood.

Mr. HUNGATE. I thank the gentleman.

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

Mr. Chairman, I commend the gentleman from Missouri for offering the amendment, and I would point out to the committee that insofar as expediting the passage of this legislation is concerned, it depends apparently on the subject of the legislation how expedited legislation can be. I could name a few subjects that could be run through in 48 hours. So I think if people put their minds to it the bill can get through in good shape.

The gentleman from Missouri has made the point that it would be less expensive to the taxpayers to administer these fees in the normal process of governmental business, and that to turn the fees over to an administrator with no requirement that he report to the Congress would in essence make a private business out of a public function.

Mr. Chairman, I think the gentleman is to be commended for offering his amendment, and I support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 25, noes 13.

So the amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not under the rule the Committee rises.

Accordingly the Committee rose and the Speaker having resumed the chair, Mr. CAREY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 3070), to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, pursuant to House Resolution 1290 he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

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

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

The bill was passed.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

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

WASHINGTON, D.C.,
November 17, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am tendering herewith my resignation as a member of the House Committee on Interstate and Foreign Commerce.

I am apprising Chairman Staggers of this action so that you and he may make the appropriate arrangements.

I want to wish you the very best in retirement. I have greatly appreciated your kindness and consideration to me ever since I came to Congress. If I make it to the Senate and can ever be of help to you there, please consider me your Senator.

Yours very truly,

RICHARD L. OTTINGER,
Member of Congress.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority leader let us know if the plans for tomorrow are the same as he indicated a few moments ago, which, as I understood it, was to bring up the Foreign Assistance Act of 1971 and then one of the two revenue bills, either one from the Committee on Ways and Means or one for the District of Columbia?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. I thank the gentleman.

ELECTION OF MEMBERS TO COMMITTEES

Mr. MILLS. Mr. Speaker, by direction of the Committee on Committees, I offer a privileged resolution (H. Res. 1298) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1298

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Government Operations: George W. Collins, of Illinois;

Committee on Interstate and Foreign Commerce: Bertram L. Podell, of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE SUPERSONIC TRANSPORT

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

Mr. ADAMS. Mr. Speaker, I rise today to indicate my support of the supersonic transport program. Unfortunately, this domestic program has become a cause celebre to those interested in protecting the environment and was, therefore, defeated by a vote of 52 to 41 in the Senate. I say "unfortunately" because making this program the whipping boy for the problems existing in our environment diverts the public from the real problems of air and water pollution in our Nation. The building and flying of two prototype American SST airplanes will provide less pollution of the atmosphere than the automobile creates in a single day in any major city.

I support the bill offered by Senator MAGNUSON to protect the Nation against sonic boom and sideline noise from all airplanes, including the SST. This is the proper approach to take regarding any noise factors which may be involved from supersonic airplanes. As I have stated to Members of the House before, I have seen the British-French Concorde and talked with its designer and have also talked with the designer of the Russian Tupelov–144, and these airplanes are not only in existence but clearly demonstrate that the supersonic transport is a valid aeronautical concept. Further, both nations intend to fly this airplane during the decade of the 1970's in commercial air traffic.

When the possible pollution and noise effects of the supersonic transport are put into proper perspective, it then becomes incredible to believe that the United States would stop development of this airplane. The opponents of the SST have generally opposed any continuation of the space program and have demanded reduction of the defense program, and if they now dismantle the domestic airplane industry, there will be no industrial support for the maintenance of an economy in the United States that can support our people and provide the industrial and technical support to save our environment. The less sophisticated an industrial society is, the more it will pollute the environment. The original industrial nations of the world destroyed their environment through use of heavy industrial coals, the dumping of sewage and byproducts into streams, and the littering of the landscape because of the inability of the society to provide enough tax money to enable the Government to clean up the industrial cities.

We must develop an answer to the competition of the industrial state and human beings for the natural resources of the world and develop a means whereby individuals can obtain the items which produce a better life and at the same time maintain an ability for human life to survive on the planet.

As I mentioned earlier, the SST is diverting the attention of the public from the real problems of the industrial, urban system. The sheer magnitude of the pollution caused by the internal combustion engine in the automobile, the massive pollution caused by ineffective treatment of human and industrial wastes, and the deadly dangers of massive overpopulation dwarf any effects of the SST. This airplane is like a very tiny tail on a huge dog.

In conclusion, I would point out that the amount of money involved in this program is very small when compared to the other items in the Federal budget and it is one of the few nonspace, nonmilitary items available for future development of our industry. The money factor becomes important at this time because we have already spent over $700 million in development of this airplane and the prototypes are over 50 percent completed. In addition, the SST for fiscal year 1971 has been moving under a continuing appropriation and we have already paid for development in fiscal year 1971 for the period from July 1, 1970, through January 1, 1971, which is half of the year. A further complication is the cost of stopping the program with the involved contract commitments and penalty clauses which will mean the Federal Government may sustain contract costs over $100 million.

In addition we are faced with a very difficult dollar balance in our trade relations with other nations. I have previously placed in the RECORD during the debate on the trade bill the amount of money which has been earned by the United States through sale of jet transports to other nations. If it were not for the sale of these sophisticated airplanes, plus agricultural products, we would suffer a devastating balance-of-trade deficit. If this is compounded by the Europeans selling Concordes or TU–144's to the United States, we will have an impossible trade balance, and I would say to my friends who favor free trade, they have seen nothing to compare with the restrictive trade bills that will appear before the end of the 1970's if we are buying foreign jet airplanes in the 1970's.

This program will create jobs for American workmen and will not require restrictive trade quotas or any other type of protection. The amount that the American consumers will pay because of restrictive trade quotas or tariffs will be many times the $290 million requested for this program.

I, therefore, urge my colleagues to vote to continue the SST program on the grounds that it is not a prime factor in protecting our environment, that it will provide jobs for Americans, that its cost is minimal compared to the other items, and that we will need it to balance our trade in the decade of the 1970's.

HOUSE APPROVAL OF THE ANIMAL WELFARE ACT OF 1970

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

Mr. WHITEHURST. Mr. Speaker, the list is long, the abuse and suffering have gone on for a long time, but at last man for a change is listening to voices other than his own. The House of Representatives has taken another important step in reducing unnecessary cruelty to animals by approving and sending to the Senate H.R. 19846, the Animal Welfare Act of 1970.

Since the passage of the Poage bill in August of 1966, many things have been learned about the effectiveness of some of the provisions contained in that law. Its primary concern was to stop traffic in stolen pets, as well as the care and handling of laboratory animals. Not only have some of the law's provisions proven not as effective as had been hoped, but it has also become obvious that the principle of humane treatment of all animals must be expanded. This is the purpose of the Animal Welfare Act of 1970.

The Animal Welfare Act is the result of many days of hearings and executive sessions of the Subcommittee on Livestock and Grains of the House Agriculture Committee. It does not contain all of the features I was seeking when I introduced the original legislation, H.R. 13957, but it does contain the major points. This bill also contains many of the ideas written into H.R. 18637, introduced by my colleague, the gentleman from Washington (Mr. FOLEY).

Basically, H.R. 19846 accomplishes two ends:

The bill expands the definition of the term "animal" to mean all animals, as determined by the Secretary of Agriculture, instead of simply pet animals as designated in Public Law 80–544.

The bill also broadens the protective features of the law to include road shows, circuses, zoos, and carnivals, as well as expanding coverage of research facilities.

In the attempt to accomplish these ends it is important that we not cause difficulties for progress in the fields of science and medicine. This was of concern to me as well as many members of the committee. I offered amendments to my bill in an attempt to clarify this point, and the committee devoted a section of the bill to the intent of the legislation in this and other fields. I am including a copy of the "Committee Intent" at this point for the benefit of my colleagues:

COMMITTEE INTENT

In its consideration of H.R. 19846 the committee carefully considered both the language and the legal construction of that language in several sections of the bill. In reflection of that consideration the committee submits the following expressions of intent:

(1) In regard to the amendment to section 2(b) of the Act, the committee does not contemplate the designation of private citizens or non-Federal Government employees in the administration of this legislation.

(2) In regard to the amendment to section 13 of the Act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself. Research or experimentation is also intended to include use of animals as "teaching aids in educational institutions".

(3) In regard to the amendment to section 17 of this Act, the committee intends that inspection under this section shall be specifically limited to searches for lost or stolen pets by officers of the law (not owners themselves) and that the term "legally constituted law enforcement agencies" means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is not intended that this section be used by private citizens or law enforcement officers to harass research facilities and in no event shall such officers inspect the animals when the animals are undergoing actual research or experimentation.

(4) In regard to the amendments to Section 20 of the Act, the committee reiterates its policy expressed in the conference report on P.L. 89–544 that in the case of research facilities the Secretary may grant individual extensions of time to certain of these facilities if he is convinced that these facilities will be able to meet the requirements of the regulations within a reasonable length of time. The purpose of this authority is to enable those research institutions whose compliance depends on obtaining additional funds for construction or personnel to secure such funds.

In this connection the committee also urges that adequate funds from Federal sources be made available for those research facilities which depend to a large extent on support derived from both State and Federal sources for laboratory facility improvements.

I wish to acknowledge and thank the thousands of people across this great Nation who have actively supported this legislation. The House Agriculture Committee, the Subcommittee on Livestock and Grains, and I have received thousands of pieces of mail and numerous telephone calls from individuals interested in furthering humane legislation.

The news media have responded generously in helping to publicize the need for this bill. Newspapers, television, radio, magazines, and newsletters have donated time and space to the various aspects of the bill and testimony given in support of it.

The letters, the coverage, the events of our time have helped raise the ecological sense of Congress and we are more aware of the consequences of neglect. The animal welfare bill of 1970 extends humane coverage to many unfortunate animals not protected under present law.

Congress is not alone in its concern for the humane treatment of animals. Across the country there are organizations promoting the welfare of animals. They are public as well as private and are invaluable in helping to ease the suffering of both animals and mankind. But even though there are many such organizations they are limited in what they can do. However, this bill includes areas of coverage over which such organization have no control.

I congratulate my colleagues for extending this coverage by voting for the animal welfare bill of 1970, H.R. 19846.

The bill now goes to the Senate Commerce Committee. Following the introduction of the clean bill by the House Agriculture Committee there have been several companion bills introduced in the Senate. Therefore, I look for rapid and favorable consideration by the Senate.

Those interested in commenting on the bill should address their letters of support of S. 4539 to WARREN G. MAGNUSON, chairman, Senate Commerce Committee, Senate Office Building, Washington, D.C.

CESAR CHAVEZ IS IN JAIL FOR CONTEMPT OF THE LAW

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

Mr. TALCOTT. Mr. Speaker, Cesar Chavez chooses to be in jail. He wants to be in jail to rally sympathy and support which he cannot achieve through the law, or muster through a strike, or force by an illegal secondary boycott.

Mr. Chavez initiated a secondary boycot against all lettuce producers, including one whose lettuce was and is completely grown, harvested, and shipped by bona fide union labor.

The Superior Court of the State of California in and for the county of Monterey, after appropriate hearings, made an order and Mr. Chavez deliberately and admittedly violated the order. The judge had no alternative but to find Mr. Chavez in contempt of the order of the court. The violation of the simple order was so flagrant and done so openly and arrogantly that the court had no alternative but to remand Mr. Chavez to jail for contempt.

If the decision of the court is wrong, or if Mr. Chavez is dissatisfied with the decision, it can be appealed.

If the law is wrong, or if Mr. Chavez is dissatisfied with the law, it can be amended.

If Mr. Chavez wants to get out of jail he need only renounce this illegal secondary boycott of lettuce produced by this one grower. This can be done simply by publication of a one-sentence letter.

Mr. Chavez has defied the law. Those who support him are defying the law. There is really no sense in having a law if it does not apply to all and if all do not obey.

Any preachment of defiance of the law degrades the law, undermines our legal system, and weakens our society.

Last summer during the harvest of the lettuce crop, Mr. Chavez tried to mount a strike of the lettuce fieldworkers. The strike petered out for lack of worker interest.

On several occasions he tried to get himself arrested for petty misdemeanors, without success.

Now Mr. Chavez has accomplished his objective of getting himself confined in jail—for publicity purposes.

The real fieldworkers would much prefer that he try to obtain better working and living conditions for them in other States rather than to seek such publicity for himself, especially in this manner and in this agricultural area.

UNACCEPTABLE MANPOWER BILL EMERGES FROM CONFERENCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, it is with very great regret that I must report to the House that the conferees on the manpower training legislation—H.R. 19519—S. 3867—have not produced a bill acceptable to the Republican House conferees. Moreover, we do not feel that the bill which emerged is acceptable to the House. Accordingly, we have not signed the conference report.

We recognize that there were large and fundamental differences between the two versions of this legislation and that in the normal course of things we could expect compromises. What emerged, however, was a near abandonment of the House-approved bill and a complete abandonment of crucial principles relating to the public service employment provisions.

Stated in the most direct terms: The bill approved by the other body and accepted in conference contemplates a public service employment program operated without any objective of moving persons from such employment into regular jobs in the public and private sectors. The inclusion of this objective—and providing the Secretary of Labor with the authority to see that local and State manpower programs worked toward it—was the critical factor which made it possible for most of the members on our side of the committee, as well as the Secretary of Labor, to accept a bill with a public service employment title in it.

Before explaining the importance of this provision, Mr. Speaker, I want to make clear that the House-passed bill

was itself a fragile compromise. The administration, which early took the initiative in sending to the Congress an extremely comprehensive and farsighted proposal, did not want a public service employment program as a separate and distinct activity having a specified level of funding. Members on our side of the committee—and many Members on the majority side in the Congress—did not want such a program. If we had to accept the program as the price of any comprehensive manpower legislation, then we wanted certain guarantees as to its size and character. The guarantees desired by the Department of Labor and by Members on our side went considerably beyond those contained in the bill which we finally reported from the Committee on Education and Labor.

We wanted assurances that no individual would be kept in this program for longer than 2 years; we wanted the Secretary of Labor to have the authority to terminate public service programs which failed to move participants into regular employment. The House provisions fall far short of what we wanted. They represent the minimum we could accept. These minimal provisions are found in section 302(h) and (i) of the House bill and read as follows:

SEC. 302. Any application for financial assistance under this title shall provide that—

(h) objectives shall be set for the movement of persons employed thereunder into public or private employment not supported under this Act; and

(i) the approvable request for funds does not exceed 80 per centum of the cost of carrying out this program:

Provided, That, if the employer has not achieved the objectives prescribed pursuant to clause (h) under any agreement, the Secretary shall reduce the Federal share in any continuation or extension of the agreement, unless the Secretary ascertains that the applicant was without fault or that economic conditions in the area precluded accomplishment of such objectives.

These provisions which were dropped in conference do two essential things. One: They state the basic principle that there should be some targets set for moving people into regular employment; and two: They provide that the Secretary should have some means of assuring that these objectives are attainable. We offered in the conference to trim these provisions one step further by changing the phrase "the Secretary shall reduce the Federal share" to "the Secretary may reduce the Federal share". This, too, was rejected.

Our understanding of the position of the House is that it did not want to authorize a huge public service employment program—and the conference version is considerably greater in size—which would make States and local governments employers of first resort without any semblance of an objective to move people into real jobs in the public or private sectors.

There are other problems with the conference-approved bill, although not as critical as this one. The administration proposal embodied in the House-passed bill was for a broadly conceived and flexible manpower program unrestrained by narrowly defined special categories of training. The Senate bill retained all of the narrowly drawn categories and mandated that a significant portion of appropriated funds be spent to carry them out. The bill approved in conference is an improvement upon the Senate bill in that it is somewhat less restrictive but because it still retains these narrow programs and mandates expenditures for them, it must be regarded as a disappointment.

Mr. Speaker, if the result of the conference action, as I think likely, is that we end up with no new legislation, then we shall have missed an opportunity to improve upon the existing hodge-podge of training programs. I think that result is unfortunate because it was so unnecessary and because it is so wasteful of the tremendous efforts of countless individuals in both the executive and legislative branches.

But no new legislation is a far better result than ill conceived, badly drawn legislation with a potential for wasting enormous resources on programs which do not even aim at gainful employment for the individuals involved.

In my judgment, the surest way to dissipate public support for necessary manpower training programs is to build into them this enormous potential for abuse. I, therefore, feel that we would be better advised to stay with our existing Manpower Development and Training Act and related programs, with their admitted shortcomings, until these problems can be resolved in an acceptable way—hopefully early in the next Congress.

I am authorized to say on behalf of our ranking member, Mr. AYRES, and of Mr. QUIE, who will be the ranking member in the next Congress, and of the other Republican conferees, that they substantially share these views.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Vanadium is a rare element that is used to toughen and increase the shock resistence of steel. In 1968 the total world production was only 10,970 metric tons. In the same year the United States produced 5,881 metric tons, more than half of the world production.

"DITCHING" ALONG THE OBION AND FORKED DEER RIVERS: BENEFIT OR BOONDOGGLE?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 20 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, a very interesting court case is pending in Federal Court at Nashville, Tenn., seeking to halt U.S. Corps of Engineer "ditching" operations along the Obion and Forked Deer Rivers in west Tennessee.

The plaintiffs in the case—Civil Action No. 5724, J. Clark Akers III, et al., against the United States Army, operating as the Corps of Engineers, the United States Department of Interior, et al.—allege, among other things, that the Corps of Engineers would be in violation of various Federal laws if it continues its "ditching" operations.

Historically, the Obion and Forked Deer Bottoms have produced one of the greatest variety of fish and game resources in the United States. This fact was recognized by the Department of the Interior. The Department, in conjunction with the Tennessee Game and Fish Commission, made a study of the subject projects being performed and to be performed by the Corps of Engineers. This report, dated August 1959, examines the damage the work would cause to the area and to the wildlife habitat. The report recommended modifications which were not accepted by the corps.

Conservationist groups maintain that ditching has already occurred which has destroyed a "pristine wilderness and prime wildlife habitat, and has replaced it with muddy ditches running through areas shorn of their natural pine tree cover."

An interesting and apparently objective commentary on the ditching activity and its ramifications appeared earlier this year in a series of articles by Mr. Flavil Griggs which were printed in the Dyersburg, Tenn., Mirror.

Mr. Speaker, I place these articles, by Mr. Griggs, in the RECORD at this point and commend them to the attention of our colleagues.

[From the Dyersburg (Tenn.) Mirror, Aug. 27, 1970]

ONE MAN'S OPINION—I

(By Flavil H. Griggs)

(EDITOR'S NOTE—In a major article to the Mirror this week, Flavil Griggs of Friendship outlined his thoughts about the pending Nashville lawsuit which may stop all dredging on the lower Forked Deer and Obion Rivers. Griggs, of Route 2, Friendship, has been living and working on these rivers since he was a young boy. Presently 56 years old, he claims to have fished, hunted, and traveled extensively on the entire lengths of the rivers, and he has kept keenly aware of the changes that have occurred there.)

(His article will appear in a three-week series, concluding September 10. He qualifies his authority by his proximity to the rivers, and his years of observation. As he told us, "I'll wager that I know as much or more about these rivers than any person in West Tennessee.")

(Mr. Griggs is currently a carpenter and homebuilder, working out of Crockett County.)

Too many of us, private citizens and public officials alike, have always tended to accept without question those things decided upon and done by the U.S. Army Corps of Engineers. Given a free hand for many years they have done much good and, I must add, some things that have turned out badly. Possibly because of this, Congress passed the National Environmental Policy Act last year. It requires all agencies to review all major work projected in order to prevent environmental damage. There had been a drainage project, actually a continuation set up for this summer on the Obion and Forked Deer Rivers, which has now been halted by a lawsuit. By now, most of the people of West Tennessee know about this

and apparently most seem to think hanging too mild a punishment for those who filed the suit.

I have asked myself, "Why did the judge allow a suit of this nature?" And, too, "Why did those four individuals take on all the powers that be, so to speak, in a lawsuit?" I don't know the exact motive behind the suit, but I can see where a strong case can be made. On the other hand, I can appreciate what the landowners believe to be their rights.

Is there room in these valleys for soybean fields and game habitats at the same time? I think so. To qualify this statement, I will present a study of the geographical changes and their effects brought about during the time starting before and since the first "drainage projects" were accomplished on some of the rivers of West Tennessee. Following this, I shall make predictions of what may be expected should the proposed projects be released and carried out; and, I shall make recommendations for all those concerned with actually trying to cure the ills of these rivers.

During the fifty years past, a clear picture of what happens when the straight "drainage canal" or ditch is substituted for the original crooked river can be seen in direct comparison with those parts left in their wild state.

Let us first go back to the time before the dredgers began work and study how the wild system worked. There were three main rivers in West Tennessee, of which only the Hatchie has remained untouched. In it we can see what might have been had not the Obion and Forked Deer Rivers been ditched. Let me, in passing, point out that although the Hatchie River is supposedly included in the wild rivers act, recently a small item appeared in a newspaper which said that a certain sum has been allocated to do work on the Hatchie River on that portion which lies in Mississippi. It is distressing to see the act ignored.

Originally, all these river systems had nearly the same size and general characteristics with a history of all having been used by steamboats until the railroads took away their usefulness. Each of the valleys had a considerable drop per mile especially in the upper reaches (this is the crux of why they did and will resist changing) which carried off water naturally and eventually to a standard low, leaving none to damage the stands of timber selected by nature to occupy the various levels. Each of the rivers were wide and deep enough that the occasional fallen tree was soon absorbed. Debris moved then during high water when the flood plains became covered. Each bend became an obstacle to help scatter what accumulation there was among the intervening trees.

Some clearing of the ridges or second bottoms had been done where crops were grown with reasonable success and the words "disaster area" had not been coined to mean losing crops on ground by nature suited only to timber growing. Then, as now, forests were the key factor in the retention of water and the retardation of quicker higher flooding. By diffusion—the average rain was accommodated within the lower flats of the bottomlands. The occasional period of heavy rain during crop time meant a loss then as it does now. In those days, however, the clearings amounted to only a small percentage of the overall bottomlands. I feel that most of the higher ground on ridges might have been cleared for working without causing too great a change to the system had the rivers themselves not been disturbed by ditching. But, somewhere along the way, nature, which had always worked, could be unbalanced by too much removal of the timber.

Here we are posed with a new question of who may or may not turn certain lands into farmland or leave them to forestry. It probably is that those who filed the suit we are studying saw what I have noticed in that immediately after the start of any so called "drainage" the land owners almost always start a wholesale clearing to the bank of the creek or river. I grant that this is by law their right. Nature has a different view though. After the clearing, even the medium rains cause disasterous floods to the lower parts of the valley. Soybean plants do little to slow down a fast flow, and "disaster loans" must be paid back sometime. A dramatic example of this is the Obion River valley which has been mostly cleared of standing timber in the wake of the recent work to the lower wild portion of the river. This spring, crop damage reached an all-time high. An interesting thing came to my attention about the man who rented the newly cleared land below the bridge on Highway 78, and who had worked for days preparing the ground for planting. He must have summed up what many will have to see in times to come when on Friday morning after a rain the night before he could see only the exhaust pipe of his tractor. "I didn't know it could rise so fast!" he was quoted as saying. People of that area, would it provoke some second thoughts when I add what should be a chilling reminder that much more ditching, which will be followed by land clearing, is proposed. We all know that some years go through the short season required by soybeans without hard rains. This chance will always attract someone to gamble on a crop. And, again to the people of the lower Obion valley, let me make a prediction based on what I have seen elsewhere at other times: with the partially straightened river and most of the whole valley denuded as they now are, even though further ditching not necessarily is done, alluvium from all points will concentrate along the bed and banks to cut off exits for areas away from the river. Then what is much worse is the long run than mere overflow is that these outer bottoms will become "duck ponds" impossible to keep drained by natural flow as both the banks and bed of the river rise. In all sincerity, I can visualize a duck hunter's paradise in a few years—sooner if the proposed continuation of ditching is carried out—allowing the people of the upper valley to dump their debris and floods on those below. All could be losers in the long run as I will explain in succeeding paragraphs.

[From the Dyersburg (Tenn.) Mirror, Sept. 3, 1970]

ONE MAN'S OPINION—II

(By Flavil H. Griggs)

Up to here, I have devoted this writing to an analysis of what happens upon the tampering with and of disregarding the balance of nature in the wild river systems of West Tennessee. I will turn now to the parts of these rivers defiled by those abominations: the straight ditches. There is no criterion to estimate the damage done these past fifty years, but, what is worst, the damage continues. The blame can be laid to those people of the time who had an idea that all that was needed to stop flooding was to dig a straight river to replace the old ones. (Will someone later write of this present generation that we, too, did the wrong thing to the valleys?)

Let us examine what has happened to the flood plains along with the ditches themselves. They were laid out to follow a line near the middle of the valleys, disregarding high or low bottomlands. The creeks running into the rivers were channeled out in like manner. Visualizing rich, flood-free land, the owners of the bottoms started clearing away the timber especially up the creeks which went out into the hills. Fortunately, for their own good, land clearing was a slow process in those days. A short honeymoon was had until it was seen that the land could overflow. I saw man after man "go broke" trying to farm the cleared land in Dyer County along the middle Forked Deer River bottom. At first, it only seemed that the dredging was of little or no value, and certainly of no harm. However, a gradual change was taking place along the new river which was to change the entire picture and which complicates any remedial action today.

The original watersheds had taken care of silt from worked cropland by the slowing of the flow as it left the slopes. Thus any heavy build up was near the source. After the ditches had been dug, the mixture of water and mud stayed in solution while still out in the channels. Since the volume of water was frequently more than the beds could carry, the silt laden water rose above the banks to spread out over the flood plains. Most of the silt dropped, as is natural, close to this new unnatural source, thus building the immediate banks higher and higher, interestingly though, after a first leveling off of the bottom with sand, the depth of the river beds have remained nearly the same, rising about as much as the banks themselves. After a while, there became three distinct levels in the valleys—that of the newly formed high land along the river and the original, lower bottomlands away from the river. This in itself would not have been too much a disadvantage as the natural slope of the valley would have as in days before "drainage" allowed flood water to eventually recede. Actually most of the bottomlands still do dry out although all are subject to easy flooding. From the beginning, though, as the banks of the new river rose, so did the banks of the tributaries which came to the river at angles. Together they formed some effective dams. One has only to examine aerial photographs of the rivers in question to see large areas given over to marsh. Again, this is especially true of the lower valleys. Starting years ago, owners of these lands, after all laterals dug to drain them failed, gave up. Many sold out to the State Game and Fish Commission and to private hunting clubs.

There has been a marked slowdown of the processes noted above during the last few years due to less siltation pollution of the rivers because many of the creeks and their bottomlands have been allowed to grow up in young woods and/or marsh, especially from the point they enter the river valley proper, and the rivers themselves have to a certain extent been choked off and slowed down.

Until lately, little attention seemed to be paid to the bottoms, as enough land for farming could be found elsewhere. Any farming that was done on the flood plains was as an extra and in calculable amounts as loss from which could be shrugged as an act of nature. Then came farm subsidies good only on cleared land, and recently we have had the "soybean revolution". All at once timber raising became passe, and most of the timber on all the level land of West Tennessee apparently is facing extinction. The known easy flooding of certain parts of the upper river valleys, however, remain as a deterrent to further clearing. Now, seemingly everybody, except "duck hunters" want the U.S. Engineers to do something—ignoring the fact that because of a "doing something" fifty years ago something obviously needs to be done today.

We are now up to the crucial point of our study which is to determine what effects might be expected upon a resumption of work projects in these valleys. Being more familiar with the Forked Deer River, I will discuss it in particular. I understand that it had been proposed that work on the North Fork was to have started at its juncture with the rivers below and up to four or five miles above Dyersburg, Tennessee. The accomplishment of this would likely have set a pattern for any further "drainage" of the rest of the valley as it stands today because a part of this dig would extend beyond the wild part into a portion of that river which was earlier turned

into a ditch along which all wetlands now owned by the State Game and Fish Commission, hunting clubs and others might not want to see them drained. This must be a parallel to the situation in the Obion valley which prompted the suit against further "ditching". Without defending every point contended, I heartily agree that a study should be made to determine the possibility of certain kinds of damage. Too, it has been my understanding that the Engineers could only do such projects only after being certified as economically feasable. Well time has proven that the straight "drainage ditch," as applied to the rivers of West Tennessee, has been tremendously costly in terms of reducing the productivity of related bottomland. No better example of a contrast can be seen than to compare these to the Hatchie River bottoms; or even more dramatically shown by the bottomlands above Dyersburg along the ditched river as against those below, where the river was left in its natural state.

Are we to repeat the same mistakes? Who then will be the arbitrator of what is best to do? Can the general public by requesting action be trusted to make right decisions? May we either trust the judgment of a government agency employee to decide on what is needed or will help in correcting the ills of those fouled up valleys? As I stated before, I do not know the exact motive behind filing the law suit, but chancing the wrath of my neighbors, I will state that I see this law suit as a boon because perhaps it will bring to light the problems involved. Without such an airing, I'm afraid that those taking the lead might not recognize the existance of any problematic situation at all and could embrace any proffered proposal, be it good or bad.

[From the Dyersburg (Tenn.) Mirror, Sept. 17, 1970]

ONE MAN'S OPINION—III

(By Flavil H. Griggs)

Let us take up various methods of handling the valleys. At the present time, the rivers are the most choked up in their fifty year history because a severe snow storm two winters ago threw a great many trees into the river beds. Debris, which is a potent and ever present danger to the "drainage ditch" has been mostly scattered among these trees to reduce the threat of complete stoppage. Some drifts will eventually form to require removal. This form of maintenance has been the method of keeping up the rivers to this time. Though no solution to anything but the specific problem, it has served up to now. And, barring further drainage projects, could still be used. This might on the face appear to be a solution, but read on.

The most obvious action would be to thoroughly dredge out the present channels. This is the one method that I'm afraid would be employed were it to come to actual dredging. This, in my studied opinion, would be adding to an already bad situation. You will remember how it was determined that the banks and beds of the new straight rivers rose to heights above the outlying flood plains. Visualize then how the problem will be added to by more pile-up from the new dig—known to the Engineers as spoils. The proponents of this method might point out that the depth achieved would offset these things. The truth is that only a short time would pass before the whole system would be in even worse shape.

In fact, it stands to reason that deterioration would outstrip that of years ago, since all that would be necessary today to bring us back to worse conditions is the filling of the new higher banked channels with sand. This is easy for the rivers of West Tennessee to do. Both the newly dredged portions of the Obion and Forked Deer Rivers have so filled that one may ford them in many places in hip boots during low water; and I saw a five mile stretch of newly cleaned out channel below the Eaton levee road fill up and level off during the first year until at any point it has only a thigh deep normal low water level and a six to seven foot deep overall bed. A three foot rise commences the flooding of the outlying bottomland through breaks in the banks. I see here an example of the end production of digging out the channels as they stand today. What hopefully would be done as a benefit again becomes a "vale of broken dreams". The thing that actually will hurt most is what will be done during the time when optimism will cause the land owners of the valleys to spend money to dig laterals (which will fill up), hire bulldozers to clear land (thus losing whatever start already there toward salable timber), and eventually to find the land again too risky for farming. The people of the Forked Deer valleys could then join up with those of the Obion River valleys to swell the crop losses to astronomical proportions. After this, instead of calling for "disaster loans", maybe they will band together and sue the perpetrators of their troubles.

Again, as has been pointed out, the lower parts of the valleys suffer the greatest losses from all phases of the deteriorating systems. Thus, Dyer County stands in a position to lose tremendous amounts as it holds most of the lower parts of the rivers under study. There is still another fact which is more immediate and should even cause alarm: Dyersburg has quite a few people with homes and business places on parts of the flood plains of the North Forked Deer River. Let us suppose that this particular river has been subjected to rechannelling, followed by the clearing away of most of the timber throughout the bottoms and the Mississippi River is at high stage—it usually is at least once each year. The stage is set for the tragedy when on cue a heavy rain falls up the valley. With little to clamp down the flow, it will be at the manmade bottleneck of Dyersburg that the unimpeded flood from upstream will come to meet the backed up water from below, causing floods several feet higher than ever before.

This flooding is, of course, an immediate concern, but of at least of equal importance is that because of this slowing down of the silt-laden water along the lower parts of the valley, the buildup will be greatly accelerated. (This is why channelization of a whole system inevitably causes catastrophe).

There will be those who might suggest that the proposed "drainage" would prevent this flooding of Dyersburg. They should take into consideration that the backwaters from the larger rivers below can themselves alone rise to a level which constitutes a costly situation in some parts of the city, and that no normal amount of work will in any appreciable amounts effect a change; for instance, water will rise above the levees of the highways into the city. Unfortunately, it can be said that anything done above the city is a potential threat. I suggest to the city fathers, and county officials, rather than embrace whatever is proposed as "drainage", side with the duck hunters who initiated the lawsuit to force a public statement of aims concerning what is to be done. Later they should make a thorough examination of the ramifications of what is then proposed and to all peoples of West Tennessee, stop and consider how all will be affected when and if another wrong move is made, in any case the city and county could better themselves by some measure of maintenance of the river through and below Dyersburg.

By now, it may seem that I am anti-everything concerning these valleys. Far be it from me! I know that productivity is low and getting lower throughout the entire flood plains, and that because of this people are asking for help. I'm sure that they would want a genuine improvement—not a repetition of proven mistakes.

I certainly am not nor would there likely be any, an authority on the things I am going to propose. You, the reader, can readily grasp the main feature which is simply a return to nature as exemplified by those rivers and/or parts of rivers of West Tennessee left in their wild state, the bottomlands of which are by selective usage 100% productive. In order to achieve something approximating the former wild rivers, we must by sightings and a study of old maps dig a meandering course much as they were before being disturbed. Too, all the major creeks coming into the new river must be given the same treatment. The cost of replacing, so to speak, the river should be borne by those who had it taken away in the first place.

I wish I could say that this change alone would cure all ills, but, as has been repeatedly pointed out, the whole system, to work properly, also has to have woodlands to clamp down and render less harmful the inevitable overflows. Presently, there are still enough stands of timber interspersed with the cleared lands where marshland has not as yet formed (which, in addition to the now less efficient channels, are holding down the quick, high-rising floods). However, given hope of flooding being eliminated by seeing a new clean river bed, it can be assumed that individually the land owners will clear most of the bottomland during the first year or two after the project is started, thus nullifying all long-term gains. (Look at the way the Obion River valley has been cleared lately).

In order to insure continuing protective belts athwart the flow, it must be that certain parts of the watershed be set aside and developed for this purpose. Again individually there could not be expected of the land owners a voluntary compliance. Therefore, other provisions will need to be made. Because of involving more than one county, one way might be that state level laws establishing zones and provisions for governing them be passed. This last is a possibility, of course, but due to the disparity of the extent of land loss due to standing water in the upper and lower valleys, the people of the upper valleys might not take kindly to what would likely seem to be letting good land stand idle . . . I think a better way, albeit initially more expensive, is that these lands, considered as needed to balance nature in the valley be procured by the state by whatever means necessary and developed as game habitat for all to use, and as a forestry project to help pay its way.

SOME PROBLEMS CONCERNING MAN'S RELATIONSHIP TO WORK IN A CHANGING WORLD

(Mr. McCORMACK (at the request of Mr. BURKE of Massachusetts) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, on November 21, 1970, Mr. Lane Kirkland, secretary-treasurer of the AFL–CIO delivered an address at the annual Cardinal Cushing dinner held in Boston, Mass., in which address Mr. Kirkland discussed, as he stated, "some problems concerning man's relationship to work in a changing world."

The address of Mr. Kirkland, which is profound, interesting, and challenging in its contents and tone, I herewith include with my remarks:

SPEECH BY AFL–CIO SECRETARY-TREASURER LANE KIRKLAND AT THE FOURTH ANNUAL CARDINAL CUSHING DINNER, BOSTON, MASS., NOVEMBER 21, 1970

The death of remote figures, however eminent, does not in itself stir men deeply.

To know real sorrow they must sense a void in their own lives, like the loss that comes with the fall of a great tree that gave shade to their own kind and color to their landscape.

And with the passing of the man whose name is given to your Annual Awards Dinner, a great tree, with deep roots and broad branches, has fallen and our own world is diminished. We know that we shall not soon see his like again and we mourn not for him, but for ourselves.

Richard Cardinal Cushing's personality was not the sort that image-makers fabricate. It flowed from a spring of natural enthusiasm, from a genuine involvement in human hopes and aims that left no room for blandness, or for the cultivation of the "cool" mode of the day, or the air of detachment from the common condition of men. In fact, what he had was not personality at all but something far stronger though not so much in style—he had what used to be called character.

Cardinal Cushing was a blunt and forthright man, a quality we in the labor movement admire and value. Everything that he was or believed was out in the open, right on top of the table. There is an eloquence in simple declarative honesty and the Cardinal brought it into every phase of the work of his life. The vast range of that work, the variety of his commitments and the manifold interests they reflected, enriched and diversified his life, made him a full and complex man, made him colorful and distinctive—and make us keenly conscious of his absence tonight.

His successor, Archbishop Humberto Medeiros is surely cut from the same human and humane cloth and destined for the same stature. He too represents the fullest and highest calling of the church, to a life of works, as well as faith.

We in the AFL–CIO have already seen a sample of his works. As you know, he was one of five Catholic bishops who helped resolve the California grape strike. Today the farm workers are building a union, and while their struggle is far from over, they have taken a great stride forward toward their birthright of freedom, strength and dignity. They speak for themselves through a union of their own. I want to thank Archbishop Medeiros for the part he played in that achievement. I thank him, not only on behalf of the grape workers and their families, but on behalf of all agricultural workers and their children, and indeed, in the name of generations to come who will labor in the fields.

I have said, in effect, that Cardinal Cushing and Archbishop Medeiros do not quite fit the popular stereotype of men in their station. Nor does anyone really fit into those stereotypes so popular with journalists and the arbiters of fashions in attitudes and substitutes for knowledge or experience—least of all the American working man.

Today we are witnessing a "rediscovery" of the worker by the mass media and by sheltered intellectuals. *Time* magazine has just discovered something called "Blue Collar Power," while others, at a different end of the political spectrum, are rushing to dusty old texts for a quick brushing up on the theory of the proletariat.

Naturally, the image of the worker changes from one rediscovery to the next. Right now he is stereotyped as a "hard hat." But, depending on the moods and fashions of the times, the worker's brawn and skills are alternately labelled as weapons of backlash and as agents of revolution.

He is a selfish reactionary; he is a primitive revolutionary. He is economically insecure; he is comfortably affluent. He is complacent; he is militant.

Certain racial and ethnic groups have always suffered similar portrayals to their great detriment. Thus, the Negro was once stereotyped as a shuffling, grinning, happy, child-like figure endowed with natural rhythm; now he is a militant Black Panther looking rather like Rap Brown and spouting mindless revolutionary cliches.

The image changes, but the dimension remains the same. It is the thin, single facade of the cardboard mask in a morality play. The players represent fixed notions, not flesh and blood, and they are portrayed accordingly, exaggerations of the noble or grotesque. The humanity, individuality and integrity that make men what they really amount to are sequeezed out of the picture—and all that is left is a symbol, not a character, and certainly not a man.

There are 58 million wage and salary earners in the United States. Counting their families, they make up some 70 percent of the population. You cannot squeeze them into a neat package.

This is no less true of union members. When we organize a plant or a shop or a work site, we want the whole force, 100 percent of the eligible crew. We do not conduct psychological tests or apply political litmus paper. We don't ask whether the worker is a liberal or a reactionary, a Democrat or a Republican. We don't ask whether he's a Catholic, a Protestant, a Jew, or a Muslim. We don't ask whether he believes in medicare, social security, open housing, racial equality, or even the philosophy of trade unionism. We say that whatever his views are, he is entitled to earn a living, to bargain collectively with his employer, and to determine the conditions under which he will sell his labor. All sinners belong in the Church. All workers belong in the union.

We say something else, which is borne out by the entire history of the labor movement: Whatever raw impulses, hang-ups and prejudices a worker—like everyone else—may have, the labor movement reflects his better nature and gives voice, not to the aberrations and passing fears and emotions, but to his higher aspirations. It provides the channel through which his capacity for cooperation, fraternity and solidarity can be enlarged and strengthened. It provides the means whereby his sights can be raised beyond his workplace, he can identify his interests with those of others, and he can make his contribution to resolving the problems of the larger society.

On all these counts, the record is clear: American workers have nothing to apologize for. Whatever steps this nation has taken toward social equality, economic progress, greater political democracy, expanded educational opportunity, improved health, and just plain human decency, have been due in the first instance to the prodding and the pressure of the American workingman through his unions. If stereotypes are to be indulged in, is that not the most accurate one, the most representative, expressing the real consensus of the American worker, through the program of his union?

Remove that powerful force, and the wheels of social progress grind to a halt. Those bills we all want to see passed in Congress—for consumers, for the elderly, for the sick, for the unemployed, for the poor, for the cities—they will wither and die with the cherry blossoms in Washington.

I am not giving you another stereotype—just a plain fact. It's a fact that most of you know. I just think we sometimes ought to say it a little louder, if only to clear the air of some misguided, misleading and poisonous nonsense. For all those silly stereotypes and fanciful vignettes and impressionistic portraits boil down to nothing more than the old game of setting up a scapegoat, or an object of patronage. They divert us from some central, crucial problems of work and society.

Pope John XXIII wrote, in *Mater Et Magistra*, that: "It is perfectly in keeping with the plan of Divine Providence that each one develop and perfect himself through his daily work . . ." He was expressing in Christian terms what countless secular thinkers have also said—that man is, and always has been, what he does. His whole existence revolves around what he does. Work is the way people live, the way each of us develops and perfects himself.

Even that innermost, private part of us where idle fancies and day-dreams grow is powerfully influenced by the patterns and rhythms of our work life, by the satisfaction or discontent it yields, by the self-regard it enhances or diminishes, by the moods it generates, and of course by the standard of living it makes possible.

We may regret that this is so; we may feel painfully constricted by it; we may protest and flail against it. But we cannot deny it. Indeed, the principle that a man is what he does extends from the workplace to our entire legal and ethical system. We hold a man accountable for his actions, not his feelings, thoughts or attitudes. Or at least we have up until now.

Today we can detect, especially among some allegedly enlightened people, a growing contempt for work and for workers and a tendency to depreciate, to hold cheap, the substance for his skills. This contempt for work is coupled with an ingenious effort to redefine man in ways that accord primacy to feelings over deeds. We are told that man is not what he does but what he feels—or what he thinks about what he feels, or what he feels about what he thinks.

This serves, of course, to glorify those who do nothing but are bursting with feelings. The affluent idle and the remittance men of our time, exempt from the productive process, now have a convenient ideology to justify the single-minded pursuit of sensations—through psychedelics, drugs, astrology, sensitivity-training, cultism, and a wide assortment of mystical adventures.

We can easily dismiss these forms of idiocy. But we cannot ignore the implications for the larger society of changing attitudes toward work—and the role of work in the life of the average man.

The problem is rooted in the revolutionary consequences of technology, which has expanded our productive capacity and simultaneously decreased the proportion of the population that is directly involved in production.

In the Middle Ages, perhaps two percent of the people were supported in idleness by the remaining 98 percent who worked at subsistence levels. Today the majority are fed, clothed, and sheltered by a minority which is growing smaller. Most of our people, to be sure, do not live in idleness; but they have been freed from the production of the necessities of life. These changing relationships to work have inevitably caused changing attitudes toward work.

Trade unionism has also contributed to this development—by altering the ratio of work and non-work time. Workers who once, at a time within memory, had no vacations now enjoy six-week sabbaticals. The work-week and the work-day have been shortened. Three-day weekends are becoming more common.

The work-life itself has been cut—at both ends. At one end, workers are demanding and getting earlier retirement plans—like "30 and out." At the other end, the vast expansion of access to college means that growing numbers of young people are postponing their entry into the labor market—well beyond the age of ostensible maturity. We know that this large-scale increase in the non-working, student population consists mainly of the sons and daughters of workers—since the elite has always sent its children to college.

In short, we start working later, stop working earlier, and spend less time at work in between. This has the most important consequences for our cultural and economic life. Our increased leisure time has made pos-

sible the expanded influence of the mass media, especially television, on public taste and opinion. It has made education our fastest growing industry, with recreation and communication not far behind. It has caused pronounced shifts in our economy toward the service trades.

Not only do we work less, but the work we do is changing rapidly. The rise and fall of occupations used to span centuries. Now in less than a single lifetime—indeed, within even a decade—we can see old occupations disappear and new ones take their place. A young man entering the labor market today can expect to change his occupation several times before his retirement. He can also expect to change his residence more frequently. Today, nearly a fourth of the population moves its domicile every year. Fewer and fewer people die where they were born or among the friends of their youth, or even know most of their living relatives. We are losing old identities and seeking new ones.

All of this obviously impairs the life of the basic unit of the human community, the family, and destroys its roots. Now, people need roots; they need to identify with a group or a territory. When that need is frustrated, we come to live in a world of strangers in a strange land, in a state of disorientation whose symptoms are all too obvious today. Many of the bizarre obsessions on the fringe of modern society—communal living, astrology, even toying with witchcraft—can perhaps be understood as unconscious attempts to retrieve this lost sense of belonging to a group or a place, and to find a mooring, or a family substitute.

I would like to suggest that there is a role here for the labor movement—not as a cult, which gives intimacy to the few by alienating them from the many, and from reality as well, but as a natural, time-proven source of solidarity. Not the solidarity of withdrawal, but the more durable solidarity of struggle and participation in the problems of the real world.

After all, you will find no mass institutions in modern society that come closer to practicing the ideal of participatory democracy than unions do. Nor will you find a sturdier spirit of fraternity and cooperation than that which is linked by common interests. To the extent that the labor movement falls short of these ideals, we must do better. But we are still the most effective human community left in action today.

We have another role. The labor movement is not only an expression of human solidarity. It is an instrument of change. Its abiding purpose has been to humanize the economic order—to minimize the human cost of technological progress and to maximize the workers' share of its proceeds.

We pursue that purpose, day in and day out, in the legislative halls, across collective bargaining tables, and through public education. We will continue to pursue that purpose because it is the motive force of the labor movement, and because we hold it to be essential to a democratic society.

We agree with Cardinal Cushing, who said a year ago from this platform: "We must recall and keep well up front in our minds that the whole economy and society itself is for man." We do recall. We are not likely to forget it. And we are not likely to let anyone else forget it, either.

I have tried tonight to discuss some problems concerning man's relationship to work in a changing world. These are difficult problems. We in the labor movement do not have all the answers. Neither does anyone else. Nor can they.

We live in the most revolutionary society in the world. The pace of technological, social and cultural change is more rapid here than anywhere else—and that pace is accelerating. We confront problems which no one else has ever faced before, and which other societies will not face for decades or generations to come. The answers will come, not from blueprints, but from living and grappling with the problems first hand.

To an extent not commonly supposed, answers to the problems of work come from below. They emerge from the varied experiences and insights of working people themselves, as each one seeks to "develop and perfect himself through his daily work."

Yet fewer and fewer of the apostles of words and ideas really know very much about working people today. They should begin to learn before they prescribe.

First, they ought to know what the worker is not.

He is not a cartoon. He is not a reactionary, and he is not a revolutionary. He is not a hard hat, but neither is he a head full of mush. He is nobody's fool and he isn't looking to be anybody's hero.

He didn't start the war in Vietnam, although he has a better chance of losing his son there. He didn't create the military-industrial complex, although he is accused of depending on it for his job. He didn't make more than $8,000 last year, although his latest wage increase is said to cause inflation. He wasn't responsible for slavery, he didn't prosper from segregation and he is not a racist although he may now be told to put his job on the altar of society's atonement.

Then they should discover who the worker is.

He is the man who is living and grappling with the problems. He is at the center of the most profound and far-reaching changes in our society. Not because he is an activist or a social innovator, but because he is on the line, at the point of production, where the heat is. He is bound to a technology that refuses to stand long enough to allow human beings to adjust to it—and he has no cushion or surplus to shield him from constant instability. He is caught up in all the social, cultural and political consequences of the dynamism of our times.

So, not only must the worker struggle to make ends meet—no easy thing in this era of the New Hooverism. But he must also struggle to sustain a sense of who he is—a sense of his economic function and social identity—in a society where occupational obsolescence rivals the Detroit variety, and where work patterns are about as stable as an ice cube on a radiator. This is, you might say, a continuing struggle against marginality and uselessness. You might even call it a struggle for . . . relevance!

As if he didn't have enough problems, the American worker has lately had to fend off a propaganda blitz aimed at blaming him for everything from Vietnam to racism. This is a new form of class warfare, but with a curious twist. Twenty years ago, when you tried to organize a union in your plant, the boss denounced you as a Red. Now he and his friends at the country club denounce you as a reactionary pillar of the status quo. And so it has come to pass, in this Alice-in-Wonderland world, that the well-to-do elite accuse those who have little of being the mainstay of "the system," while they, who have benefitted most from the system pander to its enemies. This is an old gambit-self-protection by the creation of a diversionary target.

Such nonsense does not stem exclusively from the chic Left. Witness, for example, the recent suggestion of an Administration spokesman that workers could hasten the reduction of unemployment by moderating their wage demands. In other words, the unemployed worker should not blame the Administration for his plight; he should blame his fellow workers for their greed at the bargaining table. It's the old story: Pit the have-nots against the have-littles, while the have-lots keep getting more.

Finally, to those who are now trying to find, dissect and classify the American worker, I offer this advice. Do not look for his identification marks in his hair length, life styles, manner or dress. Look instead for work. Look at the nature of the productive process, of the work performed. Then look at the people engaged in it. Learn something of the problems and struggles which that engagement generates. Then you will have your definition of the American worker. He is what he does. He is what he struggles to do.

Perhaps it is the struggling itself that builds and sustains a sense of self, even against hostile economic forces. To have struggled and survived, if nothing more, a man must have come to know himself better. When survival is the most a man can expect, and he carries on—for the sake of his family or his honor—survival alone can be a proud achievement.

In times like ours, when there is a strangely widespread temptation to cop out, or drop out, or tune out, or fall out—in such a time, the man who sticks it out, for whatever reason—necessity, hope, duty, self-respect, stubborness—displays a quality which I believe is deeply rooted in the American worker. I cannot name it, but I believe it is also the lasting strength of the labor movement.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HALPERN (at the request of Mr. GERALD R. FORD), for today, on account of illness.

Mr. COLLIER (at the request of Mr. GERALD R. FORD), for balance of week, on account of death in family.

Mr. PREYER of North Carolina (at the request of Mr. ALBERT), for today and remained of week, on account of death of father.

Mr. GRAY (at the request of Mr. ALBERT), for today, on account of illness in the family.

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. SEBELIUS), to revise and extend their remarks, and to include extraneous matter:)

Mr. STEIGER of Wisconsin, today, for 30 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. HOGAN, on December 9, 1970, for 60 minutes.

(The following Member (at the request of Mr. MELCHER), to revise and extend his remarks, and to include extraneous matter:)

Mr. FULTON of Tennessee, today, for 20 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TUNNEY (at the request of Mr. BOLAND) to extend his remarks following the remarks of Mr. YATES on his motion to instruct the conferees on H.R. 17755.

Mr. GOLDWATER, immediately following the remarks of Mr. GERALD R. FORD, on the Department of Transportation conference report today.

Mr. SCHWENGEL, to revise and extend his remarks prior to the passage of H.R. 10634.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. RAILSBACK.

Mr. KYL.

Mr. GOLDWATER in three instances.

Mr. WYMAN in two instances.

Mr. CARTER.

Mr. ROUSSELOT.

Mr. FINDLEY.

Mr. LUKENS.

Mr. GERALD R. FORD.

Mr. ZWACH.

Mr. KEITH in two instances.

Mr. FISH.

Mr. HORTON in four instances.

Mr. MCCLORY.

Mr. FULTON of Pennsylvania in five instances.

(The following Members (at the request of Mr. MELCHER) and to include extraneous matter:)

Mr. PICKLE in 12 instances.

Mr. ROGERS of Florida in five instances.

Mr. CHARLES H. WILSON.

Mr. EDWARDS of California in two instances.

Mr. HÉBERT in three instances.

Mr. RARICK in three instances.

Mr. PUCINSKI in six instances.

Mr. OTTINGER.

Mr. MINISH.

Mr. ROBERTS.

Mr. TIERNAN.

Mr. FLOOD.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2876. An act for the relief of the Beasley Engineering Co., Inc.;

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.; and

H.R. 15770. An act to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security loans, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for, certain other lands; and

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases.

ADJOURNMENT

Mr. MELCHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 9, 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:

2601. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Interstate and Foreign Commerce.

2602. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1970, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2603. A letter from Comptroller General of the United States, transmitting a report on the progress and problems in controlling industrial water pollution, Federal Water Quality Administration, Department of the Interior; to the Committee on Government Operations.

2604. A letter from the Comptroller General of the United States, transmitting a report on the need for strengthening management controls over the procurement of munitions under development, such as 105-mm ammunition, by the Department of Defense; to the Committee on Government Operations.

2605. A letter from the Comptroller General of the United States, transmitting a report on the savings and greater effectiveness obtainable in the Army helicopter maintenance program; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCMILLAN: Committee on the District of Columbia. Investigation and study of the public school system of the District of Columbia; with amendment (Rept. No. 91–1681). Referred to the Committee of the Whole House on the State of the Union.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1295. Resolution providing for the consideration of H.R. 19567, a bill to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968 (Rept. No. 91–1682). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1296. Resolution providing for the consideration of H.R. 19868, a bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes; with amendment (Rept. No. 91–1683). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1297. Resolution providing for the consideration of H.R. 19911, a bill to amend the Foreign Assistance Act of 1961, and for other purposes; with amendment (Rept. No. 91–1684). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ECKHARDT:

H.R. 19922. A bill to amend the Railway Labor Act to avoid interruptions of railroad transportation that threaten national safety and health by reason of labor disputes and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. QUIE, Mr. UDALL, Mr. VIGORITO, Mr. CONYERS, Mr. MCDADE, Mrs. CHISHOLM, Mr. O'HARA, Mr. PRICE of Illinois, Mr. ROE, and Mr. TUNNEY):

H.R. 19923. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. MURPHY of New York:

H.R. 19924. A bill to establish the Vincent Thomas Lombardi National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 19925. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 19926. A bill to amend the Communications Act to express the intent of Congress to establish in the Federal Communications Commission the exclusive jurisdiction for regulation over all aspects of cable television systems; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (by request) (for himself and Mr. SPRINGER):

H.J. Res. 1413. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Interstate and Foreign Commerce.

By Mr. DEVINE (for himself and Mr. GERALD R. FORD):

H.J. Res. 1414. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H. Res. 1299. Resolution relating to the creation of a world environmental institute to aid all the nations of the world in solving common environmental problems of both national and international scope; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SKUBITZ introduced a bill (H.R. 19927) for the relief of Mrs. Nashiki Sugimoto, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

647. By the SPEAKER: Petition of the Council of Jewish Federations and Welfare Funds, Inc., New York, N.Y., relative to the crisis in American cities; to the Committee on Banking and Currency.

648. Also, petition of the city council, Worcester, Mass., relative to the proposed elimination of rail passenger service for the Central Massachusetts area; to the Committee on Interstate and Foreign Commerce.

649. Also, petition of the Woman's Club of Greenwood, La., relative to the Highway Trust Fund; to the Committee on Ways and Means.